

# Washington State Register

**JUNE 21, 1995**

**OLYMPIA, WASHINGTON**

**ISSUE 95-12**



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filed not later than June 7, 1995

## 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

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### 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 June 1995 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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# WASHINGTON STATE REGISTER

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

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*Subscription Clerk*

## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **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].

## 1994 - 1995

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
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
95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
95-12	May 10	May 24	Jun 7	Jun 21	Jul 11
95-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
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95-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
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95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

<sup>1</sup>All 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.

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

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

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

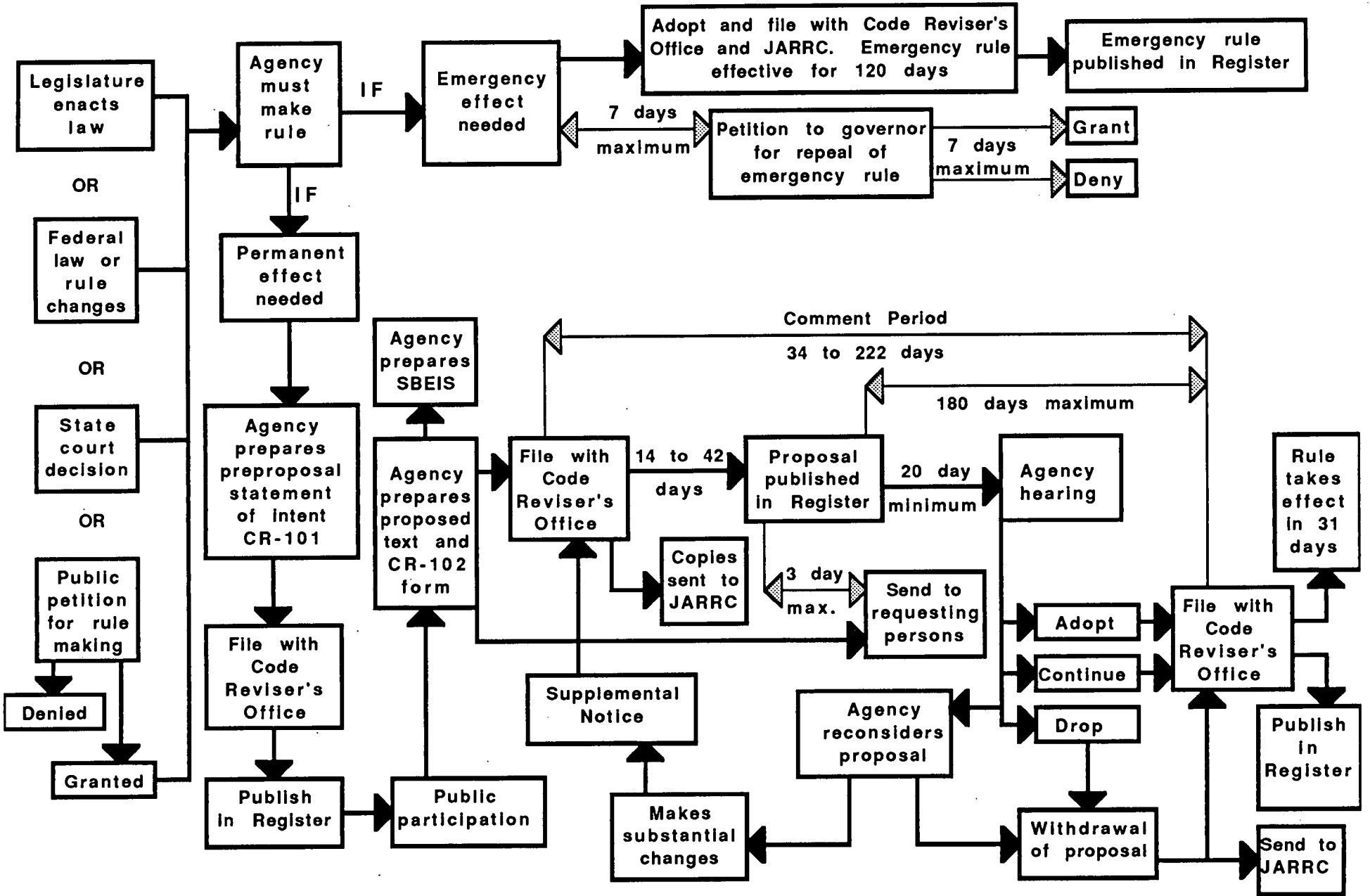
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 95-12-005**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF HEALTH**

[Filed May 25, 1995, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 246-430 WAC, Cancer reporting, specifically WAC 246-430-010, 246-430-030, and 246-430-040.

Specific Statutory Authority for New Rule: RCW 70.54.240, 70.54.270.

Reasons Why the New Rule is Needed: New rules are needed to comply with federal guidelines.

Goals of New Rule: To make the current cancer reporting rules consistent with federal standards, by requiring the collection of additional data elements and cases, implementing explicit timelines for reporting, and if appropriate, including provisions for enforcement.

Process for Developing New Rule: Mailings to all identified interested parties and at least one public meeting.

How Interested Parties can Participate in Formulation of the New Rule: The proposed rule revisions will be mailed to all identified interested parties for their written or verbal comment. In addition, at least one public meeting will be held to solicit comments. We are also in the process of convening a Washington State Cancer Registry Advisory Board and are hopeful that they can be of assistance during the rules revision process. Person to contact: Stacy A. Winokur, Washington State Cancer Registry, P.O. Box 47835, Olympia, WA 98504-7835, phone (360) 586-8316, FAX (360) 664-8779.

May 25, 1995  
 Bruce A. Miyahara  
 Secretary

**WSR 95-12-006**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF HEALTH**

[Filed May 25, 1995, 9:04 a.m.]

Subject of Possible Rule Making: On-site sewage system additives.

Specific Statutory Authority for New Rule: Chapter 70.118 RCW, On-site sewage additives; chapter 19.86 RCW, Unfair business—Practices—Consumer protection; chapter 43.20 RCW, Fees for services—Department of Health.

Reasons Why the New Rule is Needed: This rule addresses a legislature directive for the Department of Health to establish criteria and review process for evaluation and approval of on-site sewage system additives for use in Washington state to assure public health protection, and consumer protection.

Goals of New Rule: Establish a timely, orderly procedure to review and approve on-site sewage additives for distribution, sale and use in Washington state.

Process for Developing New Rule: The agency worked with an advisory committee representing scientists and impacted industry. Specific legislative directives are basis of a draft regulation. The proposed regulation will be circulated to all additive manufacturers and distributors in Washington state for review and comment. Comments from industry will be used to refine the document for clarity and mitigate economic impact. Afterwards, the proposed

regulation will be advertised in the Washington State Register to gather and respond to public comments.

How Interested Parties can Participate in Formulation of the New Rule: Tom Long, Washington State Department of Health, Community Environmental Health, P.O. Box 47826, Olympia, WA 98504-7826, (360) 586-8133, FAX (360) 664-3071.

May 24, 1995  
 Bruce Miyahara  
 Secretary

**WSR 95-12-011**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed May 26, 1995, 2:45 p.m.]

Subject of Possible Rule Making: WAC 388-515-1505 Community options program entry system.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: WAC currently allows the COPES clients to live in an adult family home (AFH) or congregate care facility (CCF). AASA is amending their WAC to allow such clients to reside in a licensed boarding home (LBH). This proposed amendment is to agree with the AASA WAC.

Goals of New Rule: Ensures a COPES client is allowed to reside in a LBH.

Process for Developing New Rule: Agency study; and the department will conduct an internal and external review and approval process. The department will consider all comments.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

May 26, 1995  
 Jeanette Sevedge-App  
 Acting Chief  
 Office of Vendor Services

**WSR 95-12-019**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed May 31, 1995, 8:09 a.m.]

Subject of Possible Rule Making: WAC 246-861-090.  
 Specific Statutory Authority for New Rule: RCW 18.64.005.

Reasons Why the New Rule is Needed: To include patient counseling as part of continuing education.

Goals of New Rule: To facilitate communication between pharmacist and patient.

Process for Developing New Rule: [No information supplied by agency.]

How Interested Parties can Participate in Formulation of the New Rule: Written comments to Board of Pharmacy, Attn: Donald Williams, P.O. Box 47863, Olympia, WA 98504, (360) 753-6834, FAX (360) 586-4359, board meetings.

May 22, 1995  
Donald H. Williams  
Executive Director

Process for Developing New Rule: Agency study; and state statutory mandate.

How Interested Parties can Participate in Formulation of the New Rule: Robert Gray, (360) 493-2588, Paul Montgomery, (360) 493-2587, P.O. Box 45606 [45600], Olympia, WA 98504-5600, FAX (360) 493-9484.

May 30, 1995  
Paul Montgomery, Chief  
Office of Rates Management  
Jeanette Sevedge-App  
Acting Chief  
Office of Vendor Services

**WSR 95-12-020**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF HEALTH**

[Filed May 31, 1995, 8:15 a.m.]

Subject of Possible Rule Making: Amend chapter 246-815 WAC to reflect the changes due to joining the Western Regional Examining Board (WREB).

Specific Statutory Authority for New Rule: Chapter 18.29 RCW.

Reasons Why the New Rule is Needed: To accurately reflect the new requirements for licensure by examination and credentialing due to the joining with the WREB.

Goals of New Rule: To amend the rules to reflect the new processes.

Process for Developing New Rule: The Dental Hygiene Examining Committee held three public meetings to discuss the intent with representatives of the Washington State Dental Hygiene Education Programs, temporary examiners, a liaison from the Washington State Dental Hygienists' Association and other interested parties. We have also received multiple requests from examination candidates for the option of taking WREB.

How Interested Parties can Participate in Formulation of the New Rule: Interested parties may participate by writing to Carol Lewis, Program Manager, Dental Hygiene Program, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 586-1867, FAX (360) 664-9077.

May 30, 1995  
Bruce Miyahara  
Secretary

**WSR 95-12-024**

**PREPROPOSAL STATEMENT OF INTENT  
STATE BOARD OF EDUCATION**

[Filed May 31, 1995, 10:57 a.m.]

Subject of Possible Rule Making: WAC 180-57-080 School profile.

Specific Statutory Authority for New Rule: RCW 28A.305.220.

Reasons Why the New Rule is Needed: Rule is obsolete since an annual school performance report is now required beginning with the 1994-95 school year pursuant to RCW 28A.320.205.

Goals of New Rule: Repeal of WAC 180-57-080 School profile.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

May 31, 1995  
Larry Davis  
Executive Director

**WSR 95-12-022**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed May 31, 1995, 8:50 a.m.]

Subject of Possible Rule Making: Chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Specific Statutory Authority for New Rule: RCW 74.09.120 and 74.46.800.

Reasons Why the New Rule is Needed: The 1995 state legislature has adopted changes to the state's Medicaid payment rate system for nursing facilities for the three fiscal years beginning July 1, 1995.

Goals of New Rule: To implement in regulation the legislative changes to the state's payment rate system for nursing facilities effective July 1, 1995, through June 30, 1998.

**WSR 95-12-032**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed June 1, 1995, 8:18 a.m.]

Subject of Possible Rule Making: Chapter 388-15 WAC, Social services for families, children and adults.

Specific Statutory Authority for New Rule: E2SHB 1098.

Reasons Why the New Rule is Needed: To update the rules to bring them into conformity with recent changes in law through enacting E2SHB 1098 and to implement the King County Superior Court Order No. 94-2-90298-7.

Goals of New Rule: Comply with new laws; eliminate redundancy; clarify department's purpose and intent; implement court order; incorporate new COPES services approved



by the Health Care Financing Administration; modify chore eligibility; delete rules for obsolete and unfunded services.

Process for Developing New Rule: Negotiated rule making; agency study; King County Superior Court Order No. 94-2-09298-7; and internal and external review process whereby draft material is distributed for review and comment. All comments are taken into consideration before final rule is issued.

How Interested Parties can Participate in Formulation of the New Rule: Lois Wusterbarth, Chore Program Manager, phone (360) 493-2538; Mary Lou Pearson, COPES Program Manager, phone (360) 493-2536; Address: Aging and Adult Services, P.O. Box 45600, Olympia, WA 98504-5600, FAX (360) 438-8633.

May 31, 1995  
Jeanette Sevedge-App  
Acting Chief  
Office of Vendor Services

#### WSR 95-12-033

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Medical Assistance Administration)  
(Public Assistance)**

[Filed June 1, 1995, 9:03 a.m.]

Subject of Possible Rule Making: Chapter 388-538 WAC, Managed care.

Specific Statutory Authority for New Rule: Operating budget, supplemental 1993-1995, section 208, provided for the transitioning of supplemental security income (SSI) clients into the healthy options managed care program.

Reasons Why the New Rule is Needed: To establish rule for transitioning SSI clients into healthy options managed care program. To make changes to reflect administrative intent to assure client access to medical care. Rules for this change are to be effective September 1, 1995.

Goals of New Rule: To assure SSI client access to healthy options managed care. To enhance quality assurance for healthy option clients. To address enrollment of the Indian population eligible for healthy options managed care. To refine the rules for the process for clients to not be enrolled in the program.

Process for Developing New Rule: A committee representing state agencies, private providers, and legal services was brought together to evaluate the policy and proposed language to amend chapter 388-538 WAC. The proposed language will be sent to interested parties. Comments received will be reviewed and considered prior to adoption.

How Interested Parties can Participate in Formulation of the New Rule: Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

June 1, 1995  
Jeanette Sevedge-App  
Acting Chief  
Office of Vendor Services

#### WSR 95-12-037

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed June 1, 1995, 2:53 p.m.]

Subject of Possible Rule Making: Deer, elk and bear removal.

Specific Statutory Authority for New Rule: RCW 77.12.240.

Reasons Why the New Rule is Needed: Establish procedures to allow for removal of wildlife doing damage.

Goals of New Rule: To simplify procedures for issuance of permits for removals and to eliminate unnecessary requirements after taking of wildlife causing damage.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Contact Larry Popejoy, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2379, by June 15, 1995.

June 1, 1995  
Evan Jacoby  
Rules Coordinator

#### WSR 95-12-059

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF ECOLOGY**

[Filed June 5, 1995, 9:31 a.m.]

Subject of Possible Rule Making: Chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48. This proposed rule-making process was begun under WSR 94-23-011, which expired June 6, 1995, without rule adoption. Refinement of the water management recommendations made by the advisory committees extended beyond the rule adoption date.

Specific Statutory Authority for New Rule: Chapter 18.104 RCW, Water well construction; chapter 34.05 RCW, Administrative Procedure Act; chapter 43.21A RCW, Department of Ecology; chapter 43.27A RCW, Water resources; chapter 90.03 RCW, Water Code - 1914 Act; chapter 90.22 RCW, Minimum Water Flows and Levels Act; chapter 90.44 RCW, Regulation of public ground waters; and chapter 90.54 RCW, Water Resources Act of 1971.

Reasons Why the New Rule is Needed: To implement the recommendations developed by a local water planning committee and by a ground water advisory committee. Their recommendations are taken as an expression of the public interest. Chapter 173-548 WAC no longer meets current demands for water in the basin, both for instream and out-of-stream uses. Emphasis on water conservation and reallocation of saved water has been recommended to be the new emphasis for water management in the Methow River Basin.

Goals of New Rule: To establish guidelines and procedures for the management and preservation of both surface and ground water in the Methow River Basin. Emphasis will be placed on water conservation and best management practices. The goal will be to improve fish and wildlife habitat and preserve and enhance the unique quality of the Methow Valley while respecting existing water rights and allowing for growth. Water saved through conservation

and the direct transfer of existing water rights to new uses will be the source of water needed for new development and instream flow enhancement.

Process for Developing New Rule: Consultive rule making.

How Interested Parties can Participate in Formulation of the New Rule: Eight caucuses comprising the Methow Valley Water Pilot Committee met for over two years in meetings open to the public to develop recommendations to the department for use as the basis for amending chapter 173-548 WAC, Water resources program in the Methow River Basin, WRIA 48. These eight caucuses represented the following public interests: Agriculture, business, environment, fisheries, recreation, local government, state government, and tribal governments. Numerous public meetings and workshops were held during the program development period. A draft report of the committee's activities and recommendations was issued in January of 1994. Reports were made to the legislature in July of 1992, 1993, and 1994. Project updates were given at meeting of the Water Resources Forum, generally monthly. The Methow Valley Ground Water Advisory Committee met for over four years in meetings open to the public to develop recommendations for ground water management according to the procedures established in chapter 173-100 WAC. A report outlining the recommendations of this committee was issued in February of 1994. A formal public hearing on these recommendations was held. It is intended to have additional work shops after the recommendations of these two committees are incorporated into proposed rule language. Public hearings will be held when the rule amendment is proposed. Ecology contact: Darlene M. Frye, Shorelands and Water Resources Program, Central Regional Office, Department of Ecology, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902-3401, phone (509) 457-7125, FAX (509) 575-2809.

May 31, 1995  
Linda G. Crerar  
Assistant Director  
Water Programs

**WSR 95-12-073**  
**PREPROPOSAL STATEMENT OF INTENT**  
**STATE BOARD OF EDUCATION**  
[Filed June 6, 1995, 3:48 p.m.]

Subject of Possible Rule Making: WAC 180-27-040.  
Specific Statutory Authority for New Rule: RCW 28A.525.020.

Reasons Why the New Rule is Needed: As drafted, this amendment will exclude ancillary attic spaces from the square foot area analysis calculation for inventory purposes.

Goals of New Rule: To provide an exclusion from the definition of instructional space, those spaces above occupied areas which are either vacant or which primarily house mechanical and/or electrical equipment.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Alberta J. Mehring, (360) 753-6702.

June 6, 1995  
Larry Davis  
Executive Director

**WSR 95-12-075**  
**PREPROPOSAL STATEMENT OF INTENT**  
**STATE BOARD OF EDUCATION**  
[Filed June 6, 1995, 3:52 p.m.]

Subject of Possible Rule Making: WAC 180-27-019.  
Specific Statutory Authority for New Rule: RCW 28A.525.020.

Reasons Why the New Rule is Needed: As drafted, this amendment will exclude ancillary attic spaces from the definition of instructional space.

Goals of New Rule: To provide an exclusion from the definition of instructional space, those spaces above occupied areas which are either vacant or which primarily house mechanical and/or electrical equipment.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Alberta J. Mehring, (360) 753-6702.

June 6, 1995  
Larry Davis  
Executive Director

**WSR 95-12-078**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed June 7, 1995, 8:25 a.m.]

Subject of Possible Rule Making: Chapter 388-47 WAC, Job opportunities and basic skills training program, mandatory participation of AFDC-E cases in the JOBS unemployed parent program.

Specific Statutory Authority for New Rule: RCW 74.05.20 [74.25.020].

Reasons Why the New Rule is Needed: To ensure that the state does not lose enhanced federal financial participation due to the state's failure to achieve a satisfactory participation rate of AFDC-E cases in the JOBS unemployed parent program.

Goals of New Rule: Increase the participation rate of AFDC-E cases in JOBS unemployed parent program activities by making such participation mandatory.

Process for Developing New Rule: Negotiated rule making; and agency study.

How Interested Parties can Participate in Formulation of the New Rule: Liz Begert Dunbar, Director, Division of Employment and Social Services, 1009 College Street S.E., Lacey, WA, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 438-8402, FAX (360) 438-8379.

June 7, 1995  
Jeanette Sevedge-App  
Acting Chief  
Office of Vendor Services

#### WSR 95-12-079

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT  
(Community Economic Revitalization Board)**  
[Filed June 7, 1995, 8:45 a.m.]

Subject of Possible Rule Making: WAC 133-10-010 Organization and operation of the Community Economic Revitalization Board and 133-10-020 Board meetings.

Reasons Why the New Rule is Needed: (1) To update the public on the operations of the Community Economic Revitalization Board. Some of the proposed rule changes are necessary to conform to current statute and agency title made by the legislature; and (2) to maximize input to the policy making process and provide for streamlining, reduction of costs, and for general efficiency in the management of government resources.

Goals of New Rule: (1) To bring Community Economic Revitalization Board WACs in line with current enabling legislation; and (2) to maximize public input in policy development.

Process for Developing New Rule: Public comment is invited to provide input on all of the above items noted. Public opportunity for input and participation is noted below.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may provide comment in the rule-making process as noted below. All comments must be received by July 10, 1995, by 4:00 p.m. By telephone: Contact Kathleen Engle, Manager, Community Economic Revitalization Board Program, (206) 464-6282. By FAX: Contact Kathleen Engle at (206) 464-5868. By United States mail and special delivery or courier services: Community Economic Revitalization Board Program, 2001 6th Avenue, Suite 2700, Seattle, WA 98121. Persons desiring a copy of the current WACs and board policies may contact Kathleen Engle, Community Economic Revitalization Board Program Manager at (206) 464-6282.

June 7, 1995  
Kathleen M. Engle  
Manager  
CERB Program

#### WSR 95-12-080

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT  
(Community Economic Revitalization Board)**  
[Filed June 7, 1995, 8:46 a.m.]

Subject of Possible Rule Making: WAC 133-20-010 Purpose, 133-20-020 Definitions, 133-20-040 Public records officer, 133-20-060 Office hours, and 133-20-120 Adoption of form.

Reasons Why the New Rule is Needed: (1) To update the public on the operations of the Community Economic Revitalization Board. Some of the proposed rule changes are necessary to conform to current statute and agency title made by the legislature; and (2) to maximize input to the policy-making process and provide for streamlining, reduction of costs, and for general efficiency in the management of government resources.

Goals of New Rule: (1) To bring Community Economic Revitalization Board WACs in line with current enabling legislation; and (2) to maximize public input in policy development.

Process for Developing New Rule: Public comment is invited to provide input on all of the above items noted. Public opportunity for input and participation is noted below.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may provide comment in the rule-making process as noted below. All comments must be received by July 10, 1995, by 4:00 p.m. By telephone: Contact Kathleen Engle, Manager, Community Economic Revitalization Board Program, (206) 464-6282. By FAX: Contact Kathleen Engle, Manager, Community Economic Revitalization Board Program, (206) 464-5868. By United States mail and special delivery or courier services: Community Economic Revitalization Board Program, 2001 6th Avenue, Suite 2700, Seattle, WA 98121. Persons desiring a copy of the current WACs and board policies may contact Kathleen Engle, Community Economic Revitalization Board Program Manager at (206) 464-6282.

June 7, 1995  
Kathleen M. Engle  
Manager  
CERB Program

#### WSR 95-12-081

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT  
(Community Economic Revitalization Board)**  
[Filed June 7, 1995, 8:47 a.m.]

Subject of Possible Rule Making: Chapter 133-30 WAC.

Reasons Why the New Rule is Needed: Repeal entire chapter by section based on the following justification: (1) The chapter is fully covered under the Administrative Procedure Act, chapter 34.04 [34.05] RCW; and (2) not necessary for Community Economic Revitalization Board, as Community Economic Revitalization Board is not a regulatory body.

Goals of New Rule: To eliminate unnecessary chapter and streamline, reduce costs and provide general efficiency in the management of government resources.

Process for Developing New Rule: Public comment is invited to provide input on all of the above items noted. Public opportunity for input and participation is noted below.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may provide comment in the rule-making process as noted below. All comments must be received by July 10, 1995, by 4:00 p.m. By telephone: Contact Kathleen Engle, Manager, Community Economic Revitalization Board Program, (206) 464-6282. By FAX: Contact Kathleen Engle at (206) 464-5868. By United States mail and special delivery or courier services: Community Economic Revitalization Board Program, 2001 6th Avenue, Suite 2700, Seattle, WA 98121. Persons desiring a copy of the current WACs and board policies may contact Kathleen Engle, Community Economic Revitalization Board Program Manager at (206) 464-6282.

June 7, 1995  
Kathleen M. Engle  
Manager  
CERB Program

**WSR 95-12-082**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
(Community Economic Revitalization Board)  
[Filed June 7, 1995, 8:48 a.m.]

Subject of Possible Rule Making: WAC 133-40-010 Purpose, 133-40-020 Definitions, 133-40-030 Loan and grant applications, and 133-40-040 Board deliberations.

Reasons Why the New Rule is Needed: (1) To update the public on the operations of the Community Economic Revitalization Board. Some of the proposed rule changes are necessary to conform to current statute and agency title made by the legislature; and (2) to maximize input to the policy-making process and provide for streamlining, reduction of costs, and for general efficiency in the management of government resources.

Goals of New Rule: (1) To bring Community Economic Revitalization Board WACs in line with current enabling legislation; and (2) to maximize public input in policy development.

Process for Developing New Rule: Public comment is invited to provide input on all of the above items noted. Public opportunity for input and participation is noted below.

How Interested Parties can Participate in Formulation of the New Rule: Interested persons may provide comment in the rule-making process as noted below. All comments must be received by July 10, 1995, by 4:00 p.m. By telephone: Contact Kathleen Engle, Manager, Community Economic Revitalization Board Program, (206) 464-6282. By FAX: Contact Kathleen Engle at (206) 464-5868. By United States mail and special delivery or courier services: Community Economic Revitalization Board Program, 2001 6th Avenue, Suite 2700, Seattle, WA 98121. Persons desiring a copy of the current WACs and board policies may contact Kathleen,

Community Economic Revitalization Board Program Manager  
at (206) 464-6282.

June 7, 1995  
Kathleen M. Engle  
Manager  
CERB Program

**WSR 95-12-085**  
**PREPROPOSAL STATEMENT OF INTENT**  
**EMPLOYMENT SECURITY DEPARTMENT**  
[Filed June 7, 1995, 9:35 a.m.]

Subject of Possible Rule Making: Amend provisions of chapter 192-32 WAC, Timber retraining benefits and related programs, to comply with amended statute. Adopt a new chapter defining eligibility of salmon fishing workers for services under the dislocated worker program as provided in chapter 50.70 RCW.

Specific Statutory Authority for New Rule: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rules and regulations, 50.20.010 Benefit eligibility conditions, 50.22.090(6) Additional benefits for qualifying counties, and 50.70.010(5) Definitions.

Reasons Why the New Rule is Needed: The 1995 legislature has passed E2SSB 5342, amending the statutes which provide special unemployment insurance benefits for dislocated forest products workers, extending those benefits to certain workers in the fishing industry, adding benefit weeks under certain circumstances, and extending the program to July 1, 1997. The bill also amends RCW 50.70.010 to grant services to dislocated salmon fishing workers, and grants the department the authority to define the workers included within this term.

Goals of New Rule: Chapter 192-32 WAC will be modified to reflect the provisions of the statute as amended by E2SSB 5342. Eligibility for unemployment benefits and approval of training for dislocated forest products and fishing industry workers will be clarified. All regulations within the chapter will be rewritten to simplify language and terminology. A new chapter will define those salmon fishing workers eligible for dislocated worker services under chapter 50.70 RCW.

Process for Developing New Rule: The department intends to hold meetings with stakeholders, interested parties, and significantly affected persons to seek their input in the formulation of final regulations. This process may include the formation of workgroups to draft particular sections of the regulations.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in attending public meetings or participating on a workgroup may contact Cheryl Metcalf, Employment Security Department, Unemployment Insurance Division Policy Unit, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 753-5131 or FAX (360) 753-6492.

June 5, 1995  
Wendy Holden  
Deputy Commissioner

**WSR 95-12-093**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF HEALTH**  
(Board of Pharmacy)  
[Filed June 7, 1995, 10:49 a.m.]

Subject of Possible Rule Making: WAC 246-861-090.  
Specific Statutory Authority for New Rule: RCW  
18.64.005.

Reasons Why the New Rule is Needed: To include  
patient counseling as part of continuing education.

Goals of New Rule: To facilitate communication  
between pharmacist and patient.

Process for Developing New Rule: Public meetings and  
comments from concerns raised regarding the language of a  
proposed rule that required mandatory education.

How Interested Parties can Participate in Formulation of  
the New Rule: Written comments to Board of Pharmacy,  
Attn: Donald Williams, P.O. Box 47863, Olympia, WA  
98504, (360) 753-6834, FAX (360) 586-4359, board meet-  
ings.

June 6, 1995  
D. H. Williams  
Executive Director



**WSR 95-12-017**  
**PROPOSED RULES**  
**OFFICE OF THE**  
**SECRETARY OF STATE**

[Filed May 30, 1995, 1:28 p.m.]

Continuance of WSR 95-08-073.

Title of Rule: Chapter 434-120 WAC, Charitable solicitation organizations.

Purpose: To promote clarity and to conform to statutes by amending WAC 434-120-105, 434-120-130, and 434-120-255.

Statutory Authority for Adoption: Chapter 19.09 RCW, Charitable solicitations.

Statute Being Implemented: Chapter 19.09 RCW, Charitable solicitations.

Reasons Supporting Proposal: There have been many requests from constituents to clarify the rules; the amendments bring the WACs into compliance with statute.

Name of Agency Personnel Responsible for Drafting: Colleen Kemp, 505 East Union, 2nd Floor, Olympia, WA 98504, (360) 586-8465; Implementation and Enforcement: Linda Mackintosh, (360) 753-2986.

Name of Proponent: [Secretary of State], governmental. Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-120-105, description of the content of registration form and solicitation report; WAC 434-120-130, description of contents of financial statements and required standards of review; and WAC 434-120-255, description of content of commercial fundraiser financial statements and levels of financial review by an independent certified public accountant.

Proposal Changes the Following Existing Rules: WAC 434-120-105, the forms will collect more information than previously requested. Small organizations will no longer be required to report financial information unless total annual revenue exceeds \$25,000 and the first year the revenue drops below \$25,000; and WAC 434-120-130, organizations whose annual revenue is \$100,000 shall maintain a financial statement. Organizations with annual incomes between \$100,000 and 500,000 will be required to have a financial review by an independent certified public accountant. Entities with annual incomes over \$500,000 will be required to have an audit by an independent certified public accountant.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable. No impact on small business.

Hearing Location: John L. O'Brien Building, Room C, 2nd Floor, on July 11, 1995, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Barbara Siemion by July 7, 1995, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Colleen Kemp, P.O. Box 40244, Olympia, WA 98504-0244, FAX (360) 664-8781, by July 7, 1995.

Date of Intended Adoption: July 12, 1995.

May 30, 1995  
 Donald F. Whiting  
 Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

WAC 434-120-105 Form. (1) Charitable organizations registering under this act shall use the ~~((combined charitable organization, charitable trust, and public benefit form))~~ Uniform Registration Statement - Charitable/Public Benefit Form available ~~((in the office of))~~ from the corporations division ~~((or shall provide, by letter, the required information organized and topically sectioned in exactly the following manner)).~~ The Secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation. A registration form is not complete, and will not be accepted for filing, unless it includes:

~~((1) Section I. The name, address, and telephone number of the charitable organization; and the name under which the organization will solicit contributions.~~

~~((2) Section II. The name, address, and telephone number of the corporate officers, directors of the board, or persons accepting responsibility for the organization; and the names of the three officers, directors, or employees who receive the greatest amount of compensation from the organization. If this is a consolidated registration, then list the names of the three officers or employees of the parent organization.~~

~~((3) Section III.))~~ (a) The organization's name, address, telephone number, employee identification number (EIN), telephone and FAX number(s), and all names and addresses of other offices, chapters, branches, and affiliates and all names and addresses including without limitation all public or private postal box addresses under which contributions are solicited.

(b) If incorporated, it will be necessary to give the corporate name, unified business identifier number, state and date of incorporation, and end date of current fiscal period. If the organization is not incorporated, the type of organization and date established.

(c) The explanation of past, future or current legal actions if applicable, in relation to solicitations, registration, or against officers, directors, or executives. Applicable legal actions shall include any administrative or judicial proceeding in which compliance with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, or recordkeeping has been an issue, whether such action was instituted by a public agency or a private person or entity.

(d) A list of all agencies and states where the organization is registered, including dates of registration, registration numbers, and any other names under which the organization is currently registered or has been registered in the past.

(e) The purpose of the charitable organization; the names and addresses of beneficiaries or the selected group of persons or activities which the charitable organization supports; and to whom assets would be given in the event of dissolution.

~~((4) Section IV.))~~ (f) Whether or not the organization has a federal income tax exempt status, and, if so, the basis. Attach a copy of the letter or other written proof of the status declaration if granted under 26 U.S.C. 501 (c)(3) by the Internal Revenue Service. Include the name, address, and telephone number of the entity that prepares, compiles,

PROPOSED

reviews, or audits the financial statement of the charitable organization.

~~((5) Section V. A financial statement in the form of a solicitation report, which includes the following information:~~

~~(a) From a newly formed entity that has not completed its first accounting year, the annual budget expenditures approved by the board of directors or other responsible person(s), which must clearly identify the reported figures as budget estimates not based upon actual funds expended; or, from an entity that has completed one or more accounting years but has not previously registered under this act, its actual expenditures from the preceding fiscal year, and its proposed budget for the coming fiscal year; and~~

~~(i) The number and types of solicitations planned; and~~

~~(ii) From the existing entity, total revenue for the preceding year and the amount that was used for the charitable purpose;~~

~~In addition, seven months after registration all newly formed entities shall file a six month report containing actual budget figures.~~

~~(b) From charitable organizations registering for the second or more years, the following information from the preceding fiscal year:~~

~~(i) The number and types of solicitations conducted;~~

~~(ii) The total dollar value of gross revenue received from solicitations conducted by or on behalf of the organization and from all other sources (including revenue from activities regulated by the gambling commission) received, which must equal the total revenue of the organization;~~

~~(iii) A solicitation report that contains the gross revenue applied to charitable purposes, fund raising costs, and other expenses, which are figured in accordance with WAC 434-120-125, including the amount of any compensation allocated to charitable purposes and paid to a commercial fund raiser or other entity, who is not a bona fide employee, as defined in RCW 19.09.020(1), for fund raising services; and~~

~~(iv) The name, physical address, and telephone number of any commercial fund raiser used by the organization.~~

~~A parent organization may file a consolidated solicitation report when registering including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington. Alternatively, it may file a single combined solicitation report including funds raised by all such units of the parent organization and listing the individual names of all units who raised five thousand dollars or more in the preceding year.~~

~~(6) Section VI:)) (g) Names and addresses of all entities which perform the accounting, and any other person who maintains physical custody or caretaking of records or who has authority for fund expenditure including sole, dual or multiple signature authority on bank accounts for the charitable organization. This information shall be submitted with each initial registration and annual renewal.~~

~~(h) A listing of outside nonsolicited income sources. If outside professionals were used, the amount paid during the previous year.~~

~~(2) For purposes of preparing the solicitation report required by RCW 19.09.075 (7)(d) the following information shall be included by organizations with an aggregate annual revenue of twenty-five thousand dollars or more including all funds raised on behalf of the organization. For those~~

organizations previously reporting revenues above twenty-five thousand dollars, a solicitation report shall also be filed covering the first year the annual revenues fall below the twenty-five thousand dollar threshold. An organization's total revenue must include all contributions raised using all other names under which it solicits. The charitable organization's solicitation report is available from the corporations division. The solicitation report requires information including, but is not limited to, the following:

(a) Amount of revenue received, solicitation expenses, administrative expenses, restricted funds received, previously restricted funds used, value of goods sold and the amount of revenue applied to the charitable purpose in the most recent fiscal year. The charitable organization must include the names of the three officers, directors, or key employees, types of solicitations, and a list of outside professionals used to solicit funds during the most current fiscal year. Financial information from Internal Revenue Form 990 must be used in the solicitation report to the extent permitted by the instructions. Instructions included with the registration and renewal forms may reference specific line items from the IRS Form 990 to the extent they are appropriate.

(b) A parent organization may file a consolidated solicitation report which includes the financial information for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington.

(c) A signed statement from the entity who prepares(=, compiles), reviews, or audits the financial statement ((who is listed under the requirement of WAC 434-120-105(4),)) described in WAC 434-120-130 attesting that the figures ((of) on the solicitation report are consistent with the organization's ((annual financial statement; and a written list of the copies of any annual or periodic reports on file that were made by the charitable organization and its subsidiaries, or affiliates, if any, which substantiate the figures)) most recent financial statements; and

((7)) (d) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings.

(3) Charitable organizations which did not retain a commercial fund-raiser during the reporting year, and whose charitable solicitations produced less than twenty-five thousand dollars in gross revenues during the reporting year, and which have no officers, directors, employees or independent contractors who receive compensation, shall not be required to file a solicitation report unless the organization is required to file under subsection (2) of this section.

(4) If the charitable organization has not conducted solicitations before it registers, it may not estimate the figures but shall file a new registration form no later than the end of the seventh month after registering which provides a complete solicitation report with actual figures from the first six months after registering.

(5) All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, the person responsible for the organization, whose signature shall be notarized.



**AMENDATORY SECTION** (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-130** (~~(Auditing standards and requirements.)~~) **Financial statements.** (1) ~~A charitable organization's solicitation report shall be signed by the following entities who attest that the figures are consistent with the annual financial statement~~) required to file a solicitation report shall have a financial statement prepared. This statement shall include, in addition to any other information necessary to demonstrate that the figures presented on its solicitation reports are true and correct, at least the following:

- (a) The gross amount of the contributions paid;
- (b) The amount thereof, applied to charitable purposes represented together with details as to the manner of distribution as may be required;
- (c) The aggregate amount paid and to be paid for the expenses of such solicitation; and
- (d) The amounts paid to and to be paid to or retained by commercial fund-raisers or charitable organizations.

(2) Such statements shall conform to the following standards:

~~((1))~~ (a) Those with (a) an annual gross revenue of (less than three hundred fifty thousand dollars a year) less than one hundred thousand dollars, shall (submit an annual solicitation report) maintain a financial statement signed by the president and treasurer, or absent a board of directors and officers, two persons responsible for the organization, and (the) any other entity listed in the registration form as required by WAC 434-120-105((4)) (2)(c) who prepared the financial statement (or made the compilation, review, or audit report) that supports the solicitation report; and

~~((2))~~ (b) Those having a gross revenue of (more than three hundred fifty thousand dollars annually, shall submit an annual solicitation report signed by the president, treasurer, and the entity listed in the registration form according to WAC 434-120-105(4) who made the "audit report" of the solicitation report.) one hundred thousand to five hundred thousand dollars annually, shall have performed, either a financial review or an audit by an independent certified public accountant in accordance with chapter 18.04 RCW and the rules made thereunder as they may be amended from time to time; and

(c) Those having a gross revenue of more than five hundred thousand dollars annually, shall have performed, by an independent certified public accountant, an audit in accordance with chapter 18.04 RCW and the rules made thereunder as they may be amended from time to time; and

(3) Upon the written request of the ((secretary,)) attorney general((,)) or county prosecutor, an organization shall submit ((an audit report)) its financial statement for the year requested within ((thirty)) ten working days from the date of request.

**AMENDATORY SECTION** (Amending WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94)

**WAC 434-120-255** (~~(Auditing standards.)~~) **Financial statements.** (1) Each commercial fund-raiser ~~(shall make one or more annual)~~ required to file a solicitation report((s for each campaign conducted or in which it participated,

~~whether engaged by another commercial fund raiser or by a charitable organization to solicit or conduct a solicitation. Each solicitation report shall be signed by the entity listed under WAC 434-120-215(3), who attests that the figures are consistent with the annual financial statement:~~

~~((1)) shall have prepared a financial review or audit in accordance with WAC 434-120-255 (2)(a) or (b) as required.~~

~~(2) Such statements shall conform to the following standards:~~

~~(a) Those whose solicitations ((or offers to solicit)) result in less than three hundred fifty thousand dollars ((from all)) in contributions made on behalf of charitable organizations ((in Washington)) represented by the commercial fund-raiser shall have ((on file for three years the complete compilation, review, or audit report of the financial statement that was filed in the form of a solicitations report and signed by the entity named as required by WAC 434-120-215(3).~~

~~((2)) prepared by an independent certified public accountant, either a financial review or an audit in accordance with chapter 18.04 RCW and the rules made thereunder as they may be amended from time to time; or~~

~~(b) Those whose total solicitations and offers to solicit result in more than three hundred fifty thousand dollars from all contributions made on behalf of charitable organizations ((in the state of Washington)) shall have ((on file an audit report of the financial statement that was filed in the form of a solicitation report and signed by the entity named as required by WAC 434-120-215(3).~~

~~(3)(a) A commercial fund raiser who engages another commercial fund raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for and shall include the total contributions and the total expenses related to that campaign in its solicitations report of that campaign.~~

~~(b) If a reporting commercial fund raiser's contributions and expenses for a campaign are included in another commercial fund raiser's solicitations report, the reporting fund raiser shall list in its report the name of that fund raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.~~

~~The annual financial statement in the form of a solicitation report, as verified in accordance with the auditing standards, shall be filed with the application required in WAC 434-124-215.~~

~~(4) Upon written demand by the secretary, the attorney general, or the county prosecutor, a commercial fund raiser shall submit an audit report for the year requested within thirty working days.) performed by an independent certified public accountant, an audit in accordance with chapter 18.04 RCW and the rules made thereunder as they may be amended from time to time.~~

Upon written request by the secretary, the attorney general, or the county prosecutor, a commercial fund-raiser shall submit its financial report for the year requested within ten working days.

**WSR 95-12-025**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**

[Filed May 31, 1995, 10:59 a.m.]

Original Notice.

Title of Rule: WAC 180-51-050 High school credit—

Definition.

Purpose: To reflect recommendations of SHB 2274 task force on high school/college credit equivalencies (chapter 222, Laws of 1994).

Statutory Authority for Adoption: RCW 28A.230.090, 28A.305.130.

Statute Being Implemented: Chapter 222, Laws of 1994.

Summary: Proposed amendments would change the equivalency rate from .75 to 1.0 high school credit for five quarter or three semester hours of college or university course work.

Reasons Supporting Proposal: Amendments address legislative directive to study the credit equivalency issue.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: Larry Davis, State Board of Education, Olympia, (360) 753-6715; and Enforcement: Al Rasp, Office of Superintendent of Public Instruction, Olympia, (360) 753-3449.

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 above.

Proposal Changes the Following Existing Rules: Changes equivalency rate from .75 to 1.0 high school credit for five quarter or three semester hours of college or university course work.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: Coupeville Middle/High School Library, 501 South Main, Coupeville, WA 98239, on July 19, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by July 7, 1995, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by July 17, 1995.

Date of Intended Adoption: July 21, 1995.

May 31, 1995

Larry Davis

Executive Director

**AMENDATORY SECTION** (Amending WSR 94-13-017, filed 6/3/94, effective 7/4/94)

**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))~~ 1.0 high school credit~~((- Provided, That five quarter or three semester hours shall continue to equal one 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 95-12-031**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed June 1, 1995, 8:17 a.m.]

Original Notice.

Title of Rule: WAC 388-522-2230 Eligibility reviews.

Purpose: Current rule does not provide for an eligibility review process for most nongrant medical clients. Provides only for an application process. This revision is necessary to add language to allow for the nongrant medical eligibility review process in use by the centralized medical eligibility section. The ACES system will require the use of an eligibility review process.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This amendment will provide field policy for nongrant medical eligibility reviews.

Reasons Supporting Proposal: The current rule provides only for an application process, not an eligibility review process for most nongrant medical clients. Adds language to allow for the nongrant medical eligibility review process in use by the centralized medical eligibility section. The ACES system will require the use of an eligibility review process.

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 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.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule provides regulation for department staff. There is no regulatory or fiscal impact on any business.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on July 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by June 29, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Jeanette Sevedge-App, Acting Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, Please

Identify WAC Numbers, FAX (206) 586-8487, by July 4, 1995.

Date of Intended Adoption: July 12, 1995.

May 30, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-522-2230 Eligibility reviews. (1) When a client is receiving cash assistance, the department shall ((redetermine)) not require a separate eligibility review for the related medical assistance ((the same as for the related cash assistance)) program ((for clients:

(1) Under eighteen years of age and not related to SSI, eligibility shall be redetermined every six months using AFDC financial criteria; or).

(2) ((In)) When a client is in a medical institution((s)) or receiving medical assistance, the department shall redetermine eligibility ((shall be redetermined));

(a) Every twelve months for a person receiving categorically needy medical assistance; or

(b) Each three or six months, at the client's option, for a person receiving the medically needy program.

(3) The department shall terminate eligibility for a medical program when a person:

(a) Does not complete and return to the department a department-designated eligibility review form before the last day of the certification period; or

(b) Is determined ineligible for a medical program.

**WSR 95-12-041**

**WITHDRAWAL OF PROPOSED RULES  
LIQUOR CONTROL BOARD**

[Filed June 2, 1995, 8:20 a.m.]

Please be advised the Washington State Liquor Control Board has decided to withdraw the proposed language to WAC 314-16-200 as filed May 24, 1995, as WSR 95-11-139. The board will revise the existing language and resubmit the amendatory section to the WAC at a later date.

The decision to withdraw was the result of analysis of data which was compiled from information provided by our field enforcement agents. The data indicated the changes as proposed by WSR 95-11-139 might have an adverse economic impact on some of the licensees involved.

Joseph L. McGavick  
Chair

**WSR 95-12-045**

**PROPOSED RULES  
COLUMBIA RIVER  
GORGE COMMISSION**

[Filed June 2, 1995, 11:13 a.m.]

Original Notice.

Title of Rule: 350-30, Enforcement.

Purpose: Amendments to existing rule establishing procedures and criteria for enforcement of the Columbia River Gorge National Scenic Area Act (16 USC 544 et seq.).

Statutory Authority for Adoption: 16 USC 544, RCW 43.97.015, ORS 196.150.

Statute Being Implemented: 16 USC 544, RCW 43.97.015, ORS 196.150.

Summary: Amendments to an existing rule establishing procedures and criteria for enforcement of the Columbia River Gorge National Scenic Area Act (16 USC 544 et seq.).

Reasons Supporting Proposal: The proposed amendments are necessary to streamline and clarify the process for investigating alleged violations of the National Scenic Area Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lawrence Watters, 288 East Jewett, White Salmon, WA, (509) 493-3323.

Name of Proponent: Columbia River Gorge Commission, governmental.

Rule is necessary because of federal law.

Explanation of Rule, its Purpose, and Anticipated Effects: The existing rule governs the commission's procedures for enforcement of the Columbia River Gorge National Scenic Area Act. The rules call for investigation of alleged violations of the act, notice and opportunity for hearing and possible imposition of a civil penalty by the commission.

Proposal Changes the Following Existing Rules: The proposed amendments streamline and clarify the existing process for investigating alleged violations of the Columbia River Gorge National Scenic Area Act. The amendments provide for the opportunity to resolve alleged violations without having to go through the contested case process.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. 1. The rule is being adopted in compliance with federal law (16 USC 544 et seq.); and 2. the rule will have no fiscal impact on small businesses.

Hearing Location: Clark County PUD, 89 'C' Street, Washougal, WA, on July 25, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jan Brending by July 3, 1995, (509) 493-3323.

Submit Written Comments to: Jan Brending, Columbia River Gorge Commission, P.O. Box 730, White Salmon, WA 98672, FAX (509) 493-2229, by July 14, 1995.

Date of Intended Adoption: July 25, 1995.

May 31, 1995

Jan Brending

Rules Coordinator

**COLUMBIA RIVER GORGE COMMISSION**

Proposed Amendments

Chapter 350

Division 30

Enforcement

PROPOSED

350-30-005 Purpose.

The purpose of this division is to establish procedures and criteria for enforcement of P.L. 99-663 by the Commission as set forth in [S]section 15 of the Scenic Area Act.

**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.

350-30-010 Definitions.

For the purpose of this division the following definitions apply unless the context requires otherwise:

(1) "Commission" means the Columbia River Gorge Commission established by Chapter 499, Washington Laws of 1987 and Chapter 14, Oregon Laws of 1987.

[[8]2] "Continuing violation" means continuing activity which violates any law, rule, implementation measure, ordinance or order under P.L. 99-663. For example, continued operation of a rock quarry after receipt of a notice of alleged violation [would be] is a continuing violation.

(3) "De minimis violation" means a violation of the law that is essentially minor, readily correctable, not repeated and with cooperative parties.

[[2]4] "Director" means the Executive Director of the Columbia River Gorge Commission or staff designee.

[[3]5] "Implementation measure" means any ordinance, regulation or order adopted by the Columbia River Gorge Commission or a county which carries out the Act, the management plan or a land use ordinance.

[[4]6] "Interim guidelines" means the guidelines adopted pursuant to section 10(a) of P.L. 99-663.

[[5]7] "Land use ordinance" means any ordinance adopted by a county or the Commission pursuant to P.L. 99-663, and includes any amendment to, revision of, or variance from such ordinance. [Examples of a land use ordinance are a zoning ordinance and a land division ordinance.]

[[6]8] "Management plan" means the scenic area management plan adopted pursuant to section 6 of P.L. 99-663.

[[7]9] "Violation" means failure to comply with any law, rule, implementation measure, ordinance or order under P.L. 99-663.

**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.

350-30-015 Civil Penalty.

(1) Any person who willfully violates any of the following may incur a civil penalty:

- (a) P.L. 99-663;
- (b) the management plan;
- (c) a land use ordinance;
- (d) an implementation measure; or
- (e) any order issued by the Commission or the Director.

(2) The Commission may not assess a civil penalty under section 15 (a)(3) of P.L. 99-663 unless it provides notice and an opportunity for a public hearing to the person

alleged [by the Commission] to have violated one of the measures listed in subsection (1) of this section.

(3) Each day of continuing violation is a separate and distinct violation.

**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.

350-30-020 Investigation.

(1) The Director shall investigate alleged violations of the measures listed in subsection 1 of 350-30-015 of this Division [and shall report its findings to the Commission if the Director determines a violation occurred].

(2) [The Director's report shall include:

(a) the name and address of the alleged violator;

(b) the legal and common description of the subject property;

(c) a description of the alleged violation; and

(d) a determination whether a civil penalty or other action by the Commission is warranted.]

The Director may inspect the subject property if necessary to conduct an investigation under subsection (1) of this section.

(3) [The Director shall send a copy of the report to the alleged violator.]

If the Director determines a violation has occurred, he shall follow the procedures in 350-30-030, unless it is de minimis. If it is de minimis, he shall follow the procedures in 350-30-025.

[[4] The Director may inspect the subject property if necessary to conduct an investigation under subsection (1) of this section.]

[[5] If the Director determines a violation has occurred and assessment of a civil penalty is warranted, the Director shall provide notice to the alleged violator under section 350-30-025 of this division.]

**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.

350-30-025 De Minimis Violation.

(1) If the Director determines a violation has occurred but it is of a de minimis nature, readily correctable, not repeated and with cooperative parties, a summary describing the matter shall be sent to the Commission. The summary shall analyze the relevant factors and present a final resolution.

(2) If any three members of the Commission want further review of the violation, they shall request it within 14 days of issuance of the summary. The Director shall follow the procedures in 350-30-030 to set the matter for hearing before the Commission.

(3) If no further review is requested, the Director shall finalize disposition of the violation.

**Reviser's note:** The unnecessary underscoring 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.

350-30-0[25]30 Notice of Alleged Violation.

(1) The Director shall serve written notice of violation on the alleged violator by personal service or by registered or certified mail. The notice shall include:

- (a) a plain statement describing the alleged violation;
- (b) the provision of P.L. 99-663, the management plan, the land use ordinance, the implementation measure or the order alleged to have been violated;
- (c) the legal and common description of the subject property;
- (d) the proposed disposition of the matter through either 350-30-050 through 350-30-060 or 350-30-070 including the recommended penalty to be imposed (if any) and the criteria from 350-30-050 upon which the penalty is based;
- (e) a statement that the alleged violator [may] shall file an answer within [20] 14 days after receipt of the notice of violation;
- (f) a copy of 350-30-040 which prescribes how to file an answer; and

(g) a statement that if resolution is not reached through 350-30-050 through 350-30-060 the Commission will consider [a proposed order of] the alleged violation at a contested case hearing which may result in the entry of a final order imposing a civil penalty based upon a prima facie case made on the record, whether or not the alleged violator participates.

(2) Service shall be deemed complete three days after written notice is mailed to:

- (a) the alleged violator; or
- (b) any person designated by law as competent to receive service of a summons or notice for the alleged violator.

(3) Notice sent by registered or certified mail to a person at the last known address of the person is presumed to have reached the person within three days after mailing.

**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.

350-30-0[3]40 Answer.

(1) The alleged violator [may] shall file an answer within [20] 14 days of receipt of a notice of violation[. The answer] but it must be received by the Director within the [20] 14 days allowed.

(2) The answer shall agree or disagree with all factual matters and shall affirmatively allege any and all affirmative claims or defenses and the reasoning in support thereof. The answer may include proposed measures [to compromise or settle] for resolution of the matter through 350-30-050 through 350-30-060 or 350-30-070 and any reason the Commission should modify the penalty recommended [should be reduced or suspended].

**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.

350-30-0[3]50 [Compromise or Settlement] Resolution Through Agreement.

[At any time after service of the notice of alleged violation,] [t]The Director may seek to [compromise] resolve or settle an [matter subject to a notice of] alleged violation. [No compromise or settlement is final until approved by the Commission following a hearing] Any proposed resolution must be presented to and approved by the Commission as provided in 350-30-[040]060.

**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.

350-30-0[4]60 Hearing on Proposed Resolution Through Agreement.

(1) [No sooner than 20 days following expiration of the time for filing an answer to a notice of alleged violation under 350-30-025, the Director shall forward the notice of alleged violation and a proposed order to the Commission. The Commission shall place the matter on its agenda for hearing.]

The hearing shall be conducted using the following procedure:

(a) Counsel for the Director shall provide a brief summary of the nature of the case, the proposed resolution and the key legal issues.

(b) The Director shall provide any other information required along with his recommendation.

(c) The alleged violator shall be present and have the opportunity to address the Commission.

(d) The Commission may request further information from the Director or the alleged violator.

(e) The Commission shall decide whether to accept, reject or modify the proposed resolution.

(f) If rejected, the matter shall be reset for a contested case hearing under 350-30-070.

[(2) The hearing shall be conducted as a contested case in accordance with the Commission's administrative procedure rule, 350-16-009 to -018.]

[(3) The Director shall notify the alleged violator of the date, time and place of the hearing no later than 20 days prior to the hearing.]

**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.

350-30-070. Hearing on Contested Case.

(1) A violation that is not resolved through 350-30-050 to 350-30-060 shall be conducted as a contested case.

(2) The rules governing the Commission's administrative procedure (350-16) shall govern the case.

**Reviser's note:** The unnecessary underscoring 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.

350-30-0[45]80 Order.

(1) The Commission shall issue a final order [assessing or rejecting assessment of a civil penalty]. The order shall be served by personal delivery or certified or registered mail. If served by mail, the order shall be deemed received three days after mailing.

(2) [Any penalty assessed may be remitted, compromised, modified, or suspended for a period to allow for curing, upon such terms and conditions determined by the Commission to be necessary and proper and consistent with P.L. 99-663.] The order shall specify:

(a) the resolution of the violation (including any consent decree);

(b) whether a penalty is imposed and the amount of such penalty; and

(c) any other conditions or requirements.

(3) The order shall be final for purposes of judicial review under the applicable laws of Oregon and Washington.

**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.

350-30-[050]090 Penalty Criteria.

(1) In determining the amount of a civil penalty, the following factors shall be considered:

(a) whether the person or entity has violated the P.L. 99-663 management plan, a land use ordinance, an implementation measure or an order in the past;

(b) whether the person or entity has undertaken measures to [correct] remedy the violation or mitigate harm resulting from the violation;

(c) the [gravity] nature and [magnitude] seriousness of the violation; and

(d) whether the violation is repeated or continuous, or the person or entity has had prior violations.

(2) No penalty assessed under this division may exceed \$10,000 for each violation.

**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.

350-30-100 Summary Order.

Where an imminent threat exists to resources protected under the law and/or to public health, safety or welfare, the Director may issue a summary order requiring the alleged violator to promptly stop work or take other necessary action pending a notice of alleged violation and a contested case hearing before the Commission under 350-30-070.

**Reviser's note:** The unnecessary underscoring 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 95-12-047

WITHDRAWAL OF PROPOSED RULES  
HEALTH SERVICES COMMISSION

[Filed June 2, 1995, 2:05 p.m.]

The purpose of this letter is to request that the code reviser, pursuant to the provisions of RCW 34.05.335, withdraw the following proposed rules previously submitted by the Washington Health Services Commission to the code reviser for publication in the Washington State Register:

- WAC 245-03-010 through 245-03-680
- WAC 245-03-810 through 245-03-880
- WAC 245-04-010 through 245-04-080
- WAC 245-04-125 through 245-04-195
- WAC 245-04-200 through 245-04-240
- WAC 245-04-300 through 245-04-350
- WAC 245-08-010 through 245-08-050

These proposed rules are being withdrawn because, as of July 1, 1995, the Washington Health Services Commission will cease to exist and the statutory authority that provided the basis for the proposed rules will be repealed.

Lance Heineccius  
Assistant Director

WSR 95-12-048

PROPOSED RULES  
GAMBLING COMMISSION

[Filed June 2, 1995, 2:35 p.m.]

Continuance of WSR 95-07-096.

Title of Rule: WAC 230-48-010 Tribal-state compacts—Phase II commission review.

Purpose: This rule allows tribal casinos a mechanism to increase wagering limits, wagering stations, and hours of operation through a Phase II investigative review and commission approval process.

Statutory Authority for Adoption: RCW 9.46.360.

Summary: Rule will allow tribal casinos to increase wagering limits, wagering stations, and hours of operation.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules Coordinator, Lacey, 438-7654 ext. 310; Implementation: Frank L. Miller, Director, Lacey, 438-7654 ext. 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 ext. 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule allows tribal casinos a mechanism to increase wagering limits, wagering stations, and hours of operation through a Phase II investigative review and commission approval process.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: 1. No cost or expenditure of re-

PROPOSED

sources; 2. no affect on industry; and 3. no substantive change in existing regulatory scheme.

Hearing Location: Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on August 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by August 9, 1995, TDD (360) 438-7638, or (360) 438-7654 ext. 310.

Submit Written Comments to: FAX (360) 438-8652, by August 9, 1995.

Date of Intended Adoption: August 11, 1995.

June 2, 1995

Michael Aoki-Kramer  
Rules Coordinator

## NEW SECTION

**WAC 230-48-010 Tribal-state compacts—Phase II commission review.** (1) Pursuant to each tribal/state compact and upon successful completion of a Phase II investigative review, the director shall forward a summary of the material aspects of the investigative review with a recommendation for approval to Phase II status to the commissioners at least seven days prior to a meeting of the commission.

(2) At least ten days prior to the same meeting, the director's recommendation along with a notice of formal review shall be forwarded to the tribal government and local law enforcement agencies surrounding the Class III gaming operation. The notice shall set forth the proposed action and instructions for submission of written comments to the formal review process.

(3) During the meeting of the commission for which notice of formal review was given, the commission shall conduct a review of the Class III gaming operation. The review shall address the following criteria:

(a) Whether there have been any violations of the provisions of the compact which have resulted in sanctions imposed by the Federal District Court;

(b) Whether there have been any violations of the compact which are substantial or, due to repetition, would be deemed material;

(c) Whether there have been any material adverse impacts on the public safety or welfare of the surrounding communities in the nature of criminal activities directly related to the operation of the Class III operation;

(d) Whether there have been any unresolved and material violations of Appendix A of the compact; and

(e) Whether the tribal gaming agency has developed a strong program of regulation and control and demonstrated an adequate level of proficiency, which includes the hiring of trained tribal gaming agents, an independent regulatory and reporting structure that is separate from that of the gaming operation or tribal bodies, a thorough and developed system for the reporting of compact violations, and a strong and consistent presence within the Class III facility.

(4) Upon completion of the review, the commission shall either approve, deny, or grant a conditional Phase II approval.

(5) If Phase II is denied or conditionally approved, the commission shall within ten working days issue a written order to the tribe setting forth the basis for the decision.

## WSR 95-12-049

### PROPOSED RULES

#### GAMBLING COMMISSION

[Filed June 2, 1995, 2:37 p.m.]

Continuance of WSR 95-07-110.

Title of Rule: WAC 230-04-405 Commission will seek reimbursement for costs incurred in pursuing license revocation for failure to pay gambling taxes.

Purpose: To formalize agency policy regarding recoupment of law enforcement expenses.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: If commission initiates license revocation activities for failure to pay gambling taxes the commission will seek reimbursement of its costs from the delinquent licensee.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules and Policy Coordinator, Lacey, 438-7654 ext. 310; Implementation: Frank L. Miller, Director, Lacey, 438-7654 ext. 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 ext. 369.

Name of Proponent: Washington State Association of County Treasurers, Mary Dodge, President, Douglas County Treasurer, P.O. Box 609, Waterville, WA 98858, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 230-04-405, new section formalizes agency policy to recoup expenses incurred in pursuing license revocation for failure to pay gambling taxes.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: 1. No cost or expenditure of resources; 2. no affect on industry; and 3. no substantive change in existing regulatory scheme.

Hearing Location: Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on August 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by August 9, 1995, TDD (360) 438-7638, or (360) 438-7654 ext. 310.

Submit Written Comments to: Michael Aoki-Kramer, Washington State Gambling Commission, P.O. Box 42400, Olympia, 98504-2400, FAX (360) 438-8652, by August 9, 1995.

Date of Intended Adoption: August 11, 1995.

June 2, 1995

Michael Aoki-Kramer  
Rules and Policy Coordinator

## NEW SECTION

**WAC 230-04-405 Commission ((may)) will seek reimbursement for costs incurred in pursuing license revocation for failure to pay gambling taxes.** Pursuant to WAC 230-04-400(3), upon referral from a local taxing authority, the commission ((will)) may initiate license

revocation actions for failure to pay gambling taxes. The commission will seek reimbursement for costs incurred in pursuing these gambling tax actions from the delinquent licensee. ~~((However, at the time of referral, the local taxing authority must agree, as a condition of referral, to reimburse the commission in full ((or in part)) for any unpaid costs not obtained from the delinquent licensee.))~~

**Reviser's note:** The unnecessary underscoring and deletion marks in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

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

**PROPOSED**

**WSR 95-12-050**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed June 2, 1995, 2:39 p.m.]

Supplemental Notice to WSR 95-07-097.

Title of Rule: WAC 230-04-400 Denial, suspension or revocation of licenses.

Purpose: To broaden the denial, suspension or revocation of licenses.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: This amendment broadens the denial, suspension or revocation of licenses to those who engage in any activity that reflects, or tends to reflect discredit, or bring disrepute to Washington gambling. This includes when suppliers, manufacturers, financiers, or management companies provide goods or services to any entity that is, or previously has, illegally operated gambling activities.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules Coordinator, Lacey, 438-7654 ext. 310; Implementation: Frank L. Miller, Director, Lacey, 438-7654 ext. 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 ext. 369.

Name of Proponent: [Gambling Commission], governmental.

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

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

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: 1. No cost or expenditure of resources; 2. no affect on industry; and 3. no substantive change in existing regulatory scheme.

Hearing Location: Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on August 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by August 9, 1995, TDD (360) 438-7638, or (360) 438-7654 ext. 310.

Submit Written Comments to: Michael Aoki-Kramer, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by August 9, 1995.

Date of Intended Adoption: August 11, 1995.

June 2, 1995

Michael Aoki-Kramer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-12-082, filed 5/28/93)

**WAC 230-04-400 Denial, suspension or revocation of licenses.** The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required gambling tax payments to local taxing authorities, as supported by a petition submitted by the local taxing authority;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission



without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) Is a supplier, manufacturer, financier, or management company providing goods or services to an entity that is illegally operating gambling activities or has illegally operated gambling activities; and

(11) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

### WSR 95-12-053

#### WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

[Filed June 2, 1995, 2:46 p.m.]

On May 12, 1995, the Washington State Gambling Commission voted to withdraw proposed amendments to WAC 230-04-280. A package of rule amendments including amendments to WAC 230-04-280 were originally filed as WSR 95-04-040, with continuances filed as WSR 95-06-013 and 95-07-097. The commission intends to withdraw amendments proposed only to WAC 230-04-280, not other rules filed along with WAC 230-04-280.

Michael R. Aoki-Kramer  
Rules and Policy Coordinator

### WSR 95-12-054

#### PROPOSED RULES GAMBLING COMMISSION

[Filed June 2, 1995, 2:47 p.m.]

Continuance of WSR 95-07-097.

Title of Rule: WAC 230-04-400 Denial, suspension or revocation of licenses and 230-50-010 Adjudicated proceedings—Hearings.

Purpose: These rules set out guidelines for suspension or revocation of licenses for failure to pay applicable gambling taxes.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: These rules set out guidelines for notifying local authorities and procedures for failure to make required gambling tax payments.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Rules Coordinator, Lacey, 438-7654 ext. 310; Implementation: Frank L. Miller, Director, Lacey, 438-7654 ext. 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 ext. 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 230-04-400, amendment will include failure to make required gambling tax payments to local taxing authorities; and WAC 230-50-010, amendment includes hearings held for failure to pay required gambling taxes.

Proposal Changes the Following Existing Rules: WAC 230-04-400, amendment includes failure to make required gambling tax payments to local taxing authorities; and WAC 230-50-010, amendment includes hearings held for failure to pay required gambling taxes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact to small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons. 1. No cost or expenditure of resources; 2. no affect on industry; and 3. no substantive change in existing regulatory scheme.

Hearing Location: Campbell's Resort, 104 West Woodin, Chelan, WA 98816, on August 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Michael Aoki-Kramer by August 9, 1995, TDD (360) 438-7638, or (360) 438-7654 ext. 310.

Submit Written Comments to: Michael Aoki-Kramer, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by August 9, 1995.

Date of Intended Adoption: August 11, 1995.

June 2, 1995  
Michael Aoki-Kramer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 93-12-082, filed 5/28/93, effective 7/1/93)

**WAC 230-04-400 Denial, suspension or revocation of licenses.** The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required gambling tax payments to local taxing authorities, as supported by a petition submitted by the local taxing authority;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or

not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

**AMENDATORY SECTION** (Amending Order 231, filed 9/18/92, effective 10/19/92)

**WAC 230-50-010 Adjudicated proceedings—Hearings.** (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicated proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicated proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for an adjudicated proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicated proceeding unless an application for an adjudicated proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following

service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

(a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;

(b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);

(c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);

(d) Hearings held pursuant to WAC 230-04-190 (10)(c) (two part payment plan: Failure to make second payment);

(e) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed; or

~~((d))~~ (f) Where the parties have stipulated to the use of brief adjudicative proceedings.

**WSR 95-12-060**

**PROPOSED RULES**

**SPOKANE COUNTY AIR**

**POLLUTION CONTROL AUTHORITY**

[Filed June 5, 1995, 10:25 a.m.]

Continuance of WSR 95-09-048.

Title of Rule: Regulation I, Article VI, Section 6.16 Motor Fuel Specifications for Oxygenated Gasoline.

Purpose: To require specified levels of oxygen in gasoline in the Spokane Control Area for specified periods. Substantive changes have been made since the original filing, WSR 95-03-071.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: Chapter 70.94 RCW and 42 USC 7502.

Summary: Adds a new section to Article VI to require a temporary increase in oxygenate in gasoline above the state standard (chapter 173-492 WAC) and in certain circumstances, the increase may be permanent.

Reasons Supporting Proposal: An increase in oxygenate is needed to attain the carbon monoxide national ambient air quality standard.

Name of Agency Personnel Responsible for Drafting: Eric Skelton, Spokane, (509) 456-4727; Implementation: Ron Edgar, Spokane, (509) 456-4727; and Enforcement: Mabel Caine, Spokane, (509) 456-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

Rule is necessary because of federal law, 42 USC 7502.

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires an increase in the oxygenate content of gasoline in order for the Spokane carbon monoxide nonattainment area to attain and maintain the standard.

Proposal Changes the Following Existing Rules: Presently the state regulation solely applies to the Spokane control area (chapter 173-492 WAC). This proposal is more stringent than the state regulation.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The Spokane County Air Pollution Control Authority, as a municipal corporation, is not required to prepare small business economic impact statements.

Hearing Location: Hearing Room, Spokane County Public Works Building, 1026 West Broadway, Spokane, WA, on July 6, 1995, at 9:00 a.m.

Submit Written Comments to: Eric Skelton, Spokane County Air Pollution Control Authority, 1101 West College, Suite 403, Spokane, WA 99201, FAX (509) 459-6828, by July 3, 1995.

Date of Intended Adoption: July 6, 1995.

June 2, 1995  
Eric Skelton  
Director

## NEW SECTION

### **SECTION 6.16 MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE**

- A. Purpose. This Section establishes motor fuel specifications for oxygenated gasoline in order to reduce wintertime carbon monoxide emissions from gasoline powered motor vehicles.
- B. Applicability. This Section applies to all blenders and to all retail sellers of oxygenated gasoline, intended as a final product for fueling of motor vehicles within the Spokane Control Area and supplied to purchasers within the Spokane Control Area, as defined in Chapter 173-492-070 of the Washington Administrative Code (WAC).
- C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in Section 6.16 shall have the following meaning:
1. Authority means the Spokane County Air Pollution Control Authority.
  2. Conform and Conformity have the same meanings as the terms are used in Section 176(c) of the Federal Clean Air Act.
  3. Ecology means the Washington Department of Ecology.
  4. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
5. Federal Clean Air Act means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.
  6. Forecast Of Vehicle Miles Traveled has the same meaning as in Section 187 (a)(2) of the Federal Clean Air Act.
  7. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act, as it pertains to the Spokane Carbon Monoxide Nonattainment Area.
  8. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act, pertaining to revisions of the applicable implementation plan.
  9. Maximum Allowable Oxygenate means the maximum amount of an oxygenate which may be added to gasoline without exceeding the limits for fuel additives established under Section 211(f) of the Federal Clean Air Act.
  10. Metropolitan Planning Organization has the same meaning as in Chapter 173-420 WAC.
  11. Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act.
  12. Spokane Carbon Monoxide Nonattainment Area has the same meaning as in CFR Title 40, Part 81.
  13. Transportation Improvement Program has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.
  14. Transportation Plan has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.
- D. Adoption of state regulation by reference. Except for Subsections 173-492-040 (1) and (2), Chapter 173-492 WAC is hereby adopted by reference, to the extent that it applies to the Spokane Control Area.
- E. Blend and retail sale requirements for gasoline with non-ethanol oxygenates. Gasoline shall contain the maximum allowable oxygenate for the control period, unless the oxygenate is ethanol.
- F. Blend and retail sale requirements for gasoline with ethanol as an oxygenate. The following requirements shall apply:
1. Oxygen in the gasoline shall be no less than 3.2% by weight for the control period beginning on September 1, 1995 and ending February 29, 1996.

2. Oxygen in the gasoline shall be no less than 2.7% by weight for the control period beginning in 1996 and for all subsequent control periods.

G. Conformity blend and retail sale requirement for gasoline with ethanol as an oxygenate. Notwithstanding Subsection F., the following requirement shall apply after the applicable Metropolitan Planning Organization, Ecology, and the Authority determine, after consultation that, due solely to an exceedance of a forecast of vehicle miles traveled, a higher level of oxygen in gasoline than what is required in Subsection F., is necessary in order for the Transportation Plan or the Transportation Improvement Program to conform to the Implementation Plan or Maintenance Plan:

1. Oxygen in the gasoline shall be no less than 3.2% by weight, for the control period beginning in the year for which the higher level of oxygen is projected as necessary to show conformity, and for all subsequent control periods.

H. Contingency blend and retail sale requirements for gasoline with ethanol as an oxygenate. Notwithstanding Subsections F. or G., gasoline shall contain the maximum allowable oxygenate, as of the initial control period beginning after EPA makes any one of the following findings in Subsection H.1., H.2., or H.3., relative to the Spokane Carbon Monoxide Nonattainment Area, in conjunction with the finding in Subsection H.4.:

1. Failure to make Reasonable Further Progress.
2. Failure to timely attain a National Ambient Air Quality Standard for carbon monoxide.
3. Violation of a National Ambient Air Quality Standard for carbon monoxide after 1995.
4. Wintertime emissions from gasoline powered motor vehicles are determined by the EPA, in consultation with Ecology and the Authority to be a contributing factor to such failure or violation.

The maximum allowable oxygenate requirement shall remain in effect for the duration of the initial control period and all subsequent control periods until the Authority proposes and EPA determines that subsequent reductions in carbon monoxide emissions, achieved through other control measures or strategies, are sufficient to correct the referenced failure or violation. Upon such determination by EPA, the applicable oxygenate requirement in Subsection F. or G. shall apply, as of the beginning of the control period immediately following the determination.

- I. Test method. Compliance with requirements in this Section for oxygen in gasoline, including maximum allowable oxygenate, shall be determined by ASTM

4815-89; Determination of C<sub>1</sub> and C<sub>2</sub> Alcohols and MTBE in Gasoline by Gas Chromatography.

**WSR 95-12-063**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed June 5, 1995, 2:18 p.m.]

Original Notice.

Title of Rule: WAC 314-16-190 Class H restaurant—Qualifications, sets forth specific qualifications for a business to meet in order to be licensed as a Class H liquor licensee.

Purpose: Describes specific qualifications applicants and licensees must meet in order to qualify for and retain a Class H (liquor by the drink) license.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: As proposed, certain qualifications would be eliminated. Those being eliminated include minimum food sales in dollar amounts per day, the food/liquor ratio and the way certain products may be counted in respect to the ratio.

Reasons Supporting Proposal: The board believes the language of the rule is such so as to maintain a business as a restaurant with minimum food service without the necessity of those criteria being proposed for elimination. Such language will allow licensees to meet the requirements in a more reasonable manner.

Name of Agency Personnel Responsible for Drafting and Implementation: David Goyette, Assistant Director Reg. Ser., 1025 East Union, Olympia, (360) 753-2724; and Enforcement: Gary Gilbert, Assistant Director Enforcement, 1025 East Union, Olympia, (360) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes specific criteria for applicants and licensees to meet in order to obtain and retain a Class H (liquor by the drink) liquor license. Removing criteria no longer necessary to satisfactorily determine that a business is being operated as a restaurant will allow applicants and licensees to comply with the rule easier yet not deter from the original purpose of the license qualifications.

Proposal Changes the Following Existing Rules: Eliminates daily dollar minimum food sales requirement, eliminates food/liquor ratio and the manner in which certain products may be counted in order to satisfy the ratio.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The elimination of these criteria or qualifications will reduce the amount of time necessary for an applicant or licensee to satisfy board requirements. No additional costs will be incurred by the applicants or licensees in order to comply with the amended rule.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, 1025 East Union, Capital Plaza Building, Olympia, WA, on July 12, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD Relay by July 11, 1995, TDD (800) 833-6388.

Submit Written Comments to: Public Information Office, Attn: Carter Mitchell, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by July 11, 1995.

Date of Intended Adoption: July 19, 1995.

June 5, 1995

Joe McGavick

Chair

**AMENDATORY SECTION** (Amending WSR 93-10-092, filed 5/4/93, effective 6/4/93)

**WAC 314-16-190 Class H restaurant—Qualifications.** (1) Definitions: For the purpose of this section:

(a) Complete meals means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection ~~((6))~~ (5) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection ~~((6))~~ (5) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup, or chili. Snacks such as peanuts, popcorn, and chips are not sufficient to meet the minimum food service requirement.

(2) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(3) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.

(4) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have

the license applied for issued merely because the requested figures have been submitted.

~~(5) ((To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross retail food sales of one hundred dollars or more, and such food sales shall amount to thirty percent or more of the restaurant's total food liquor sales.~~

~~(6) Each Class H restaurant licensee shall submit reports annually, or as directed by the board in writing, on forms provided by the board, showing its gross food and liquor sales. Sales of food and liquor made by a Class H licensee under a Class I license shall be included as a part of the licensee's gross food and liquor sales. If a Class H restaurant's daily average gross retail food sales are less than one hundred dollars, or its retail food sales are less than thirty percent of its total food liquor sales, such restaurant shall be ineligible to retain its Class H license. Further,))~~ Each Class H restaurant licensee shall conspicuously display or provide to any patron upon request, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.

~~((7))~~ (6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, minimum food service shall be available for sale to the public. Notice of such minimum food service availability shall be conspicuously posted in all areas where liquor is being served.

~~((8) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.~~

~~(9))~~ (7) The licensee shall maintain the ingredients necessary to provide complete meals including at least five different entrees during those times as required in subsection ~~((6))~~ (5) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.

~~((10))~~ (8) The refusal or failure by any licensee or employee thereof to provide complete meals or minimum food service ~~((in subsection (6) of this section))~~ shall be *prima facie* evidence of a violation of this section.

~~((11))~~ Licensees assessing customers a mandatory premises entry fee which includes a cover charge, meal charge, and/or other charges may not apply the mandatory food sales charge to the food/liquor ratio: *Provided*, That customary holiday food/entertainment packages and Sunday brunches are not subject to the provisions of this subsection.

~~(12)~~ Meals provided to employees by Class H licensees may be applied to the food/liquor ratio to the extent that the amount applied does not exceed the licensee per meal cost. The recordkeeping requirements in WAC 314-16-160 apply to employee meals that are included as a part of the food/liquor ratio.

~~(13)~~ Nonliquor ingredients (pop, bottled water, lime, olives, etc.) served in an alcoholic beverage shall not be considered food sales. Soft drinks, juices, bottled water, etc., sold without an alcohol ingredient may be counted as food sales as long as they are sold and accounted for (rung up) as a separate item.) (9) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.

### WSR 95-12-064

#### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed June 5, 1995, 2:20 p.m.]

Original Notice.

Title of Rule: WAC 314-16-196 Class H restaurant—Floor space requirements—Conditions for service bar only premises.

Purpose: Prescribes the floor space requirements for Class H liquor licensed premises and regulates how space within the licensed premises may be used.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The existing rule specifies how portions of the licensed premises may be used, how licensees may provide liquor service in specific locations and similar requirements.

Reasons Supporting Proposal: The proposed rule clarifies the existing language by defining specific terms, eliminating language considered confusing and improving the manner in which licensees may comply.

Name of Agency Personnel Responsible for Drafting and Implementation: David Goyette, Assistant Director Reg. Ser., 1025 East Union, Olympia, (360) 753-2724; and Enforcement: Gary Gilbert, Assistant Director Enforcement, 1025 East Union, Olympia, (360) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes specific floor space requirements for Class H (liquor by the drink) licensed premises. Currently, certain terms are not specifically defined within the rule. This condition would be corrected if the proposal is adopted therefore eliminating possible confusion by both applicants and existing licensees.

Proposal Changes the Following Existing Rules: Specific terms are defined to eliminate possible confusion. Floor space requirements are more clearly described and some conditions within the rule would be relaxed in order to bring about better compliance.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The intent and purpose of the proposal is to reduce possible confusion because of industry unique terms, to relax certain requirements to make compliance easier and generally bring the existing rule's requirements to actual operating conditions found in this license category at the present time.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, Capital Plaza Building, Olympia, Washington, on July 12, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD Relay by July 11, 1995, TDD (800) 833-6388.

Submit Written Comments to: Public Information Office, Attn: Carter Mitchell, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by July 11, 1995.

Date of Intended Adoption: July 19, 1995.

June 5, 1995

Joe McGavick  
Chair

AMENDATORY SECTION (Amending WSR 93-10-092, filed 5/4/93, effective 6/4/93)

**WAC 314-16-196 Class H restaurant—Floor space requirements—Conditions for service bar only premises.**  
(1) Definitions. For the purpose of this section:

(a) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(b) "Cabaret" means a dining area also used to conduct entertainment such as live music, patron dancing, comedy and floor shows.

(c) "Cocktail lounge" means that portion of a licensed premises used primarily for the preparation, sale and service of liquor. Persons under twenty-one years of age are not permitted to enter a cocktail lounge except as otherwise provided under this title.

(d) "Public service area" means those public areas where food and/or liquor is normally sold and served to the general public.

(e) "Dining room" means that area dedicated to the sale and service of food with liquor being incidental to dining. A dining area must be separate and apart from a dance floor, entertainment stage, cocktail lounge or game area except if written permission is given by the board to use a dining area during specified times as a cabaret area.

(f) "Service bar" means any fixed or portable table, counter, cart or similar work station primarily used to

prepare, mix, serve and sell liquor for pickup only, by employees and customers.

(2) Before the board shall issue a Class H license to a bona fide restaurant, the applicant shall submit, as a part of or in addition to the blueprint required by WAC 314-16-190 (2)(a), a scale drawing one-quarter inch equals one foot of the proposed premises indicating that the area designated as the primary dining room(s) comprises at least fifty-one percent of the total public service area (~~allocated for the cocktail lounge and dining room areas, except~~): Provided,

(a) Banquet rooms are permitted without limitations as to number or size(~~;~~).

(b) (~~Other customer service areas, i.e., waiting rooms, game rooms, card rooms, and bandstand/dance areas located outside the cocktail lounge shall not exceed twice the total square footage of the primary dining and cocktail lounge area combined. Written board approval is required. Provided, however, That the board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.~~

(2)) Routine sale and service of liquor in a banquet room to the public requires written board approval.

(3) The boundary of a cocktail lounge or other restricted area shall be clearly defined as a separate and distinct area by fixed or movable barriers, including, but not limited to, railings, ropes and stanchions, shrubbery or other closely placed plantings, etc.

(a) Restricted area entrances may be no wider than ten feet.

(b) Minor prohibited signs as required by WAC 314-16-025 must be placed at all restricted area entrances and other locations as necessary.

(c) The licensee is responsible to construct and post restricted area boundaries to reasonably prevent unauthorized persons from entering such areas.

(d) Movable barriers may not be placed so as to reduce the required dining area to less than fifteen percent.

(4) In Class H premises with a cocktail lounge, portable service bar(s) may be placed in, or moved about, public service areas other than the area(s) without need for separate board approval.

(a) Permanently fixed service bar(s) must be included as part of original floor plans or submitted as alterations request, requiring board approval.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(5) Class H licensees/applicants may have a service bar(s) without regard to the floor space requirements of subsection ~~((4))~~ (2) of this section, in lieu of a cocktail lounge on the following conditions:

(a) Location of ~~((the))~~ permanently fixed service bar(s) shall be approved, in writing, by the board.

(b) ~~((Service of liquor from such service bar(s) will be by the licensee, or licensee's employees or))~~ Customers may ((order and pick up their drinks)) not be seated or allowed to consume food or liquor at the service bar(s).

(c) Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

~~((3))~~ (6) A Class H licensed restaurant having a service bar(s) ~~((may with written board approval have))~~ only is not eligible for entertainment except for the added activity of live background music. Written board approval is required.

~~((4))~~ (7) If the board issues a Class H license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge, the board will process such a change in the same manner as an application for a new Class H license (i.e. notice will be posted at the premises, notice will be given to local officials, and nearby churches and schools will be notified).

(8) The board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.

#### WSR 95-12-065

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF ECOLOGY

(By the Code Reviser's Office)

[Filed June 6, 1995, 8:00 a.m.]

WAC 173-548-010, 173-548-015 and 173-548-030, proposed by the Department of Ecology in WSR 94-23-011, appearing in issue 94-23 of the State Register, which was distributed on December 7, 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 95-12-066

#### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

(By the Code Reviser's Office)

[Filed June 6, 1995, 8:02 a.m.]

WAC 220-56-330, 220-57-215, 220-57-265, 220-57-380 and 220-57-470, proposed by the Department of Fish and Wildlife in WSR 94-23-149, appearing in issue 94-23 of the State Register, which was distributed on December 7, 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 95-12-067

#### PROPOSED RULES DEPARTMENT OF HEALTH

[Filed June 6, 1995, 10:54 a.m.]

Original Notice.

PROPOSED

Title of Rule: WAC 246-817-990 Dentist fees, creates new fee chapter for dentist fees.

Purpose: To reduce application fees for dental applicants applying for licensure by examination or without examination. The fee reduction is due to cost reduction in exam process.

Statutory Authority for Adoption: RCW 43.70.040.

Statute Being Implemented: RCW 43.70.250.

Summary: To decrease dental application fees to more accurately reflect costs. Changes to the examination process have resulted in reduced costs for the licensure program therefore fee reductions are appropriate for initial license applications.

Reasons Supporting Proposal: Washington has recently contracted with a regional exam entity. Applicants will pay exam fees directly to them and a separate application fee to the state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Shoblom, Executive Director, 1112 S.E. Quince, Olympia, (360) 753-2461.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To reduce application fees for dental licensure to accurately reflect program expenditures for the licensure programs.

Proposal Changes the Following Existing Rules: Reduces fees, creates new fee chapter.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Fee reductions will have no adverse affect on small business.

Hearing Location: Department of Health, 1102 [1112] S.E. Quince, First Floor Conference Room, Olympia, WA 98504, on July 24, 1995, at 9-10 a.m.

Assistance for Persons with Disabilities: Contact Lisa Anderson, 1-800-525-0127 extension 664-0319, by July 17, 1995.

Submit Written Comments to: Michelle Davis, P.O. Box 47890, Olympia, WA 98504-7890, by July 17, 1994 [1995].

Date of Intended Adoption: July 24, 1995.

June 2, 1995  
Bruce Miyahara  
Secretary

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 246-816-990 Dental anesthesia permit fees
- WAC 246-818 991 Dentist fees

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.

**NEW SECTION**

**WAC 246-817-990 Dentist fees.** The following fees shall be charged by the department of health:

Title of Fee	Fee
<b>Original application by examination*</b>	
Initial application	\$ 325.00
<b>Faculty license application</b>	325.00
<b>Resident license application</b>	60.00
<b>Renewal:</b>	
Annual birthdate renewal	215.00
Surcharge - impaired dentist	5.00
Late renewal penalty	110.00
<b>Original application - License without examination</b>	
Initial application	350.00
Initial license	350.00
<b>Duplicate license</b>	15.00
<b>Certification</b>	25.00
<b>Anesthesia permit</b>	
Initial application	50.00
Renewal - (three-year renewal cycle)	50.00
Late renewal penalty	50.00
On-site inspection fee	To be determined by future rule adoption.

\* In addition to the initial application fee above, applicants for licensure via examination will be required to submit a separate application and examination fee directly to the dental testing agency accepted by the dental quality assurance commission.

All fees shall be made payable by check or money order, in U.S. funds, to the "department of health."

All application and renewal fees are nonrefundable.

New fees shall become effective September 1, 1995.

**WSR 95-12-068**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed June 6, 1995, 10:57 a.m.]

Original Notice.

Title of Rule: Chapter 246-817 WAC, Dental Quality Assurance Commission.

Purpose: To create new chapter and to make house-keeping changes to reflect creation of new dental commis-sion.

Statutory Authority for Adoption: RCW 18.32.035.

Statute Being Implemented: RCW 18.32.035.

Summary: These rules create a new chapter, make housekeeping changes, and amend rules pertinent to the exam process to reflect change from a state administered exam to a regional exam process.

Reasons Supporting Proposal: Necessitated by legisla-tion which abolished Dental Disciplinary Board and dental examining boards. Changes to exam process, other minor housekeeping related changes.

PROPOSED



Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sue Shoblom, Executive Director, 1112 S.E. Quince Street, (360) 753-2461.

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: Create new chapter, housekeeping changes to reflect structural changes to commission.

Proposal Changes the Following Existing Rules: Amends, clarifies, abolishes previous rules as necessary.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Housekeeping changes do not create an economic impact to dentists.

Hearing Location: Marriott SeaTac Airport Hotel, 3201 South 176 Street, Seattle, WA 98188, on August 18, 1995, at 9 a.m.

Assistance for Persons with Disabilities: Contact Lisa Anderson, 1-800-525-0127 extension 664-0319 by August 11, 1995.

Submit Written Comments to: Lisa Anderson, P.O. Box 47867, Olympia, WA 98504-7867, by August 11, 1995.

Date of Intended Adoption: August 18, 1995.

June 2, 1995

Susan Shoblom

Executive Director

Dental Quality Assurance Commission

**Chapter 246-817 WAC**  
**DENTAL QUALITY ASSURANCE COMMISSION**  
**DENTISTS**

NEW SECTION

**WAC 246-817-001 Purpose.** The purpose of these rules is to further clarify and define chapter 18.32 RCW, Dentistry.

NEW SECTION

**WAC 246-817-010 Definitions.** The following general terms are defined within the context used in this chapter.

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

**"Clinics"** are locations situated away from the School of Dentistry on the University of Washington campus, as recommended by the dean in writing and approved by the DQAC.

**"Department"** means the department of health.

**"DQAC"** means the dental quality assurance commission as established by RCW 18.32.0351.

**"Facility"** is defined as the building housing the School of Dentistry on the University of Washington campus, and other buildings, designated by the dean of the dental school and approved by the DQAC.

**"HPQAD"** means the health professions quality assurance division of the department of health.

**"Office on AIDS"** means that section within the department of health or any successor department with

jurisdiction over public health matters as defined in chapter 70.24 RCW.

**"Secretary"** means the secretary of the department of health or the secretary's designee.

**"WREB"** means the western regional examining board, a regional testing agency that provides clinical dental testing services.

NEW SECTION

**WAC 246-817-015 Adjudicative proceedings—Procedural rules for the dental quality assurance commission.** The DQAC 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.

**LICENSURE—APPLICATION  
AND ELIGIBILITY REQUIREMENTS**

NEW SECTION

**WAC 246-817-101 Dental licenses—Types authorized.** The DQAC is granted the authority to issue the following types of dental licenses or permits:

(1) Licensure by examination standard. (RCW 18.32.040)

(2) Licensure without examination—Licensed in another state. (RCW 18.32.215)

(3) Faculty licensure. (RCW 18.32.195)

(4) Dental resident licensure. (RCW 18.32.195)

(5) Conscious sedation permits. (RCW 18.32.640)

(6) Anesthesia permits. (RCW 18.32.640)

(7) Temporary practice permits. (RCW 18.130.075)

NEW SECTION

**WAC 246-817-110 Dental licensure—Initial eligibility and application requirements.** To be eligible for Washington state dental licensure, the applicant shall complete an application provided by the dental HPQAD of the department of health, and shall include written documentation to meet the eligibility criteria for the license for which he/she is applying. Each applicant shall provide:

(1) Completed application and fee. The applicant shall submit a signed, notarized application and required fee. Fees are set by the secretary of health and are nonrefundable. Fees must be in U.S. funds and made payable by check or money order, to the department of health. (Refer to WAC 246-817-990 for fee schedule.)

(2) Proof of graduation from a dental school approved by the DQAC. The DQAC adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in May 1993 and has approved all and only those dental schools which were accredited by the commission as of May 1993. Other dental schools which apply for DQAC approval and which meet these adopted standards to the DQAC's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved.

(3) Certification of successful completion of the National Board Dental Examination Parts I and II. An original

scorecard or a certified copy of the scorecard shall be accepted.

(4) Proof of graduation from an approved dental school. The only acceptable proof is an official, posted transcript sent directly from such school, or in the case of recent graduates, a verified list of graduating students submitted directly from the dean of the dental school. Graduates of nonaccredited dental schools must also meet the requirements outlined in WAC 246-817-160.

(5) A complete listing of professional education and experience including college or university (predental), and a complete chronology of practice history from the date of dental school graduation to present, whether or not engaged in activities related to dentistry.

(6) Proof of seven hours of AIDS education and training as further defined by WAC 246-817-201.

(7) Certification of malpractice insurance if available, including dates of coverage and any claims history.

(8) Written certification of any licenses held, submitted directly from another licensing entity, and including license number, issue date, expiration date and whether applicant has been the subject of final or pending disciplinary action.

(9) Proof of successful completion of an approved practical/clinical examination and a written jurisprudence examination or any other examination approved by and administered under the direction of the DQAC.

(10) Photograph. A recent photograph, signed and dated, shall be attached to the application.

(11) Inquiries from other sources may be conducted as determined by the DQAC, including but not limited to the national practitioner data bank and drug enforcement agency. Applicants are responsible for any fees incurred in obtaining verification of requirements.

(12) Additional requirements for each license type as further defined.

#### NEW SECTION

**WAC 246-817-120 Examination content.** An applicant seeking licensure in Washington by examination must successfully complete a written and practical examination approved by the DQAC.

(1) The examination will consist of:

(a) Written: Only national board exam accepted, except as provided in (c) of this subsection.

(b) Practical/practice: The DQAC accepts the Western Regional Examining Board's (WREB) clinical examination as its examination standard after January 1, 1995. The results of the WREB examination shall be accepted for five years immediately preceding application for state licensure.

(c) The DQAC may, at its discretion, give an examination in any other subject under (a) or (b) of this subsection, whether in written and/or practical form. The applicant shall receive information concerning such examination.

(2) An applicant for the clinical examination may obtain an application directly from the Western Regional Examining Board.

#### NEW SECTION

**WAC 246-817-130 Licensure without examination for dentists—Eligibility.** The DQAC may grant licensure without an examination to dentists licensed in other states if they meet the requirements of WAC 246-817-110 and:

(1) Hold an active license, registration or certificate to practice dentistry, without restrictions, in another state, obtained by successful completion of an examination, if the other state's current licensing standards are substantively equivalent to the licensing standards of the state of Washington. The DQAC shall determine if the other state's current licensing standards are substantively equivalent to licensing standards in this state, pursuant to WAC 246-817-140.

(2) Are currently practicing clinical dentistry in another state pursuant to WAC 246-817-135(5).

(3) Agree to participate in a personal interview with the DQAC, if requested.

#### NEW SECTION

**WAC 246-817-135 Licensure without examination for dentists—Application procedure.** The applicant is responsible for obtaining and furnishing to the DQAC all materials required to establish eligibility for a license without examination. In addition to the requirements defined in WAC 246-817-110 the following documentation must be provided:

(1) A statement by the applicant as to whether he/she has been the subject of any disciplinary action in the state(s) of licensure and whether he/she has engaged in unprofessional conduct as defined in RCW 18.130.180.

(2) A statement by the applicant that he/she is not an impaired practitioner as defined in RCW 18.130.170.

(3) A certification by the state board(s) of dentistry (or equivalent authority) that, based on successful completion of an examination, the applicant was issued a license, registration, certificate or privilege to practice dentistry, without restrictions, and whether he/she has been the subject of final or pending disciplinary action.

(4) Documentation to substantiate that standards defined in WAC 246-817-140 have been met.

(5) Proof that the applicant is currently engaged in the practice of clinical, direct patient care dentistry, in another state, and has been practicing for a minimum of five years within the seven years immediately preceding application, as demonstrated by the following information:

(a) Address of practice location(s);

(b) Length of time at the location(s);

(c) Certification of a minimum of twenty hours per week in clinical dental practice;

(d) A letter from all malpractice insurance carrier(s) defining years when insured and any claims history;

(e) Federal or state tax numbers;

(f) DEA numbers if any;

Dentists serving in the United States federal services as described in RCW 18.32.030(2), for the period of such service, need not provide (a) through (f) of this subsection, but must provide documentation from their commanding officer regarding length of service, duties and responsibilities including any adverse actions or restrictions. Such dental service, including service within the state of Washington, shall be credited toward the dental practice requirement.

Dentists employed by a dental school approved by the DQAC for the period of such dental practice, need not provide (a) through (f) of this subsection, but must provide documentation from the dean or appropriate administrator of the institution regarding the length and terms of employment and their duties and responsibilities, and any adverse actions or restrictions. Such dental practice, including practice within the state of Washington, shall be credited toward the dental practice requirement. Dental practice within a residency program shall be credited toward the dental practice requirement. A license may be revoked upon evidence of misinformation or substantial omission.

All information must be completed and received within one hundred eighty days of receipt of the initial application. Only completed applications will be reviewed by the DQAC, or its designee(s) at the next scheduled DQAC meeting or at other intervals as determined by the DQAC.

#### NEW SECTION

**WAC 246-817-140 Licensure without examination for dentists—Licensing examination standards.** An applicant is deemed to have met Washington state examination standards if either subsection (1) or (2) of this section is met:

(1) The state in which the applicant received a license, following successful completion of an examination, currently administers or subscribes to an examination, which includes all components listed in subsection (2)(a) of this section and at least two of the components listed in subsection (2)(b) of this section.

(2) The applicant provides documentation that he/she has successfully completed an examination in another state which included all of the components listed in (a) of this subsection and at least two of the components listed in (b) of this subsection.

(a) The applicant must have successfully completed an examination which included/includes the following components:

(i) Oral diagnosis and treatment planning, written or clinical test.

(ii) Class II amalgam test on a live patient.

(iii) Cast gold test on a live patient restoring at least one proximal surface, from a Class II inlay up to and including a full cast crown.

(iv) Periodontal test on a live patient to include a documentation and patient evaluation as well as scaling and root planing of at least one quadrant.

(v) Use of a rubber dam during restorative procedures.

(vi) Removable prosthodontics written or clinical test.

(b) The examination included/includes at least two of the following characteristics or components:

(i) Standardization and calibration of examiners.

(ii) Anonymity between candidates and grading examiners.

(iii) Endodontic test which requires the obturation of at least one canal.

(iv) Other clinical procedures (i.e., composite, gold foil).

The DQAC shall publish a list of states or regional licensing examinations which on the date of publication of the list are considered to be substantively equivalent to the

Washington state dental licensing standard. The list shall be updated periodically and available upon request.

#### NEW SECTION

**WAC 246-817-150 Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions.** (1) The department shall provide an application for faculty licensure upon receipt of a written request from the dean of the University of Washington, School of Dentistry.

(2) Applicants for faculty licensure shall submit a signed, notarized application, including applicable fees, and other documentation as required by the DQAC.

(3) The dean of the University of Washington, School of Dentistry, or his designee, shall notify the department of health of any changes in employment status of any person holding a faculty license.

(4) Faculty license renewal shall occur on an annual basis, on or before July 1. Courtesy notices will be sent to the last address on record, prior to the renewal date.

(5) Clinics situated away from the School of Dentistry on the University of Washington campus, must be recommended by the dean in writing and approved by the DQAC. The recommendation must list the rationale for including each location as a University of Washington School of Dentistry facility.

#### NEW SECTION

**WAC 246-817-160 Graduates of nonaccredited schools.** The following requirements apply to persons who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

(1) A person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a nonaccredited dental school listed by the World Health Organization, or by a nonaccredited dental school approved by the DQAC, shall be eligible to take the examination in the theory and practice of the science of dentistry upon furnishing all of the following:

(a) Certified copies of dental school diplomas.

(b) Official dental school transcripts.

(c) Proof of identification by an appropriate governmental agency. Alternate arrangements may be made for political refugees.

(d) Effective February 1, 1985, satisfactory evidence of the successful completion of at least two additional predoctoral or postdoctoral academic years of dental school education at a dental school approved pursuant to WAC 246-817-110(2) and a certification by the dean of that school that the candidate has achieved the same level of didactic and clinical competence as expected of a graduate of that school.

(2) Upon completion of the requirements in subsection (1) of this section, an applicant under this section shall be allowed to take the examination pursuant to WAC 246-817-120 and shall be subject to the applicable provisions of WAC 246-817-110. This rule supersedes WAC 246-818-090 which provided applicants one opportunity to take and pass the clinical (practical) examination, in 1985, without meeting the post-graduate training requirement.

NEW SECTION

**WAC 246-817-170 Applications—Permits—Renewals for the administration of conscious sedation with multiple oral or parenteral agents or general anesthesia (including deep sedation).** (1) To administer conscious sedation with parenteral or multiple oral agents or general anesthesia (including deep sedation), a dentist must first meet the requirements of this chapter, possess and maintain a current license pursuant to chapter 18.32 RCW and obtain a permit of authorization from the DQAC through the department. Application forms for permits, which may be obtained from the department, shall be fully completed and include the application fee.

(2) To renew a permit of authorization, which shall be valid for three years from the date of issuance, a permit holder shall fully and timely complete a renewal application form and:

(a) Demonstrate continuing compliance with this chapter.

(b) Produce satisfactory evidence of eighteen hours of continuing education as required by this chapter. The dentist must maintain records that can be audited and must submit course titles, instructors, dates attended, sponsors, and number of hours for each course every three years as required by this chapter.

(c) Pay any applicable renewal fee.

(3) Prior to the issuance or renewal of a permit for the use of general anesthesia, the DQAC may, at its discretion, require an on-site inspection and evaluation of the facility, equipment, personnel, licensee, and the procedures utilized by such licensee. Every person issued a permit under this article shall have an on-site inspection at least once in every five-year period. An on-site inspection performed by a public or private organization may be accepted by the DQAC to satisfy the requirements of this section.

NEW SECTION

**WAC 246-817-175 Conscious sedation with parenteral or multiple oral agents—Education and training requirements—Application.** (1) To obtain a permit of authorization to administer conscious sedation with parenteral or multiple oral agents, the dentist shall meet the requirements of subsection (2) of this section and submit an application and fee. Applications may be obtained from the dental HPQAD division.

(2) Training requirements: To administer conscious sedation with parenteral or multiple oral agents, the dentist must have successfully completed a postdoctoral course(s) of sixty clock hours or more which includes training in basic conscious sedation, physical evaluation, venipuncture, technical administration, recognition and management of complications and emergencies, monitoring, and supervised experience in providing conscious sedation to fifteen or more patients.

NEW SECTION

**WAC 246-817-180 General anesthesia (including deep sedation)—Education and training requirements.** (1) Training requirements for dentists: To administer deep sedation or general anesthesia, the dentist must have current

and documented proficiency in advanced cardiac life support. One method of demonstrating such proficiency is to hold a valid and current ACLS certificate or equivalent. A dentist must also meet one or more of the following criteria:

(a) Have completed a minimum of one year's advanced training in anesthesiology or related academic subjects, or its equivalent beyond the undergraduate dental school level, in a training program as outlined in Part 2 of *Teaching the Comprehensive Control of Pain and Anxiety in an Advanced Education Program*, published by the American Dental Association, Council on Dental Education, dated July 1993.

(b) Is a fellow of the American Dental Society of Anesthesiology.

(c) Is a diplomate of the American Board of Oral and Maxillofacial Surgery, or is eligible for examination by the American Board of Oral and Maxillofacial Surgery pursuant to the July 1, 1989, standards.

(d) Is a fellow of the American Association of Oral and Maxillofacial Surgeons.

(2) Only a dentist meeting the above criteria for administration of deep sedation or general anesthesia may utilize the services of a nurse licensed pursuant to chapter 18.88 RCW to administer deep sedation or general anesthesia under the close supervision of the dentist as defined in WAC 246-817-510.

NEW SECTION

**WAC 246-817-185 Temporary practice permits—Eligibility.** (1) A temporary practice permit, as defined in RCW 18.130.075, shall be issued at the written request of an applicant:

(a) Licensed in another state, with licensing standards substantially equivalent to Washington, who applies for the dental examination and meets the eligibility criteria for the examination as outlined in this chapter; or

(b) Currently licensed and practicing clinical dentistry in another state, who applies for dental licensure without examination and meets the eligibility criteria for the licensure without examination program as outlined in this chapter.

(2) In addition to the requirements outlined in subsection (1)(a) or (b) of this section, the conditions of WAC 246-817-160 shall also be met for applicants who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

NEW SECTION

**WAC 246-817-186 Temporary practice permits—Issuance and duration.** (1) Unless there is a basis for denial of the license or for issuance of a conditional license, the applicant shall be issued a temporary practice permit by the DQAC, upon:

(a) Receipt of a completed application form on which a request for a temporary practice permit is indicated;

(b) Payment of the appropriate application fee;

(c) Receipt of written verification of all dental licenses, whether active or not, attesting that the applicant has a dental license in good standing and is not the subject of any disciplinary action for unprofessional conduct or impairment;

(d) Receipt of disciplinary data bank reports.

(2) The temporary practice permit shall expire:

- (a) Immediately upon issuance of a full, unrestricted dental license by the DQAC;
  - (b) Upon notice of failure of the dental examination;
  - (c) Upon issuance of a statement of intent to deny; or
  - (d) Within a maximum of one hundred twenty days.
- (3) A temporary practice permit shall not be renewed, reissued or extended.

#### NEW SECTION

**WAC 246-817-201 Application for licensure—AIDS education requirements.** (1) Application for licensure. After May 1, 1990, persons applying for a license shall submit, in addition to the other licensure requirements, evidence to show compliance with the education requirements of subsection (3) of this section.

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

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

(3) Documentation. The applicant shall:

- (a) Certify, on forms provided, that the minimum education and training occurred after January 1, 1986;
- (b) Keep records for two years documenting attendance and description of the learning;
- (c) Be prepared to validate, through submission of these records, that attendance has taken place.

#### NEW SECTION

**WAC 246-817-210 Renewal of licenses.** Under the annual birth date license renewal system, a late payment penalty provision shall be applied as follows:

(1) Before the expiration date of the individual's license, as a courtesy, a notice for renewal of license shall be mailed to the last address on file to every person holding a current license. The licensee must return the notice along with current renewal fees prior to the expiration of said license. Should the licensee fail to renew his/her license prior to the expiration date then the individual is subject to the statutory penalty fee.

(2) If the licensee fails to renew his/her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.

### GENERAL PRACTICE REQUIREMENTS AND PROHIBITIONS

#### NEW SECTION

**WAC 246-817-301 Display of licenses.** The license of any dentist, dental hygienist or other individual licensed pursuant to the laws of Washington to engage in any activity being performed in the premises under the supervision or control of a licensed dentist shall be displayed in a place

visible to individuals receiving services in the premises, and readily available for inspection by any designee of the DQAC.

#### NEW SECTION

**WAC 246-817-310 Maintenance and retention of records.** Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the DQAC or its authorized representative: X-rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

Every dentist who operates a dental office in the state of Washington must maintain a comprehensive written and dated record of all services rendered to his/her patients. In offices where more than one dentist is performing the services the records must specify the dentist who performed the services. Whenever requested to do so, by the secretary or his/her authorized representative, the dentist shall supply documentary proof:

(1) That he/she is the owner or purchaser of the dental equipment and/or the office he occupies.

(2) That he/she is the lessee of the office and/or dental equipment.

(3) That he/she is, or is not, associated with other persons in the practice of dentistry, including prosthetic dentistry, and who, if any, the associates are.

(4) That he/she operates his office during specific hours per day and days per week, stipulating such hours and days.

#### NEW SECTION

**WAC 246-817-320 Report of patient injury or mortality.** All licensees engaged in the practice of dentistry shall submit a complete report of any patient mortality or other incident which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during, or as a direct result of dental procedures or anesthesia related thereto. This report shall be submitted to the DQAC within thirty days of the occurrence.

#### NEW SECTION

**WAC 246-817-330 Prescriptions.** Every dentist who operates a dental office in the state of Washington must write a valid prescription to the dental laboratory or dental technician with whom he/she intends to place an order for the making, repairing, altering or supplying of artificial restorations, substitutes or appliances to be worn in the human mouth. A separate prescription must be submitted to the dental laboratory or dental technician for each patient's requirements. To be valid, such prescriptions must be written in duplicate and contain the date, the name and address of the dental laboratory or the dental technician, the

name and address of the patient, description of the basic work to be done, the signature of the dentist serving the patient for whom the work is being done and the dentist's license certificate number. The original prescription shall be referred to the dental laboratory or the dental technician and the carbon copy shall be retained for three years, by the dentist, in an orderly, accessible file and shall be readily available for inspection by the secretary or his/her authorized representative.

#### NEW SECTION

**WAC 246-817-340 Recording requirements for all prescription drugs.** An accurate record of any medication(s) prescribed or dispensed shall be clearly indicated on the patient history. This record shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed.

#### NEW SECTION

**WAC 246-817-350 Recording requirement for scheduled drugs.** When Schedule II, III, IV or V drugs as described in chapter 69.50 RCW are stocked by the dental office for dispensing to patients, an inventory control record must be kept in such a manner to identify disposition of such medicines. Such records shall be available for inspection by the secretary or his/her authorized representative.

#### NEW SECTION

**WAC 246-817-360 Prescribing, dispensing or distributing drugs.** No dentist shall prescribe, dispense or distribute any controlled substance or legend drug for other than dental-related conditions.

#### NEW SECTION

**WAC 246-817-370 Nondiscrimination.** It shall be unprofessional conduct for any dentist to discriminate or to permit any employee or any person under the supervision and control of the dentist to discriminate against any person, in the practice of dentistry, on the basis of race, color, creed or national origin, or to violate any of the provisions of any state or federal antidiscrimination law.

#### NEW SECTION

**WAC 246-817-380 Patient abandonment.** The attending dentist, without reasonable cause, shall not neglect, ignore, abandon, or refuse to complete the current procedure for a patient. If the dentist chooses to withdraw responsibility for a patient of record, the dentist shall:

- (1) Advise the patient that termination of treatment is contemplated and that another dentist should be sought to complete the current procedure and for future care; and
- (2) Advise the patient that the dentist shall remain reasonably available under the circumstances for up to fifteen days from the date of such notice to render emergency care related to that current procedure.

#### NEW SECTION

**WAC 246-817-390 Representation of care, fees, and records.** Dentists shall not represent the care being rendered to their patients or the fees being charged for providing such care in a false or misleading manner, nor alter patient records, such as but not limited to, misrepresenting dates of service or treatment codes.

#### NEW SECTION

**WAC 246-817-400 Disclosure of provider services.** A dentist who is personally present, operating as a dentist or personally overseeing the operations being performed in a dental office, over fifty percent of the time that such office is being operated, shall identify himself/herself in any representation to the public associated with such office or practice and shall provide readily visible signs designating his/her name at such respective office entrances or office buildings. Any representation that omits such a listing of dentists is misleading, deceptive, or improper conduct. Dentists who are present or overseeing operations under this rule less than fifty percent of the time shall identify themselves to patients prior to services being initiated or rendered in any fashion. Every office shall have readily available a list of the names of dentists who are involved in such office less than fifty percent of the time.

#### NEW SECTION

**WAC 246-817-410 Disclosure of membership affiliation.** It shall be misleading, deceptive or improper conduct for any dentist to represent that he/she is a member of any dental association, society, organization, or any component thereof where such membership in fact does not exist.

#### NEW SECTION

**WAC 246-817-420 Specialty representation.** (1) It shall be misleading, deceptive or improper conduct for a dentist to represent or imply that he/she is a specialist or use any of the terms to designate a dental specialty such as:

- (a) Endodontist
- (b) Oral or maxillofacial surgeon
- (c) Oral pathologist
- (d) Orthodontist
- (e) Pediatric dentist
- (f) Periodontist
- (g) Prosthodontist
- (h) Public health

or any derivation of these specialties unless he/she is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association, or such guidelines or requirements as subsequently amended and approved by the DQAC, or other such organization recognized by the DQAC.

(2) A dentist not currently entitled to such specialty designation shall not represent that his/her practice is limited to providing services in a specialty area without clearly disclosing in the representation that he/she is a general dentist. A specialist who represents services in areas other than his/her specialty is considered a general dentist.

NEW SECTION

**WAC 246-817-430 A rule applicable to dental technicians.** To be exempt from the law prohibiting the practice of dentistry, dental technicians must comply with the provisions of RCW 18.32.030(6). The form of the required prescription is defined in WAC 246-817-330.

**DELEGATIONS OF DUTIES TO PERSONS NOT LICENSED AS DENTISTS**NEW SECTION

**WAC 246-817-501 Purpose.** The purpose of WAC 246-817-501 through 246-817-570 is to establish guidelines on delegation of duties to persons who are not licensed to practice dentistry. The dental laws of Washington state authorized the delegation of certain duties to nondentist personnel and prohibit the delegation of certain other duties. By statute, the duties that may be delegated to a person not licensed to practice dentistry may be performed only under the supervision of a licensed dentist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or oral health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The dentist is ultimately responsible for the services performed in his/her office and this responsibility cannot be delegated. In order to protect the health and well-being of the people of this state, the DQAC finds it necessary to adopt the following definitions and regulations.

NEW SECTION

**WAC 246-817-510 Definitions for WAC 246-817-501 through 246-817-570.** "Close supervision" means that a licensed dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. A dentist shall be physically present in the treatment facility while the procedures are performed. Close supervision does not require a dentist to be physically present in the operator; however, an attending dentist must be in the treatment facility and be capable of responding immediately in the event of an emergency.

"Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cap or brush and a polishing agent.

This procedure shall not be intended or interpreted as an oral prophylaxis as defined in WAC 246-817-510 a procedure specifically reserved to performance by a licensed dentist or dental hygienist. Coronal polishing may, however, be performed by dental assistants under close supervision as a portion of the oral prophylaxis. In all instances, however, a licensed dentist shall determine that the teeth need to be polished and are free of calculus or other extraneous material prior to performance of coronal polishing by a dental assistant.

"Debridement at the periodontal surgical site" means curettage and/or root planing after reflection of a flap by the supervising dentist. This does not include cutting of osseous tissues.

"Elevating soft tissues" is defined as part of a surgical procedure involving the use of the periosteal elevator to raise flaps of soft tissues. Elevating soft tissue is not a separate and distinct procedure in and of itself.

"General supervision" means supervision of dental procedures based on examination and diagnosis of the patient and subsequent instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist in the treatment facility during the performance of those procedures.

"Incising" is defined as part of the surgical procedure of which the end result is removal of oral tissue. Incising, or the making of an incision, is not a separate and distinct procedure in and of itself.

"Luxation" is defined as an integral part of the surgical procedure of which the end result is extraction of a tooth. Luxation is not a distinct procedure in and of itself. It is the dislocation or displacement of a tooth or of the temporomandibular articulation.

"Oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes complete removal of calculus, soft deposits, plaque, stains and the smoothing of unattached tooth surfaces. The objective of this treatment shall be creation of an environment in which hard and soft tissues can be maintained in good health by the patient.

"Periodontal soft tissue curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

"Root planing" means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and/or deposits.

"Suturing" is defined as the readaption of soft tissue by use of stitches as a phase of an oral surgery procedure. Suturing is not a separate and distinct procedure in and of itself.

"Treatment facility" means a dental office or connecting suite of offices, dental clinic, room or area with equipment to provide dental treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

"Unlicensed person" means a person who is neither a dentist duly licensed pursuant to the provisions of chapter 18.32 RCW nor a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW.

NEW SECTION

**WAC 246-817-520 Acts that may be performed by unlicensed persons.** A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision:

- (1) Oral inspection, with no diagnosis.
- (2) Patient education in oral hygiene.
- (3) Place and remove the rubber dam.
- (4) Hold in place and remove impression materials after the dentist has placed them.
- (5) Take impressions solely for diagnostic and opposing models.
- (6) Take impressions and wax bites solely for study casts.

(7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.

(8) Perform coronal polish.

(9) Give fluoride treatments.

(10) Place periodontal packs.

(11) Remove periodontal packs or sutures.

(12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.

(13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.

(14) Apply tooth separators as for placement for Class III gold foil.

(15) Fabricate, place, and remove temporary crowns or temporary bridges.

(16) Pack and medicate extraction areas.

(17) Deliver a sedative drug capsule to patient.

(18) Place topical anesthetics.

(19) Placement of retraction cord.

(20) Polish restorations at a subsequent appointment.

(21) Select denture shade and mold.

(22) Acid etch.

(23) Apply sealants.

(24) Place dental x-ray film and expose and develop the films.

(25) Take intra-oral and extra-oral photographs.

(26) Take health histories.

(27) Take and record blood pressure and vital signs.

(28) Give preoperative and postoperative instructions.

(29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide-oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.

(30) Select orthodontic bands for size.

(31) Place and remove orthodontic separators.

(32) Prepare teeth for the bonding or orthodontic appliances.

(33) Fit and adjust headgear.

(34) Remove fixed orthodontic appliances.

(35) Remove and replace archwires and orthodontic wires.

(36) Take a facebow transfer for mounting study casts.

#### NEW SECTION

**WAC 246-817-530 An act that may be performed by unlicensed persons outside the treatment facility.** Unlicensed persons may select shade for crowns or fixed prostheses with the use of a technique which does not contact the oral cavity to avoid contamination with blood or saliva. The procedure shall be performed pursuant to the written instructions and order of a licensed dentist.

#### NEW SECTION

**WAC 246-817-540 Acts that may not be performed by unlicensed persons.** No dentist shall allow an unlicensed person who is in his/her employ or is acting under his/her supervision or direction to perform any of the following procedures:

(1) Any removal of or addition to the hard or soft natural tissue of the oral cavity.

(2) Any placing of permanent or semi-permanent restorations in natural teeth.

(3) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure.

(4) Any administration of general or injected local anesthetic of any nature in connection with a dental operation.

(5) Any oral prophylaxis, except coronal polishing as a part of oral prophylaxis as defined in WAC 246-817-510 and 246-817-520(8).

(6) Any scaling procedure.

(7) The taking of any impressions of the teeth or jaws, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(8) Intra-orally adjust occlusal of inlays, crowns, and bridges.

(9) Intra-orally finish margins of inlays, crowns, and bridges.

(10) Cement or recement, permanently, any cast restoration or stainless steel crown.

(11) Incise gingiva or other soft tissue.

(12) Elevate soft tissue flap.

(13) Luxate teeth.

(14) Curette to sever epithelial attachment.

(15) Suture.

(16) Establish occlusal vertical dimension for dentures.

(17) Try-in of dentures set in wax.

(18) Insertion and post-insertion adjustments of dentures.

(19) Endodontic treatment—open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal.

#### NEW SECTION

**WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision.** A dentist may allow a dental hygienist licensed under the provisions of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

(1) Oral inspection and measuring of periodontal pockets, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Take intra-oral and extra-oral radiographs.

(4) Apply topical preventive or prophylactic agents.

(5) Polish and smooth restorations.

(6) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.

(7) Record health histories.

(8) Take and record blood pressure and vital signs.

(9) Perform sub-gingival and supra-gingival scaling.

(10) Perform root planing.



- (11) Apply sealants.

#### NEW SECTION

**WAC 246-817-560 Acts that may be performed by licensed dental hygienists under close supervision.** In addition to the acts performed under WAC 246-817-520, a dentist may allow a dental hygienist licensed under the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

- (1) Perform soft-tissue curettage.
- (2) Give injections of a local anesthetic.
- (3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.
- (4) Administer nitrous oxide analgesia.

#### NEW SECTION

**WAC 246-817-570 Acts that may not be performed by dental hygienists.** No dentist shall allow a dental hygienist duly licensed under the provisions of chapter 18.29 RCW who is in his/her employ or is acting under his/her supervision or direction to perform any of the following procedures:

- (1) Any surgical removal of tissue of the oral cavity, except for soft-tissue curettage, as defined in WAC 246-817-510.
- (2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.
- (3) Any diagnosis for treatment or treatment planning.
- (4) The taking of any impression of the teeth or jaw, or the relationship of the teeth or jaw, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.
- (5) Intra-orally adjust occlusal of inlays, crowns, and bridges.
- (6) Intra-orally finish margins of inlays, crowns, and bridges.
- (7) Cement or recement, permanently, any cast restorations or stainless steel crowns.
- (8) Incise gingiva or other soft tissue.
- (9) Elevate soft tissue flap.
- (10) Luxate teeth.
- (11) Curette to sever epithelial attachment.
- (12) Suture.
- (13) Establish occlusal vertical dimension for dentures.
- (14) Try-in of dentures set in wax.
- (15) Insertion and post-insertion adjustments of dentures.
- (16) Endodontic treatment—open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal.

### INFECTION CONTROL

#### NEW SECTION

**WAC 246-817-601 Purpose.** The purpose of WAC 246-817-601 through 246-817-630 is to establish requirements for infection control in dental offices to protect the health and well-being of the people of the state of Washing-

ton. For purposes of infection control, all dental staff members and all patients shall be considered potential carriers of communicable diseases. Infection control procedures are required to prevent disease transmission from patient to doctor and staff, doctor and staff to patient, and from patient to patient. Every dentist is required to comply with the applicable standard of care in effect at the time of treatment. At a minimum, the dentist must comply with the requirements defined in WAC 246-817-620 and 246-817-630.

#### NEW SECTION

**WAC 246-817-610 Definitions.** The following definitions pertain to WAC 246-817-601 through 246-817-660 which supersede WAC 246-816-701 through 246-816-740 which became effective May 15, 1992.

**"Communicable diseases"** means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water or air.

**"Decontamination"** means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**"Direct care staff"** are the dental staff who directly provide dental care to patients.

**"Sterilize"** means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

#### NEW SECTION

**WAC 246-817-620 Use of barriers and sterilization techniques.** The use of barriers and sterilization techniques is the primary means of assuring that there is the least possible chance of the transmission of communicable diseases from doctor and staff to patients, from patient to patient and from patient to doctor and staff. To prevent patient to patient cross contamination, instruments and supplies contaminated or likely to be contaminated with blood or saliva and touched during treatment must be sterilized between patients or discarded except as otherwise set forth below. Surfaces and equipment which are likely to be contaminated with blood or saliva and touched during treatment must be decontaminated or covered with a barrier which is discarded and replaced between patients except as otherwise set forth below:

- (1) Dentists shall comply with the following barrier techniques:

(a) Gloves shall be used by the dentist and direct care staff during treatment which involves intra-oral procedures or contact with items potentially contaminated with the patient's bodily fluids. Fresh gloves shall be used for every intraoral patient contact. Gloves shall not be washed or reused for any purpose. The same pair of gloves shall not be used, removed, and reused for the same patient at the same visit or for any other purpose. Gloves that have been used for dental treatment shall not be reused for any nondental purpose.

(b) Masks shall be worn by the dentist and direct care staff when splatter or aerosol is likely. Masks shall be worn during surgical procedures except in those specific instances in which the dentist determines that the use of a mask would prevent the delivery of health care services or would increase the hazard and risk to his/her patient. In those circumstances where a dentist determines not to wear a mask during a surgical procedure, such determination shall be documented in the patient record.

(c) Unless effective surface decontamination methods are used, protective barriers shall be placed over areas of the dental operatory which are likely to be touched during treatment, not removable to be sterilized, and likely to be contaminated by blood or saliva. These procedures must be followed between each patient. These include but are not limited to:

- (i) Delivery unit.
- (ii) Chair controls (not including foot controls).
- (iii) Light handles.
- (iv) High volume evacuator and air-water syringe controls.
- (v) X-ray heads and controls.
- (vi) Head rest.
- (vii) Instrument trays.
- (viii) Low speed handpiece motors.

(d) Protective eyewear shall be worn by the dentist and direct care staff and offered to all patients during times when splatter or aerosol is expected.

(2) Dentists shall comply with the following sterilization requirements:

(a) Every dental office shall have the capability to ultrasonically clean and sterilize contaminated items by autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide. Sterilizers shall be tested by biological spore test on at least a weekly basis. In the event of a positive biological spore test, the dentist shall take immediate remedial action to ensure the objectives of (a) of this subsection are accomplished. Documentation shall be maintained either in the form of a log reflecting dates and person(s) conducting the testing or copies of reports from an independent testing entity. The documentation shall be maintained for a period of at least five years.

(b) The following items shall be sterilized by an appropriate autoclave, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilization method between patients:

- (i) Low speed handpiece contra angles, prophylaxis angles and nose cone sleeves.
- (ii) High speed handpieces.
- (iii) Hand instruments.
- (iv) Burs.
- (v) Endodontic instruments.
- (vi) Air-water syringe tips.
- (vii) High volume evacuator tips.
- (viii) Surgical instruments.
- (ix) Sonic or ultrasonic periodontal scalers and tips.
- (x) Surgical handpieces.

(c) Gross debris shall be removed from items prior to sterilization. Ultrasonic cleaning shall be used whenever possible.

(d) Nondisposable items used in patient care which cannot be autoclaved, dry heat, unsaturated formaldehyde/alcohol vapor (such as MDT Chemiclave ®) or ethylene oxide sterilized shall be immersed in a chemical sterilant. If such a technique is used, the solution shall be approved by the Environmental Protection Agency and used in accordance with the manufacturer's directions for sterilization.

(e) Items such as impressions contaminated with blood or saliva shall be thoroughly rinsed, placed in and transported to the dental laboratory in an appropriate case containment device that is properly sealed and labeled.

#### NEW SECTION

##### **WAC 246-817-630 Management of single use items.**

(1) Sterile disposable needles shall be used. The same needle may be recapped with a single-handed recapping technique or recapping device and subsequently reused for the same patient during the same visit.

(2) Single use items used in patient treatment which have been contaminated by saliva or blood shall be discarded and not reused. These include, but are not limited to, disposable needles, local anesthetic carpules, saliva ejectors, polishing discs, bonding agent brushes, prophylaxis cups, prophylaxis brushes, fluoride trays and interproximal wedges.

#### **ADMINISTRATION OF ANESTHETIC AGENTS FOR DENTAL PROCEDURES**

#### NEW SECTION

**WAC 246-817-701 Purpose.** The purpose of WAC 246-817-701 through 246-817-795 is to govern the administration of sedation and general anesthesia by dentists licensed in the state of Washington in settings other than hospitals as defined in WAC 246-318-010(31) and ambulatory surgical facilities as defined in WAC 246-310-010(5), pursuant to the DQAC's authority in RCW 18.32.640(2).

#### NEW SECTION

**WAC 246-817-710 Definitions for WAC 246-817-701 through 246-817-795.** "Analgesia" is the diminution of pain in the conscious patient.

"Conscious sedation" is a minimally depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and/or verbal command, produced by a pharmacologic method, and that carries a margin of safety wide enough to render unintended loss of protective reflexes unlikely.

"General anesthesia" (to include deep sedation) is a controlled state of depressed consciousness or unconsciousness, accompanied by partial or complete loss of protective reflexes, including the ability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or nonpharmacologic method, or combination thereof.

"Local anesthesia" is the elimination of sensations especially pain, in one part of the body by the topical application or regional injection of a drug.

NEW SECTION**WAC 246-817-720 Basic life support requirements.**

Whenever a licensee administers local anesthesia, nitrous oxide sedation, conscious sedation, or general anesthesia (including deep sedation) in an in-office or out-patient setting, the dentist and his/her staff providing direct patient care must have a current basic life support (BLS) certification. New staff hired shall be allowed thirty days from the date they are hired to obtain BLS certification.

NEW SECTION

**WAC 246-817-730 Local anesthesia.** (1) Procedures for administration: Local anesthesia shall be administered only by a person qualified under this chapter and dental hygienists as provided in chapter 18.29 RCW.

(2) Equipment and emergency medications: All offices in which local anesthesia is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain an appropriate medical history and patient evaluation. Any adverse reactions shall be indicated.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched ventilation to the patient.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(3) A permit of authorization is not required.

NEW SECTION**WAC 246-817-740 Nitrous oxide/oxygen sedation.**

(1) Training requirements: To administer nitrous oxide sedation, a dentist must have completed a course containing a minimum of fourteen hours of either predoctoral dental school or postgraduate instruction.

(2) Procedures for administration: Nitrous oxide shall be administered under the close supervision of a person qualified under this chapter and dental hygienists as provided in chapter 18.29 RCW. When administering nitrous oxide sedation, a second individual shall be on the office premises who can immediately respond to any request from the person administering the nitrous oxide. The patient shall be continuously observed while nitrous oxide is administered.

(3) Equipment and emergency medications: All offices in which nitrous oxide sedation is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain an appropriate medical history and patient evaluation. A notation must be made in the chart if any nitrous oxide and/or oxygen is dispensed.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched ventilation to the patient.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(4) Continuing education: A dentist who administers nitrous oxide sedation to patients must participate in seven hours of continuing education or equivalent every five years. The education must include instruction in one or more of the following areas: Sedation, physiology, pharmacology, nitrous oxide analgesia, patient evaluation, patient monitoring, medical emergencies, basic life support (BLS), or advanced cardiac life support (ACLS).

(5) A permit of authorization is not required.

NEW SECTION

**WAC 246-817-750 Conscious sedation with an oral agent.** Conscious sedation with an oral agent includes the administration or prescription for a single oral sedative agent used alone or in combination with nitrous oxide sedation.

(1) Training requirements: In order to administer oral sedative agents, a dentist must have completed a course containing a minimum of fourteen hours of either predoctoral dental school or postgraduate instruction in the fields of pharmacology and physiology of oral sedative medications. Dentists must possess a valid United States Department of Justice (DEA) registration for the prescription of controlled substances.

(2) Procedures for administration: Oral sedative agents can be administered in the treatment setting or prescribed for patient dosage prior to the appointment. When nitrous oxide is administered concurrently, a second individual shall be on the office premises who can immediately respond to any request from the person administering the nitrous oxide. The patient shall be continuously observed while nitrous oxide is administered. Any adverse reactions shall be indicated in the records. If purposeful response of the patient to verbal command cannot be maintained under medication, periodic monitoring of pulse, respiration, and blood pressure or pulse oximetry shall be maintained. In such cases, these same parameters must be taken and recorded at appropriate intervals throughout the procedure and vital signs and level of consciousness shall be recorded prior to dismissal of the patient.

(3) Equipment and emergency medications: All offices in which oral sedation is administered or prescribed must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Vital signs, dosage, and types of medications administered should be noted. If nitrous oxide-oxygen is used, proportions and duration of administration should be noted.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched patient ventilation.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(4) Continuing education: A dentist who administers or prescribes oral sedation for patients must participate in seven hours of continuing education or equivalent every five years. The education must include instruction in one or more of the following areas: Sedation, physiology, pharmacology, nitrous oxide analgesia, patient evaluation, patient monitoring, medical emergencies, basic life support (BLS), or advanced cardiac life support (ACLS).

(5) A permit of authorization is not required.

#### NEW SECTION

**WAC 246-817-760 Conscious sedation with parenteral or multiple oral agents.** Conscious sedation with parenteral or multiple oral agents includes the prescription or administration of more than one oral agent to be used concurrently for the purposes of sedation either as a combined regimen or in association with nitrous oxide-oxygen. For purposes of this section, oral agents shall include any nonparenteral agents regardless of route of delivery. This also includes the parenteral administration of medications for the purpose of conscious sedation of dental patients.

(1) Procedures for administration: Multiple oral sedative agents may be administered in the treatment setting or prescribed for patient dosage prior to the appointment. In the treatment setting, a patient receiving conscious parenteral sedation must have that sedation administered by a person qualified under this chapter. Only a dentist meeting the above criteria for administration of conscious parenteral sedation may utilize the services of a nurse licensed pursuant to chapter 18.88 RCW to administer conscious parenteral sedation under the close supervision of the dentist as defined in WAC 246-817-510. An intravenous infusion shall be maintained during the administration of a parenteral agent. The person administering the medications must be continuously assisted by at least one individual experienced in monitoring sedated patients.

In the treatment setting, a patient experiencing conscious sedation with parenteral or multiple oral agents shall have visual and tactile observation as well as continual monitoring of pulse, respiration, and blood pressure and/or blood oxygen saturation. Unless prevented by the patient's physical or emotional condition, these vital sign parameters must be noted and recorded whenever possible prior to the procedure. In all cases these vital sign parameters must be noted and recorded at the conclusion of the procedure. Blood oxygen saturation must be continuously monitored and recorded at appropriate intervals throughout any period of time in which purposeful response of the patient to verbal command cannot be maintained. The patient's level of consciousness shall be recorded prior to the dismissal of the patient and individuals receiving these forms of sedation must be accompanied by a responsible individual upon departure from the treatment facility. When verbal contact cannot be maintained during the procedure, continuous monitoring of blood oxygen saturation is required.

(2) Equipment and emergency medications: All offices in which parenteral or multiple oral sedation is administered or prescribed must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Dosage and forms of medications dispensed shall be noted.

(b) Office facilities and equipment shall include:

(i) Suction equipment capable of aspirating gastric contents from the mouth and pharynx.

(ii) Portable oxygen delivery system including full face masks and a bag-valve-mask combination with appropriate connectors capable of delivering positive pressure, oxygen-enriched patient ventilation and oral and nasal pharyngeal airways of appropriate size.

(iii) A blood pressure cuff (sphygmomanometer) of appropriate size and stethoscope; or equivalent monitoring devices.

(iv) An emergency drug kit with minimum contents of:

-Sterile needles, syringes, and tourniquet

-Narcotic antagonist

-A and B adrenergic stimulant

-Vasopressor

-Coronary vasodilator

-Antihistamine

-Parasympatholytic

-Intravenous fluids, tubing, and infusion set

-Sedative antagonists for drugs used if available.

(3) Continuing education: A dentist who administers conscious parenteral or multi-agent oral sedation must participate in eighteen hours of continuing education or equivalent every three years. The education must include instruction in one or more of the following areas: Venipuncture, intravenous sedation, physiology, pharmacology, nitrous oxide analgesia, patient evaluation, patient monitoring, medical emergencies, basic life support (BLS), or advanced cardiac life support (ACLS).

(4) A permit of authorization is required. (See WAC 246-817-175 for training requirements.)

#### NEW SECTION

**WAC 246-817-770 General anesthesia (including deep sedation).** Deep sedation and general anesthesia must be administered by an individual qualified to do so under this chapter.

(1) Training requirements for monitoring personnel: In addition to those individuals necessary to assist the practitioner in performing the procedure, a trained individual must be present to monitor the patient's cardiac and respiratory functions. The individual monitoring patients receiving deep sedation or general anesthesia must have received a minimum of fourteen hours of documented training in a course specifically designed to include instruction and practical experience in use of all equipment required in this section. This must include, but not be limited to, the following equipment:

(a) Sphygmomanometer;

(b) Pulse oximeter;

(c) Electrocardiogram;

(d) Bag-valve-mask resuscitation equipment;

(e) Oral and nasopharyngeal airways;

(f) Defibrillator;

(g) Intravenous fluid administration set.

A course, or its equivalent, may be presented by an individual qualified under this section or sponsored by an

accredited school, medical or dental association or society, or dental specialty association.

(2) Procedures for administration: Patients receiving deep sedation or general anesthesia must have continual monitoring of their heart rate, blood pressure, and respiration. In so doing, the licensee must utilize electrocardiographic monitoring and pulse oximetry. The patient's blood pressure, heart rate, and respiration shall be recorded at least every five minutes. During deep sedation or general anesthesia, the person administering the anesthesia and the person monitoring the patient, may not leave the immediate area.

During the recovery phase, the patient must be monitored continually by an individual trained to monitor patients recovering from general anesthesia or deep sedation. A discharge entry shall be made in the patient's record indicating the patient's condition upon discharge and the responsible party to whom the patient was discharged.

(3) Equipment and emergency medications: All offices in which general anesthesia (including deep sedation) is administered must comply with the following recordkeeping and equipment standards:

(a) Dental records must contain appropriate medical history and patient evaluation. Anesthesia records shall be recorded during the procedure in a timely manner and must include: Blood pressure, heart rate, respiration, blood oxygen saturation, drugs administered including amounts and time administered, length of procedure, any complications of anesthesia.

(b) Office facilities and equipment shall include:

(i) An operating theater large enough to adequately accommodate the patient on a table or in an operating chair and permit an operating team consisting of at least three individuals to freely move about the patient.

(ii) An operating table or chair which permits the patient to be positioned so the operating team can maintain the airway, quickly alter patient position in an emergency, and provide a firm platform for the administration of basic life support.

(iii) A lighting system which is adequate to permit evaluation of the patient's skin and mucosal color and a backup lighting system of sufficient intensity to permit conclusion of any operation underway at the time of general power failure.

(iv) Suction equipment capable of aspirating gastric contents from the mouth and pharyngeal cavities. A backup suction device must be available.

(v) An oxygen delivery system with adequate full face masks and appropriate connectors that is capable of delivering high flow oxygen to the patient under positive pressure, together with an adequate portable backup system.

(vi) A recovery area that has available oxygen, adequate lighting, suction, and electrical outlets. The recovery area can be the operating theater.

(vii) Ancillary equipment which must include the following:

(A) Laryngoscope complete with adequate selection of blades, spare batteries, and bulb.

(B) Endotracheal tubes and appropriate connectors.

(C) Oral airways.

(D) Tonsillar or pharyngeal suction tip adaptable to all office outlets.

(E) Endotracheal tube forceps.

(F) Sphygmomanometer and stethoscope.

(G) Adequate equipment to establish an intravenous infusion.

(H) Pulse oximeter.

(I) Electrocardiographic monitor.

(J) Synchronized defibrillator available on premises.

(c) Drugs. Emergency drugs of the following types shall be maintained:

(i) Vasopressor.

(ii) Corticosteroid.

(iii) Bronchodilator.

(iv) Muscle relaxant.

(v) Intravenous medications for treatment of cardiac arrest.

(vi) Narcotic antagonist. Sedative antagonist, if available.

(vii) Antihistaminic.

(viii) Anticholinergic.

(ix) Antiarrhythmic.

(x) Coronary artery vasodilator.

(xi) Antihypertensive.

(xii) Anticonvulsant.

(4) Continuing education: A dentist granted a permit to administer general anesthesia (including deep sedation) under this chapter, must participate in eighteen hours of continuing education every three years. A dentist granted a permit must maintain records that can be audited and must submit course titles, instructors, dates attended, sponsors, and number of hours for each course every three years. The education must be provided by organizations approved by the DQAC and must be in one or more of the following areas: General anesthesia, conscious sedation, physical evaluation, medical emergencies, monitoring and use of monitoring equipment, pharmacology of drugs and agents used in sedation and anesthesia, or basic life support (BLS), or advanced cardiac life support (ACLS).

(5) A permit of authorization is required.

#### NEW SECTION

**WAC 246-817-780 Mandatory reporting of death or significant complication.** If a death or other life-threatening complication or permanent injury which may be a result of the administration of nitrous oxide, conscious sedation, deep sedation or general anesthesia, the dentist involved must submit a written report to the DQAC within thirty days of the incident.

The written report must include the following:

(1) Name, age, and address of the patient.

(2) Name of the dentist and other personnel present during the incident.

(3) Address of the facility or office where the incident took place.

(4) Description of the type of sedation or anesthetic being utilized at the time of the incident.

(5) Dosages, if any, of drugs administered to the patient.

(6) A narrative description of the incident including approximate times and evolution of symptoms.

(7) Additional information which the DQAC may require or request.

NEW SECTION

**WAC 246-817-790 Application of chapter 18.130 RCW.** The provisions of the Uniform Disciplinary Act, chapter 18.130 RCW, apply to the permits of authorization that may be issued and renewed under this chapter.

**SUBSTANCE ABUSE MONITORING PROGRAMS**NEW SECTION

**WAC 246-817-801 Intent.** It is the intent of the legislature that the DQAC seek ways to identify and support the rehabilitation of dentists where practice or competency may be impaired due to the abuse of drugs including alcohol. The legislature intends that these dentists be treated so that they can return to or continue to practice dentistry in a way which safeguards the public. The legislature specifically intends that the DQAC establish an alternate program to the traditional administrative proceedings against such dentists.

In lieu of disciplinary action under RCW 18.130.160 and if the DQAC determines that the unprofessional conduct may be the result of substance abuse, the DQAC may refer the license holder to a voluntary substance abuse monitoring program approved by the DQAC.

NEW SECTION

**WAC 246-817-810 Terms used in WAC 246-817-801 through 246-817-830.** "Aftercare" is that period of time after intensive treatment that provides the dentist or the dentist's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment and/or monitoring program staff.

"Approved substance abuse monitoring program" or "approved monitoring program" is a program the DQAC has determined meets the requirements of the law and the criteria established by the DQAC in the Washington Administrative Code which enters into a contract with dentists who have substance abuse problems regarding the required components of the dentist's recovery activity and oversees the dentist's compliance with these requirements. Substance abuse monitoring programs may provide evaluation and/or treatment to participating dentists.

"Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 18.130.175.

"Contract" is a comprehensive, structured agreement between the recovering dentist and the approved monitoring program wherein the dentist consents to comply with the monitoring program and the required components for the dentist's recovery activity.

"Dentist support group" is a group of dentists and/or other health 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.

"Random drug screens" are laboratory tests to detect the presence of drugs of abuse in bodily fluids collected

under observation which are performed at irregular intervals not known in advance by the person to be tested.

"Substance abuse" is the impairment, as determined by the DQAC, of a dentist's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"Twelve-steps 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.

NEW SECTION

**WAC 246-817-820 Approval of substance abuse monitoring programs.** The DQAC will approve the monitoring program(s) which will participate in the recovery of dentists. The DQAC will enter into a contract with the approved substance abuse monitoring program(s) on an annual basis.

(1) An approved monitoring program may provide evaluations and/or treatment to the participating dentists.

(2) An approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of dentistry as defined in this chapter to be able to evaluate:

- (a) Drug screening laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individual and facilities;
- (d) Dentists' support groups;
- (e) The dentists' work environment; and
- (f) The ability of the dentist to practice with reasonable skill and safety.

(3) An approved monitoring program shall enter into a contract with the dentist and the DQAC to oversee the dentist's compliance with the requirements of the program.

(4) An approved monitoring program staff shall evaluate and recommend to the DQAC, on an individual basis, whether a dentist will be prohibited from engaging in the practice of dentistry for a period of time and restrictions, if any, on the dentist's access to controlled substances in the work place.

(5) An approved monitoring program shall maintain records on participants.

(6) An approved monitoring program shall be responsible for providing feedback to the dentist as to whether treatment progress is acceptable.

(7) An approved monitoring program shall report to the DQAC any dentist who fails to comply with the requirements of the monitoring program.

(8) An approved monitoring program shall provide the DQAC with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the DQAC.

(9) The approved monitoring program shall receive from the DQAC guidelines on treatment, monitoring, and/or limitations on the practice of dentistry for those participating in the program.

(10) An approved monitoring program shall provide for the DQAC a complete financial breakdown of cost for each

individual dental participant by usage at an interval determined by the DQAC in the annual contract.

(11) An approved monitoring program shall provide for the DQAC a complete annual audited financial statement.

(12) An approved monitoring program shall enter into a written contract with the DQAC and submit monthly billing statements supported by documentation.

#### NEW SECTION

**WAC 246-817-830 Participation in approved substance abuse monitoring program.** (1) In lieu of disciplinary action, the dentist may accept DQAC referral into an approved substance abuse monitoring program.

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professionals with expertise in chemical dependency.

(b) The dentist 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 following:

(i) The dentist shall agree to remain free 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.

(ii) The dentist shall submit to random drug screening as specified by the approved monitoring program.

(iii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the DQAC if the dentist does not comply with the requirements of this contract.

(iv) The dentist shall undergo intensive substance abuse treatment in an approved treatment facility.

(v) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(vi) The treatment counselor(s) shall provide reports, as requested by the dentist, to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(vii) The dentist shall attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(viii) The dentist shall comply with specified practice conditions and restrictions as defined by the contract.

(ix) Except for (b)(i) through (iii) of this subsection, an approved monitoring program may make an exception to the foregoing comments on individual contracts.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(d) The dentist may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the dentist 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 dentist who is not being investigated by the DQAC or subject to current disciplinary action, not currently being monitored by the DQAC for substance abuse, may

voluntarily participate in the approved substance abuse monitoring program without being referred by the DQAC. 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 DQAC if they meet the requirements of the approved monitoring program:

(a) The dentist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency.

(b) The dentist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which may include, but not be limited to the following:

(i) The dentist shall undergo approved substance abuse treatment in an approved treatment facility.

(ii) The dentist shall agree to remain free 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.

(iii) The dentist must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The dentist must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The dentist shall submit to random observed drug screening as specified by the approved monitoring program.

(vi) The dentist shall attend dentists' support groups and/or twelve-step group meetings as specified by the contract.

(vii) The dentist shall comply with practice conditions and restrictions as defined by the contract.

(viii) The dentist shall sign a waiver allowing the approved monitoring program to release information to the DQAC if the dentist does not comply with the requirements of this contract.

(c) The dentist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random drug screens, and therapeutic group sessions.

(3) Treatment and pretreatment records shall be confidential as provided by law.

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 246-816-015	Adjudicative proceedings— Procedural rules for the dental disciplinary board.
WAC 246-816-020	Display of licenses.
WAC 246-816-030	Maintenance and retention of patient records.
WAC 246-816-040	Report of patient injury or mortality.
WAC 246-816-050	Recording requirements for all prescription drugs.

WAC 246-816-060	Recording requirement for scheduled drugs.	WAC 246-816-530	Participation in approved substance abuse monitoring program.
WAC 246-816-070	Prescribing, dispensing or distributing drugs.	WAC 246-816-701	Purpose.
WAC 246-816-075	Nondiscrimination.	WAC 246-816-710	Definitions.
WAC 246-816-080	Patient abandonment.	WAC 246-816-720	Use of barriers and sterilization techniques.
WAC 246-816-090	Representation of care, fees, and records.	WAC 246-816-730	Management of single use items.
WAC 246-816-100	Disclosure of provider services.	WAC 246-816-740	Effective date.
WAC 246-816-110	Disclosure of membership affiliation.	WAC 246-816-990	Dental anesthesia permit fees.
WAC 246-816-120	Specialty representation.		
WAC 246-816-130	Maintenance of records.		
WAC 246-816-140	Prescriptions.		
WAC 246-816-150	A rule applicable to dental technicians.		
WAC 246-816-201	Purpose.		
WAC 246-816-210	Definitions for WAC 246-816-201 through 246-816-260.		
WAC 246-816-220	Acts that may be performed by unlicensed persons.		
WAC 246-816-225	An act that may be performed by unlicensed persons outside the treatment facility.		
WAC 246-816-230	Acts that may not be performed by unlicensed persons.		
WAC 246-816-240	Acts that may be performed by licensed dental hygienists under general supervision.		
WAC 246-816-250	Acts that may be performed by licensed dental hygienists under close supervision.		
WAC 246-816-260	Acts that may not be performed by dental hygienists.		
WAC 246-816-301	Purpose.		
WAC 246-816-310	Definitions for WAC 246-816-301 through 246-816-410.		
WAC 246-816-320	Basic life support requirements.		
WAC 246-816-330	Local anesthesia.		
WAC 246-816-340	Nitrous oxide/oxygen sedation.		
WAC 246-816-350	Conscious sedation with an oral agent.		
WAC 246-816-360	Conscious sedation with parenteral or multiple oral agents.		
WAC 246-816-370	General anesthesia (including deep sedation).		
WAC 246-816-380	Mandatory reporting of death or significant complication.		
WAC 246-816-390	Applications—Permits—Renewals for the administration of conscious sedation with multiple oral or parenteral agents or general anesthesia (including deep sedation).		
WAC 246-816-400	Application of chapter 18.130 RCW.		
WAC 246-816-410	Effective date.		
WAC 246-816-501	Intent.		
WAC 246-816-510	Terms used in WAC 246-816-501 through 246-816-530.		
WAC 246-816-520	Approval of substance abuse monitoring programs.		

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 246-818-015	Adjudicative proceedings—Procedural rules for the board of dental examiners.
WAC 246-818-020	Examination eligibility and application.
WAC 246-818-030	Examination content.
WAC 246-818-040	Dismissal from examination.
WAC 246-818-050	Examination results.
WAC 246-818-060	Practical examination review procedures.
WAC 246-818-070	Written examination review procedures.
WAC 246-818-080	Application for licensure—AIDS education requirements.
WAC 246-818-090	Graduates of nonaccredited schools.
WAC 246-818-100	Licenses—Persons licensed or qualified out-of-state who are faculty at school of dentistry—Conditions.
WAC 246-818-120	Licensure without examination for dentists—Eligibility.
WAC 246-818-130	Licensure without examination for dentists—Application procedure.
WAC 246-818-140	Licensure without examination for dentists—Licensing examination standards.
WAC 246-818-142	Temporary practice permits—Eligibility.
WAC 246-818-143	Temporary practice permits—Issuance and duration.
WAC 246-818-150	Renewal of licenses.
WAC 246-818-991	Dentist fees.

**WSR 95-12-070**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed June 6, 1995, 12:55 p.m.]

Continuance of WSR 95-10-065, 95-10-066, 95-10-067, 95-10-068, 95-10-069, 95-10-070, 95-10-071, 95-10-072, 95-10-073, 95-10-074, 95-10-075, and 95-10-076.



Title of Rule: WAC 356-06-100 Director—Powers—Duties; 356-18-140 Leave without pay; 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority; 356-22-070 Applications—Disqualification; 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified; 356-26-070 Certification—Registers—Order of rank—Exception; 356-26-080 Certification—Exhausted register—Procedure; 356-26-090 Certification—Underfill; 356-30-065 Temporary appointments—From outside state service; 356-30-067 Temporary appointments from within classified service; 356-30-135 In-training appointments; and 356-30-145 Project employment.

Date of Intended Adoption: July 13, 1995.

June 6, 1995  
Dennis Karras  
Secretary

**WSR 95-12-071**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed June 6, 1995, 12:56 p.m.]

Continuance of WSR 95-10-077, 95-10-078, 95-10-079, 95-10-080, 95-10-081, 95-10-082, 95-10-083, 95-10-084, and 95-10-085.

Title of Rule: WAC 251-04-060 Director; 251-09-020 Work period designations; 251-17-010 Examination—Requirement—Responsibilities; 251-17-020 Promotional organizational units—Establishment; 251-17-110 Examination administration; 251-17-200 Modification of minimum qualifications; 251-19-070 Appointment—Alternate; 251-19-157 Worker's compensation—Return-to-work—Program; and 251-22-040 Holidays.

Date of Intended Adoption: July 13, 1995.

June 6, 1995  
Dennis Karras  
Secretary

**WSR 95-12-072**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**FACILITIES AUTHORITY**

[Filed June 6, 1995, 1:40 p.m.]

Original Notice.

Title of Rule: WAC 253-02-050 Operations and procedures, 253-16-010 Purpose, 253-16-030 Applications for financial assistance, 253-16-090 Selection of investment banking firms as underwriters, and 253-16-100 Selection of bond counsel.

Purpose: To improve public accessibility to authority meetings; to clarify and streamline administrative procedure; and to eliminate redundancy.

Statutory Authority for Adoption: RCW 28B.07.040.

Statute Being Implemented: RCW 28B.07.040.

Summary: To clarify administrative procedures, increase administrative efficiency and improve public accessibility to authority meetings.

Reasons Supporting Proposal: Current procedure for public participation is restrictive; administrative procedures can be more efficient with clarification and elimination of redundancy.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kim Herman, Executive Director, 1000 2nd Avenue, Suite 2700, Seattle, WA 98104, (206) 464-7139.

Name of Proponent: Washington Higher Education Facilities Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 253-02-050 Operations and procedures, currently requires seventeen day notice to make presentation at meetings. Amendment eliminates restriction; WAC 253-16-010 Purpose, currently states purpose to be determination criteria for higher education facility. The purpose of this section is much broader, and amendment clarifies that purpose; WAC 253-16-030 Applications for financial assistance, currently lists items to be provided with requests for financing. Amendment allows staff to deal more efficiently with each request on an individual basis; WAC 253-16-090 Selection of investment banking firms as underwriters, currently provides selection of comanagers on same basis as senior managers. Language is redundant, and amendment eliminates that redundancy; and WAC 253-16-100 Selection of bond counsel, currently provides selection criteria for the first bond counsel roster in 1984. Amendment clarifies this procedure.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The changes to the rules impose no additional financial or administrative burdens on any party.

Hearing Location: Senate Rules Room, Legislative Building, First Floor, Olympia, Washington, on July 20, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Moore by July 18, 1995, TDD unavailable to date.

Submit Written Comments to: Washington Higher Education Facilities Authority, 1000 2nd Avenue, Suite 2700 Seattle, WA 98104, FAX (206) 587-5113, by July 18, 1995.

Date of Intended Adoption: September 10, 1995.

June 6, 1995  
Kim Herman  
Executive Director

**AMENDATORY SECTION** (Amending Order 3, filed 11/27/84)

**WAC 253-02-050 Operations and procedures.** (1) Uniform procedure rules: Practice and procedure in and before the authority are governed by the uniform procedural rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered

by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "regular" or "special meetings" as those designations are applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. Notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Four members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in subsection (7) of this section.

(4) Chairperson's or secretary's voting rights: The chairperson or the chairperson's designee and the secretary shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow *Robert's Rules of Order*, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 253-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds and coupons shall bear either the manual or the facsimile signatures of the governor and executive director.

(8) Public participation ((in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a scheduled meeting of the authority shall so notify the executive director in writing at least seventeen days prior to the time of the meeting. The authority or executive director may waive the seventeen day notice period in the event the proposed presentation is of critical importance to the operation of the authority.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

~~(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.~~

~~(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.~~

~~(b) The presiding officer of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the presiding officer). The presiding officer may grant permission to any person or organization to make a presentation at any of the authority's public meetings. The presiding officer may limit any remarks addressed to the authority.~~

#### AMENDATORY SECTION (Amending Order 3, filed 11/27/84)

**WAC 253-16-010 Purpose.** The purpose of this chapter shall be to ~~((set forth the procedures pursuant to which the authority determines those higher education institutions to which the authority will give financial assistance))~~ establish fees for the authority's operations and to set forth procedures relating to the financing process and the designation of underwriters and bond counsel.

#### AMENDATORY SECTION (Amending Order 3, filed 11/27/84)

**WAC 253-16-030 Applications for financial assistance.** ~~((Because the needs of higher education institutions in the state vary substantially, no application forms shall be provided by the authority. However, an applicant should furnish the following information to the authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the executive director of the authority:~~

- ~~(1) Identification of applicant:
 
  - ~~(a) Legal name and address of applicant;~~
  - ~~(b) Names, titles, and telephone numbers of chief executive officer, chief financial officer, and person assigned responsibility for liaison with the authority;~~
  - ~~(c) Names, addresses, and telephone numbers of applicant's legal counsel, outside accounting firm, and financial consultant or investment banking firm (if any);~~
  - ~~(d) Description of applicant's legal structure (e.g., private nonprofit corporation). Describe type and ownership of stock, if any; how assets held and by whom; and attach copies of articles of incorporation or similar documentation;~~
  - ~~(e) Copy of IRS determination of 501(c)(3) status;~~
  - ~~(f) Accreditation status and name and address of accrediting body.~~~~
- ~~(2) Project for which financial assistance is sought (if applicable):
 
  - ~~(a) Amount and requested terms of repayment for financing sought;~~
  - ~~(b) Description of project to be accomplished with authority financial assistance;~~~~

(e) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;

(d) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);

(e) Sources of funds for payment of project costs and dates of expected receipt (assistance from authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(f) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;

(g) Feasibility studies on project, if any (attach copy if one has been completed);

(h) Proposed security for authority issued bonds;

(i) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with authority assistance (if applicable):

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Holder of debt (if ascertainable);

(d) Any negative debt service payment history;

(e) Proposed security for new authority issued debt;

(f) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:

(a) Audited (if audited) financial statements for past three years;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures;

(d) Projection of revenues, expenses, capital expenditures for next three five years, including revenues and expenses of proposed project (if applicable);

(e) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(f) Sources of institution revenues (tuition, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.

(5) Student populations:

(a) Fall FTE enrollment for each of the preceding three years as well as projections for each of the next three to five years;

(b) Number of freshmen and transfer students who have registered at the institution in each of the preceding three years as well as projections for each of the next three to five years;

(c) Number of applications completed for admission as a freshman or transfer student in each of the past three years.

(6) General:

(a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(b) Brief description of existing institution facilities and location of such facilities;

(c) Brief description of institution expansion plans, if any, in next ten years;

(d) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through authority financing by tax exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;

(e) Other information the authority or the applicant deem necessary and important.) Authority staff will notify applicants of what information they should provide. Applicants who have questions about the application process should contact authority staff.

AMENDATORY SECTION (Amending WSR 95-01-007, filed 12/8/94, effective 1/8/95)

**WAC 253-16-090 Selection of investment banking firms as underwriters.** (1) The authority shall create and maintain a roster of underwriters who the authority believes possess the requisite special expertise and professional standing to provide bond marketing services which would be accepted by bondholders and other members of the financial community, and which would be in furtherance of the public interest in marketing the authority's bonds at the lowest possible costs in Washington state as well as nationally.

(2) Any underwriter may apply to have its name placed on the roster. Each underwriter placed on the roster must be able to demonstrate current competence and experience in the structuring and sale of higher educational facility bond financing. In addition the underwriter must meet the following minimum standards:

(a) The firm must have a minimum equity capital of five million dollars; and

(b) The firm must currently possess the competence and ability to underwrite a higher education facility bond issue by demonstrating, among other things, that the firm or its key underwriting personnel have either managed or comanaged two higher educational facility bond issues within the last three calendar years; or

(c) The firm has served as a credit facility for a higher education facility within the past three years; or

(d) The firm meets other criteria as the authority may adopt from time to time which establish a firm's ability to prepare for issuance, underwrite and market bonds to be issued by the authority.

(3)(a) Whenever the authority decides that it needs the services of an underwriter, it shall provide all underwriters on the roster with a notice of its intentions and shall invite each of them to submit to the authority an itemization of its fees and other charges for providing underwriting services on the issue. The authority shall have wide discretion in selecting the underwriter it considers to be most appropriate to provide the services, but in the exercise of this discretion the authority shall consider the underwriter's fees and other charges and the public interest in achieving issuance of bonds on terms most favorable to the authority.

(b) The applicant may, at its option, exercise the notice and selection procedures regarding underwriters set forth in

PROPOSED

(a) of this subsection. In such circumstances the applicant shall supply the authority with written verification that it has complied with the provisions of (a) of this subsection and the applicant shall obtain the authority's prior approval of the actual selection of the underwriter.

(4)(a) To provide balanced management knowledge and sale distribution and to assure the most realistic bond terms and interest, the authority reserves the right to name investment banking firms as comanagers of any authority bond issue(s). ~~The authority will not name an investment banking firm or firms as a managing underwriter or managing underwriters on bond issues of less than ten million dollars unless the authority determines that special circumstances so require. On each issue aggregating more than ten million dollars the authority may name a comanager or comanagers. On each issue aggregating more than twenty million dollars the authority may name two or more comanagers. The authority will also review and approve the division of the management fee in each instance where a comanager is named. While the authority will actually select the comanagers, it will consider recommendations from the applicant as to the selection of any comanager or comanagers. In each instance, the applicant will be given a written notification fifteen days prior to the authority's actual designation of an investment banking firm or firms as a comanager on a particular bond issue.~~

(b) ~~For purposes of selecting comanagers on any bond issues, the authority shall maintain a roster of qualified comanagers for higher education facility bond issues. Any underwriter may, at any time, apply to the authority to have the underwriter's name placed on the roster or removed from the roster. Any underwriter qualified as a senior manager pursuant to subsection (2) of this section will also be placed on the roster of comanagers. The authority may, from time to time, request updated proposals for underwriter services from firms on the comanager roster. When the authority determines the need to retain comanagers, it shall select comanagers from the roster, with the advice of the applicant, the financial advisor, and the senior underwriter on the particular issue. In selecting a comanager, the authority shall consider each of the following factors:~~

- ~~(i) The underwriter's success in structuring and/or marketing higher education bond issues;~~
- ~~(ii) Underwriter's familiarity with higher education bond issues;~~
- ~~(iii) The underwriter's fee schedule for services;~~
- ~~(iv) The underwriter's regional and/or national reputation with respect to financial and underwriting services and ability to market bonds nationally and regionally as well as in Washington;~~
- ~~(v) Other qualifications which the authority may establish from time to time which indicate the firm's ability to act as a comanager on an authority bond issue.~~

~~(5) All compensation of the senior and managing underwriters, members of any underwriting syndicate, and placement agents shall be contingent upon the successful issuance and payment for the obligations and shall be paid from the proceeds of the sale or through the underwriting spread. The amount of the compensation for all such parties shall be determined by the authority, after considering the recommendations of the participant) in the same manner that a senior manager is selected.~~

~~((6)) (5) For private placements the applicants may select a firm as placement agent for its proposed financing, subject to review and approval by the authority. In every instance, the placement agent selected must be able to demonstrate a familiarity with, and competence and experience in, the structuring and sale of higher education facility bonds. The applicant shall notify the authority in writing of its proposed placement agent selection fifteen days prior to the date it intends to enter into a formal contractual agreement. The authority will notify the applicant of its acceptance or rejection of the applicant's placement agent selection no later than ten days after receipt of the applicant's notification. If rejected, the authority will set forth the reasons for rejection, and the applicant will then propose another placement agent subject to authority approval in the same manner. The authority shall, in its discretion, make the final determination whether an issue is a private placement.~~

AMENDATORY SECTION (Amending Order 1, filed 12/12/86)

**WAC 253-16-100 Selection of bond counsel.** The authority will establish a roster of bond counsels whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions which would be accepted by the underwriters, bond holders, rating agencies and other members of the financial community, and which would be in furtherance of the public interest in obtaining the lowest possible interest rates on bonds issued by the authority.

~~((The authority will notify bond counsel firms that the authority is establishing an initial roster by publishing a notice in a publication commonly circulated among bond counsels, by sending notice to each of the bond counsel firms listed in the Washington state section of the Red Book (Bond Buyers' Directory of Municipal Bond Dealers of the United States — 1984 spring edition) and notifying the Washington State Bar Association. Interested firms will be requested to submit their qualifications for listing on the authority's initial roster, together with its proposal for serving as bond counsel, including a determination as to whether the firm believes that a test suit is necessary as a prerequisite to the issuance of any bonds.~~

The authority will upon receipt of these submissions establish an initial roster of bond counsel whom the authority believes possess the requisite special expertise and professional standing to provide bond counsel opinions.

~~Any firm or attorney wishing to be considered for the initial roster or added to the roster shall provide the background, expertise, professional standing and a listing of approving bond counsel opinions previously written to the authority for its consideration in adding the firm's or attorney's name to the roster of bond counsel.)~~

Law firms or attorneys may submit to the authority at any time the request to be included on the roster of approved bond counsel.

~~((Before beginning the selection process for bond counsel from the approved roster, the authority will give notice of its intention to select bond counsel. Each firm or attorney listed on the approved roster will be asked to submit a proposal, including a fee schedule for providing bond counsel services if such proposal and fee schedule would be~~

~~different from that previously submitted to the authority for establishing the approved roster. The authority when making the initial selection will review the submissions, determine the relative expertise of those who wish to be selected, and will review the fee schedule and whether the firm believes that a test case or litigation is necessary prior to the issuance of the bonds. The authority has wide discretion in selecting the attorney or attorneys or bond firm it considers to be most appropriate to provide the services, but in exercise of this discretion the authority shall consider all submitted fee schedules and the public interest in achieving the issuance of bonds on terms most favorable to the authority.)~~

At least once every two calendar years, the authority shall select anew an attorney or attorneys to serve as bond counsel. However, the authority may retain an attorney for longer than two years when necessary to complete work on a particular bond issue. An attorney previously selected may be selected again, but the authority will provide other attorneys or bond counsel on the roster with an opportunity to be selected prior to this action being taken. The authority also reserves the right to appoint bond counsel with respect to only a particular bond issue or issues.

**WSR 95-12-074**  
**PROPOSED RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed June 6, 1995, 3:50 p.m.]

Original Notice.

Title of Rule: WAC 180-27-05605 Additional funding during a period of a priority approval process.

Purpose: To allow for the release or encumbrance of any additional funding available for school construction projects at any time during a fiscal year.

Statutory Authority for Adoption: RCW 28A.525.020.

Summary: The goal of this amended rule is to permit the encumbrance or expenditure of any additional funding that may be made available prior to the close of a fiscal year.

Reasons Supporting Proposal: The 1995 legislature provided additional funding for projects this fiscal year after March 1 which the current rule establishes as a deadline for establishing a second priority list for the release of funds and contains an outdated reference to old priority system criteria.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Olympia, (360) 753-2298; Implementation: David L. Moberly, Office of Superintendent of Public Instruction, Olympia, (360) 753-6742; and Enforcement: Alberta J. Mehring, Office of Superintendent of Public Instruction, Olympia, (360) 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: Amend WAC 180-27-05605 in order to allow for the release of any additional funding that may become available for school construction assistance prior to July 1, 1995, and to provide for the release of any such funding

pursuant to the current prioritization system rather than the old system.

Proposal Changes the Following Existing Rules: The existing rule establishes a March 1 deadline for establishing a second priority list for release of additional funding. This change will allow for a second funding of projects at any time during a state fiscal year and will replace an outdated reference to priority rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: Coupeville Middle and High School Library, 501 South Main, Coupeville, WA 98239, on July 19, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Jim Rich by July 5, 1995, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, by July 17, 1995.

Date of Intended Adoption: July 21, 1995.

June 6, 1995

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 92-24-027, filed 11/24/92, effective 12/25/92)

**WAC 180-27-05605 Additional funding during a period of a priority approval process.** Notwithstanding the provisions of WAC 180-27-056, if within any state fiscal year, that is the second year of a biennium, there is funding authority and revenue in excess of what is required for the priority list established pursuant to WAC 180-27-056, then there may be a subsequent priority list established (~~on March 1 of~~) in the same state fiscal year for the purpose of funding or encumbering funding only for those projects for which preliminary funded status had been granted prior to July 1 of that state fiscal year. The priority order shall be as per WAC ((180-27-058)) 180-27-500 through 180-27-535.

**WSR 95-12-076**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed June 7, 1995, 8:19 a.m.]

Original Notice.

Title of Rule: WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc., specifies what types of activities are not allowable by retail licensees or acceptable by retail licensees.

Purpose: Controls the type of activities retailers may perform for wholesalers or manufacturers and also details what type of practices are prohibited in reverse.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: The rule details what prohibited practices exist and provides for specific activities that are allowable.

Reasons Supporting Proposal: The proposed amendatory language is desired in order to resolve questions as to whether or not retailer data may be provided to manufacturers/wholesalers and if so, if there are any fees.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, P.O. Box 43094, Olympia, WA 98504-3094, (360) 586-6701; Implementation and Enforcement: Gary W. Gilbert, P.O. Box 43094, Olympia, WA 98504-3094, (360) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule details what practices or activities are allowed by retailers and wholesalers/manufacturers. The expected effect is data provided free of charge by retailer may be developed into shelf layouts for beer and wine.

Proposal Changes the Following Existing Rules: Amendatory language allows retailers to provide, without charge, sales data which may be developed into sales analysis or shelf layouts for beer and wine.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Data provided by retailers exists at this time. Manufacturers and/or wholesalers have computer programs to take that data and create analysis or schematic displays for beer and/or wine products. Since the data exists and the programs exist already, there is no financial impact to the licensees.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, Capital Plaza Building, 1025 East Union, Olympia, WA, on July 26, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD by July 25, 1995, TDD (800) 833-6388.

Submit Written Comments to: Public Information Office, Attn: Carter Mitchell, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by July 25, 1995.

Date of Intended Adoption: August 2, 1995.

June 6, 1995  
Joe McGavick  
Chair

**AMENDATORY SECTION** (Amending WSR 93-10-070, filed 5/3/93, effective 6/3/93)

**WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.** (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer

to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; Provided, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage,

alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

**WSR 95-12-077**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**

[Filed June 7, 1995, 8:21 a.m.]

Original Notice.

Title of Rule: WAC 314-16-200 Minimum qualifications for issuance of Class E, F and Class EF licenses.

Purpose: Sets minimum qualifications for the issuance of a license to sell beer or wine for off-premises consumption.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: Amendatory section sets the same requirements for beer specialty stores as are currently required of wine specialty stores.

Reasons Supporting Proposal: Clarifies the amount of inventory necessary to qualify as either a beer or wine specialty store.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, P.O. Box 43094, Olympia, 98504-3094, (360) 586-6701; Implementation and Enforcement: Gary W. Gilbert, P.O. Box 43094, Olympia, 98504-3094, (360) 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes qualifications for applicants and holders of Class E and F licenses. The amendatory section puts into rule form policy which has existed for several years as beer specialty stores gained in popularity. Since this has been a requirement, there should be no adverse impact to existing businesses.

Proposal Changes the Following Existing Rules: Places the same inventory requirement on beer specialty stores as apply to wine specialty stores. The policy for several years has been to require the same amount of inventory for the beer stores as required for wine stores. The language places into rule the policy which has been applied for several years.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. All stores considered beer specialty stores have been required to carry the minimum amount of inventory as that carried by wine specialty stores. Therefore, there will be no impact to businesses so licensed since the inventory is already in place. The language will make it easier for new applicants to know the requirements in advance when considering whether or not to open such a business.

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, Capital Plaza Building, 1025 East Union, Olympia, WA, on July 26, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact ATT TTY/TDD Relay by July 25, 1995, TDD (800) 833-6388.

Submit Written Comments to: Public Information Office, Attn: Carter Mitchell, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, by July 25, 1995.

Date of Intended Adoption: August 2, 1995.

June 6, 1995  
 Joe McGavick  
 Chair

AMENDATORY SECTION (Amending Order 146, Resolution No. 155, filed 9/18/84)

**WAC 314-16-200 Minimum qualifications for issuance of Class E, F, and Classes EF licenses.** (1) The following are minimum qualifications necessary prior to consideration being given by the board to the issuance of Class E, F, or Classes EF licenses to store operations. The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of

board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a Class E, F, or Classes EF license to an applicant, the mere fact that an applicant meets these minimum qualifications is not to be construed as creating a vested right in the applicant to have a license issued.

(2) Before the board will issue a Class E, F, or Classes EF license to an applicant grocery store, the proposed licensed premises must be stocked with an inventory of food, grocery and related grocery store items in excess of \$3,000 wholesale value. The minimum wholesale inventory required by this subsection shall be stocked and maintained within the confines of the licensed premises and shall not include any gasoline, oil, auto parts, or tobacco products.

(3) Grocery stores which also sell gasoline must be stocked with an inventory of food, grocery, and related grocery store items in excess of \$7,500 wholesale value before the board will issue to them a Class E, F, or Classes EF license. The minimum wholesale inventory required by this subsection shall be stocked and maintained within the confines of the licensed premises and shall not include any gasoline, oil, auto parts, or tobacco products. Marinas which sell gasoline for use in boats only shall be subject to the requirements of subsection (2) of this section.

(4) The minimum amounts referred to in subsections (2) and (3) of this section shall be maintained at the premises at all times they are licensed with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(5) Stores other than grocery stores must submit to the board a written commitment to establish and maintain a minimum wholesale inventory of beer and/or wine in the amount of \$5,000 prior to the issuance of a license. This minimum inventory shall be maintained at the licensed premises at all times they are licensed.

(6) Subsections (2), (3), (4), and (5) of this section shall not apply to a licensee or licensees at a store or stores licensed prior to October 11, 1984, if on that date and thereafter said licensee(s) and/or his, her, their, or its transferee(s) continue to meet the requirements imposed by this section which were in effect pursuant to liquor control board Administrative Order 102, Resolution No. 111.

(7) If a Class E, Class F, or Classes EF licensee or applicant for such licenses does not meet or maintain the requirements provided for in subsections (2) through (6) of this section, the licensee or applicant may petition the board, setting forth any unusual, extenuating, or mitigating circumstances that may justify a variance, and the board may, under such terms and conditions it determines are in the best interest of the public, grant the variance.

**WSR 95-12-084**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 7, 1995, 9:20 a.m.]

Original Notice.

Title of Rule: Frozen desserts establishes requirements for the production of frozen desserts.

Purpose: To prevent postpasteurization contamination of frozen dessert mixes with harmful microorganisms by establishing requirements for handling and transportation.

Statutory Authority for Adoption: RCW 15.36.021 and 69.04.398(3).

Summary: Rule establishes requirements for handling, transportation, holding temperatures and holding time for frozen dessert mixes to prevent postpasteurization contamination.

Reasons Supporting Proposal: Postpasteurization contamination occurs as evidenced by the Schwan's incident.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, 902-1883.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule establishes requirements for transportation, holding temperatures, length of holding time and what ingredients may be added after pasteurization on frozen dessert mixes. Rule is intended to prevent outbreaks of salmonellosis or other diseases such as occurred in the recent Schwan's incident.

Proposal Changes the Following Existing Rules: Adds requirements for handling and transportation of frozen dessert mixes to existing rule to prevent postpasteurization contamination with harmful microorganisms.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Rule affects less than 10% of industry.

Hearing Location: Natural Resources Building, 1111 Washington Street, P.O. Box 42560, Olympia, WA 98504-2560, on July 12, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by July 5, 1995, TDD (360) 902-1996.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by July 12, 1995.

Date of Intended Adoption: July 26, 1995.

June 6, 1995  
 Jim Jesernig  
 Director

AMENDATORY SECTION (Amending Order 1069, filed 9/20/67, effective 11/1/67)

WAC 16-144-001 Promulgation and purpose. (~~(I, Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on September 6, 1967, by virtue of authority vested in me under chapters 34.04, 15.32 and 15.36 RCW, do hereby promulgate the following regulations governing frozen desserts.)~~ This chapter is promulgated under the authority of RCW 15.36.021 and 69.04.398(3). The purpose of this rule is to establish requirements for production of frozen desserts.



NEW SECTION

**WAC 16-144-145 Requirements for frozen dessert mix processing, handling, transportation and pasteurization.** (1) Definitions for terms used in this section may be found in the following sections:

- (a) Frozen desserts, WAC 16-144-010.
  - (b) Washington Food, Drug and Cosmetic Act, chapter 69.04 RCW.
  - (c) Fluid milk, RCW 15.36.012.
  - (d) Intrastate commerce in foods, WAC 16-167-050
- (1)(r).
- (e) Pasteurized milk ordinance adopted in WAC 16-101-700.

(2) Additional definition: Harmful microorganisms are bacteria or other microorganisms which have been shown to be capable of causing disease in humans by consumption or contact.

NEW SECTION

**WAC 16-144-146 How may frozen dessert mix be transported without requiring repasteurization?** (1) Single service containers which meet the requirements for Grade A milk products under Appendix J of the pasteurized milk ordinance (PMO).

(2) Containers with single service liners which meet the requirements for Grade A milk products under Appendix J of the PMO.

NEW SECTION

**WAC 16-144-147 Can frozen dessert mix be transported in milk tank trucks or milk cans?** No. Transport of mix in milk trucks or milk cans is not allowed. The risk of post pasteurization contamination is too great without final pasteurization at the plant where the mix is frozen and packaged.

NEW SECTION

**WAC 16-144-148 What temperature must frozen dessert mix be held at?** Forty-five degrees Fahrenheit or less at all times.

NEW SECTION

**WAC 16-144-149 How long may frozen dessert mix be held after pasteurization?** (1) Frozen dessert mix containers approved under WAC 16-144-146 must bear a pull date which establishes the last day it may be used. This pull date must meet the requirements for pull dating of perishable packaged food under chapters 69.04 RCW and 16-140 WAC.

(2) Pasteurized frozen dessert mix may be held for up to seventy-two hours in storage tanks before it must be repasteurized.

NEW SECTION

**WAC 16-144-150 What ingredients must be added to the mix before final pasteurization?** (1) All dairy products including milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, and other milk products.

- (2) Egg products.
- (3) Reconstituted or recombined dry mixes including cocoa and cocoa products which are mixed with water or other liquids.
- (4) Liquid sweeteners.
- (5) Dry sugars.
- (6) Emulsifiers or stabilizers which do not meet one of the requirements under WAC 16-144-151.

NEW SECTION

**WAC 16-144-151 What ingredients may be added after final pasteurization or at the freezer?** (1) Ingredients which have been subjected to prior heat treatment sufficient to kill harmful microorganisms.

- (2) Ingredients with 0.85% water activity or less.
- (3) High acid ingredients with pH 4.7 or less.
- (4) Roasted nuts or confectionery chips (added at the freezer).
- (5) Harmless lactic acid forming bacteria cultures.
- (6) Fruits and vegetables (added at the freezer).
- (7) Ingredients with high alcohol content (i.e., fifteen percent or more by volume).
- (8) Ingredients which have been subjected to any other process approved by the director which will ensure that the finished product is free of harmful microorganisms.

**WSR 95-12-086****PROPOSED RULES****DEPARTMENT OF REVENUE**

[Filed June 7, 1995, 9:45 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-14-116 Orders of the board—Notice of value adjustment—Effective date, 458-14-127 Reconvened boards—Authority, 458-14-146 Conflicts of interest, 458-14-160 Continuances—Ex parte contact, 458-14-170 Appeals to the state Board of Tax Appeals, and 458-14-171 Direct appeals to the Board of Tax Appeals.

Purpose: The amendment of WAC 458-14-116 is to clarify the procedures relating to orders of the board and annual appeals in multiyear revaluation counties. WAC 458-14-127 is amended to clarify when a purchaser of property for less than 90% of the assessed value can appeal to the board. WAC 458-14-146 clarifies language relative to conflicts of interest. WAC 458-14-160 adds a reference to the rule on waiver of the filing deadline. WAC 458-14-170 is amended to comply with recent legislation. WAC 458-14-171 deletes language no longer necessary as a result of recent legislation.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.200.

Statute Being Implemented: RCW 84.48.034 and 84.48.200.

Summary: These rules explain and clarify the procedures pertaining to County Boards of Equalization, both for taxpayers appealing property tax issues and for county assessors.

Reasons Supporting Proposal: These proposed amendments are necessary to update the rules as a result of recent

legislation and to clarify existing rules where problems have appeared in the administration of the procedures.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: William N. Rice, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-14-116 includes new language that deals with the issue of the effect of board orders in counties with multiyear revaluation cycles. The proposed rule also restricts multiple taxpayer appeals with respect to the same property within the same revaluation cycle when a board has once heard the appeal and decided the value. WAC 458-14-127 has added language that clarifies when a new purchaser of property may request a reconvening in situations where the property was purchased for less than 90% of the assessed value. WAC 458-14-146, 458-14-160, 458-14-170, and 458-14-171 have minor changes that are intended to comply with recent legislation and/or add clarity to the rules.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The changes to these rules are made to conform with the mandates of the legislative, and the Department of Revenue has no choice but to update these rules to reflect change in state law. The changes are ministerial in nature, adding clarity or information necessary for the smooth administration of the state's property tax laws. The department is not aware of any new or additional administrative responsibilities or performance requirements placed on a business as a result of these changes.

Hearing Location: Department of Revenue Information Systems Conference Room, Carpet Exchange Building, 6300 Linderson Way, Tumwater, WA, street parking only. Use south tower entrance and elevator to second floor information systems receptionist, on July 12, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Accommodations or assistance for persons with disabilities or to request a copy of the information in an alternate format, contact Sandra Yuen by July 5, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by July 12, 1995.

Date of Intended Adoption: July 19, 1995.

June 7, 1995

Russell W. Brubaker  
Assistant Director

**AMENDATORY SECTION** (Amending Order PT 90-5 [WSR 90-23-097], filed 11/21/90)

**WAC 458-14-116 Orders of the board—Notice of value adjustment—Effective date.** (1) All orders issued by a board shall be on the form provided or approved by the

department and shall state the facts and evidence upon which the decision is based and the reason(s) for the decision.

(2) All orders of the board shall be signed by the chairman of the board, provided, however, that the chairman may, by written designation, authorize other members or the board clerk to sign orders on behalf of the chairman.

(3) After a hearing, if a board adjusts or sustains the valuation of a parcel of real property or an item of personal property, the board shall serve or mail notice of the decision to the appellant and the assessor.

(a) If the valuation is reduced, the new valuation shall take effect immediately, subject to the parties' right to appeal the decision.

(b) If the valuation is increased, the increased valuation shall become effective thirty days after the date of service or mailing of the notice of the adjustment unless the taxpayer or assessor files a petition to the board of tax appeals in accordance with WAC 458-14-170, before the effective date. If such a petition is filed, the increase does not take effect until the board of tax appeals disposes of the matter.

(4) If the valuation is increased without a petition having been filed, the increased valuation shall become effective thirty days after the date of service or mailing of the notice of the adjustment to the taxpayer unless the taxpayer files a petition with ~~((the clerk of))~~ the board on or before the effective date.

(5) In counties with a multiyear revaluation cycle, orders issued by the board shall have effect up to the end of the revaluation cycle used by the assessor and approved by the department. The board order may contain a specific statement notifying the parties of this effect. If there has been an intervening change in assessed value of the taxpayer's property between the time the petition was filed and the date the board's order is issued, the board's order shall have effect only up to the effective date of the change in assessed value. The same effect will also apply when a valuation adjustment is ordered upon appeal of a board order.

(6) In counties with a multiyear revaluation cycle, once the board has issued a decision with respect to a taxpayer's real property, any subsequent appeal to the board, when there has been no intervening change in assessed value:

(a) By the same taxpayer relating to the same property shall be treated as a motion for reconsideration. The board shall hold a hearing on the appeal/motion only if the taxpayer can show that there is newly discovered evidence that materially affects the basis for the board's decision and the taxpayer can show that the evidence could not with reasonable diligence have been discovered and produced at the original hearing;

(b) By a taxpayer who acquired the property from the taxpayer to whom the board decision was issued, and for a subsequent assessment year, shall be treated as an original appeal.

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

**AMENDATORY SECTION** (Amending Order PT 93-6 [WSR 93-08-050], filed 4/2/93)

**WAC 458-14-127 Reconvened boards—Authority.** (1) Boards of equalization may reconvene on their own auth-

ority to hear requests ~~((or appeals))~~ concerning the current assessment year when the request ~~((or appeal))~~ is filed with the board by April 30 of the year immediately following the board's regularly convened session and at least one of the following conditions is met:

(a) A taxpayer requests the board reconvene and submits to ~~((the clerk of))~~ the board a sworn affidavit stating that notice of change of value for the assessment year was not received by the taxpayer at least fifteen calendar days prior to the deadline for filing the petition, and can show proof that the value was actually changed.

(b) An assessor submits an affidavit to ~~((the clerk of))~~ the board stating that the assessor was unaware of facts which were discoverable at the time of appraisal and that such lack of facts caused the valuation of property to be materially affected. In the affidavit, the assessor shall state the facts which affected the value and also state both the incorrect value and the true and fair market value of the property and shall mail a copy of the affidavit to the taxpayer. If the board decides to reconvene to consider the valuation, it shall notify both the taxpayer and assessor of its decision in writing.

(c) In an arm's length transaction, ~~((A))~~ a bona fide purchaser or contract buyer of record has acquired an interest in real property subsequent to the first day of July and on or before December 31 of the assessment year and the sale price was less than ninety percent of the assessed value.

~~((2))~~ ~~((Boards may reconvene on their own authority to adjust values for assessment years subsequent to the assessment year under appeal when a valuation adjustment for a prior year is ordered by the state board of tax appeals or by a court of law, and no intervening change of value has occurred, and the request to reconvene is made within thirty days after mailing of the order providing for the adjustment.~~

~~((3))~~ Upon request of either the taxpayer or the assessor, boards may reconvene on their own authority to hear appeals with respect to property or value ~~((which))~~ that was omitted from the assessment rolls. No request shall be accepted for any period more than three years preceding the year in which the omission is discovered.

~~((4))~~ (3) Requests for reconvening boards concerning prior year's assessments or for an extension of the annual regularly convened session to enable the board to complete its annual equalization duties shall be submitted to the clerk of the board who shall submit such request to the department for determination.

~~((5))~~ (4) The department may require any board to reconvene at any time for the purpose of performing or completing any duty or taking any action the board might lawfully have performed or taken at any of its previous meetings, or for any other purpose allowed by law.

~~((6))~~ (5) The department shall reconvene a board upon request of a taxpayer when the taxpayer makes a prima facie showing of actual or constructive fraud on the part of taxing officials. The department shall reconvene a board upon request of an assessor when the assessor makes a prima facie showing of actual or constructive fraud on the part of a taxpayer.

~~((7))~~ (6) All reconvening requests shall:

(a) Specify the assessment year(s) ~~((which))~~ that is the subject of the request; and

(b) State the specific grounds upon which the request is based; and

(c) If the taxpayer is the party requesting the reconvening, state that he or she is the owner or duly authorized agent, personal representative or guardian, of the property or is a lessee responsible for the payment of the property taxes.

~~((8))~~ (7) No board shall reconvene later than three years after the adjournment of its regularly convened session.

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

AMENDATORY SECTION (Amending Order PT 90-5 [WSR 90-23-097], filed 11/21/90)

**WAC 458-14-146 Conflicts of interest.** (1) Board members shall disqualify themselves from hearing an appeal involving property owned in whole or in part by members or employees of the board or county legislative authority or any person related to a member or employee of the board or county legislative authority by blood or marriage. Board members do not need to disqualify themselves from hearing an appeal filed by other county officials, such as the county auditor, sheriff, treasurer, prosecutor, assessor, judges, or other county officials or their employees.

(2) Board members who are or who have been real estate agents, appraisers, or assessors shall disqualify themselves from hearing an appeal ~~((involving property))~~ regarding property with which they have been involved, until the property has been revalued subsequent to their involvement in accordance with the assessor's revaluation cycle, as follows:

(a) Property that they have appraised; or

(b) Property with which they have been connected with the purchase or sale; or

(c) Property with which they have in any way exercised discretion~~((; until the next revaluation cycle following departure from their former occupation)).~~

(3) If a board cannot achieve a quorum due to the provisions of subsections (1) and (2) of this section, the board shall sustain the assessor's determination. The taxpayer shall be advised by the board of the right to appeal the ~~((determination))~~ board's action to the state board of tax appeals.

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

AMENDATORY SECTION (Amending Order PT 90-5 [WSR 90-23-097], filed 11/21/90)

**WAC 458-14-160 Continuances—Ex parte contact.**

(1) Extensions of time, other than the time for filing petitions, continuances, and adjournments may be ordered by the board on its own motion or may be granted by it, in its discretion, on motion of any party showing good and sufficient cause therefor. For a waiver of the time limit in which to file the petition, see WAC 458-14-056(3).

(2) No one shall make or attempt to make any ex parte contact with board members except upon notice and opportunity for all parties to be present or to the extent required for the disposition of ex parte matters as authorized by law, nor shall a board member make or attempt to make any ex parte

contact with any person regarding any issue in the proceeding who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate, unless necessary to procedural aspects of maintaining an orderly process.

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

**AMENDATORY SECTION** (Amending Order PT 93-6 [WSR 93-08-050], filed 4/2/93)

**WAC 458-14-170 Appeals to the state board of tax appeals.** (1) Pursuant to RCW 84.08.130, any taxpayer, taxing unit, or assessor feeling aggrieved by the action of a board may appeal to the board of tax appeals by filing with the ~~((county auditor))~~ board of tax appeals a notice of appeal ~~((in duplicate))~~ within thirty days after the board has served or mailed its decision.

(2) The notice of appeal shall specify the actions of the board ~~((which))~~ that the appellant is appealing, and shall be in such form as is required by the board of tax appeals (see WAC 456-10-310 and 456-09-310). The petitioner shall serve a copy of the notice of appeal on all named parties within the same thirty-day time period.

(3) The board appealed from shall file with the board of tax appeals a true and correct copy of its decision in such action and all evidence taken in connection therewith.

**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 PT 93-6 [WSR 93-08-050], filed 4/2/93)

**WAC 458-14-171 Direct appeals to board of tax appeals.** (1) In an appeal involving complex issues or requiring expertise beyond the board's proficiency, a taxpayer, prior to the hearing before the board, may file a request with the board for a direct appeal to the state board of tax appeals without first having been heard by the board. The taxpayer and assessor (or the assessor's authorized designee) must jointly sign this request. Without holding a public hearing on the request, the board, by simple majority vote, shall approve or deny the request within fifteen calendar days of its receipt.

(2) If the board denies the request, the board shall notify all parties to the appeal, in writing, of the denial, and process the taxpayer's appeal as though no request had been made. The board need not provide reasons for its denial. If the board fails to act timely on the request, the taxpayer may petition the board to schedule a hearing on the taxpayer's appeal. Within thirty days of receipt of the taxpayer's petition, the board will schedule a future date for the taxpayer's appeal to be heard.

(3) If the board approves the request, the board shall notify all parties to the appeal, in writing, of the approval, and shall forward the taxpayer's appeal to the state board of tax appeals together with the request for direct appeal and

the signed approval of the board. ~~((The direct appeal will not be filed with the county auditor.))~~

(4) If the state board of tax appeals rejects the request, it must do so within thirty calendar days of receipt of the request and shall at the same time notify all parties and the board of the reason or reasons for the rejection. In such cases, the board shall process the taxpayer's appeal as though no request had been made.

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

**WSR 95-12-087**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
[Filed June 7, 1995, 9:46 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-14-005 Definitions, 458-14-015 Jurisdiction of County Boards of Equalization, 458-14-056 Petitions—Time limits, and 458-14-066 Requests for valuation information—Duty to exchange information—Time limits.

Purpose: The amendment of WAC 458-14-005 is to add a definition for "arm's length transaction" and to add to the definition of "taxpayer" so as to include owners of property who might otherwise be excluded. The amendment of WAC 458-14-015 is because of recent legislation and to make the list as complete as possible. The amendments to WAC 458-14-056 are to comply with recent legislative changes and to clarify some of the language. The amendment of WAC 458-14-066 is to comply with recent legislation.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.48.200.

Statute Being Implemented: RCW 84.40.038, 84.48.034, and 84.48.150.

Summary: These rules explain and clarify the procedures pertaining to County Boards of Equalization, both for taxpayers appealing property tax issues and for county assessors.

Reasons Supporting Proposal: These proposed amendments are necessary to update the rules as a result of recent legislation and to clarify existing rules where problems have appeared in the administration of the procedures.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: William N. Rice, 6004 Capitol Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-14-005 adds a definition of "arm's length transaction" so as to clarify when a sale of property qualifies as such a transaction. WAC 458-14-015 is expanded due to recent legislation and includes additional bases [basis] of board jurisdiction so as to make the rule as complete a listing as possible. WAC 458-14-056 includes

PROPOSED

amendments that explain and clarify recent legislation waiving the filing deadline for petitions to the boards. WAC 458-14-066 is amended due to recent legislation that changed time periods for providing valuation information to the boards and the parties. This rule also clarifies possible actions that may be taken by boards relative to failure to meet the statutory and rule requirements.

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The changes to these rules are made to conform with the mandates of the legislature, and the Department of Revenue has no choice but to update these rules to reflect change in state law. The changes are ministerial in nature, adding clarity or information necessary for the smooth administration of the state's property tax laws. The department is not aware of any new or additional administrative responsibilities or performance requirements placed on a business as a result of these changes.

Hearing Location: Department of Revenue Information Systems Conference Room, Carpet Exchange Building, 6300 Linderson Way, Tumwater, WA, street parking only. Use south tower entrance and elevator to second floor information systems receptionist, on July 12, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Accommodations or assistance for persons with disabilities or to request a copy of the information in an alternate format, contact Sandra Yuen by July 5, 1995, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winerstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by July 12, 1995.

Date of Intended Adoption: July 19, 1995.

June 7, 1995

Russell W. Brubaker

Assistant Director

**AMENDATORY SECTION** (Amending Order PT 90-5 [WSR 90-23-097], filed 11/21/90)

**WAC 458-14-005 Definitions.** The following definitions shall apply to chapter 458-14 WAC:

(1) "Alternate member" means a board member appointed by the county legislative authority to serve in the temporary absence of a regular board member.

(2) "Arm's length transaction" means a transaction between unrelated parties under no duress.

(3) "Assessed value" means the value of real or personal property determined by an assessor.

((3)) (4) "Assessment roll" means the record which contains the assessed values of property in the county.

((4)) (5) "Assessment year" means the calendar year when the property is listed and valued by the assessor and precedes the calendar year when the tax is due and payable.

((5)) (6) "Assessor" means a county assessor or any person authorized to act on behalf of the assessor.

((6)) (7) "Board" means a county board of equalization.

((7)) (8) "County financial authority" means the county treasurer or any other person responsible for billing and collecting property taxes.

((8)) (9) "County legislative authority" means the board of county commissioners or the county legislative body as established under a home rule charter.

((9)) (10) "Department" means the department of revenue.

((10)) (11) "Documentary evidence" means comparable sales data, cost data, income data, or any other item of evidence, including maps or photographs, which supports value.

((11)) (12) "Equalize" means ensuring that comparable properties are comparably valued and refers to the process by which the county board of equalization reviews the valuation of real and personal property on the assessment roll as returned by the assessor, so that each tract or lot of real property and each article or class of personal property is entered on the assessment roll at one hundred percent of its true and fair value.

((12)) (13) "Interim member" means a board member appointed by the county legislative authority to fill a vacancy caused by the resignation or permanent incapacity of a regular board member. Such interim member shall serve for the balance of the regular board member's term.

((13)) (14) "Manifest error" means an error in listing or assessment, which does not involve a revaluation of property, including the following:

- (a) An error in the legal description;
- (b) A clerical or posting error;
- (c) Double assessments;
- (d) Misapplication of statistical data;
- (e) Incorrect characteristic data;
- (f) Incorrect placement of improvements;
- (g) Erroneous measurements;
- (h) The assessment of property exempted by law from taxation;

(i) The failure to deduct the exemption allowed by law to the head of a family; or

(j) Any other error which can be corrected by reference to the records and valuation methods applied to similarly situated properties, without exercising appraisal judgment.

((14)) (15) "Market value" means the amount of money a buyer of property willing but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might in reason be applied. True and fair value is the same as market value or fair market value.

((15)) (16) "May" as used in this chapter is expressly intended to be permissive.

((16)) (17) "Member" means a regular member of a board.

((17)) (18) "Reconvene" refers to the board's limited power to meet to equalize assessments in the current assessment year after the board's regularly convened session is adjourned, or to meet to hear matters concerning prior years.

((18)) (19) "Regularly convened session" means the statutorily mandated twenty-eight day period commencing annually on July 15, or the first business day following July 15 if it should fall on a Saturday, Sunday, or holiday.

((19)) (20) "Revaluation" means a change in value of property based upon an exercise of appraisal judgment.

((20)) (21) "Shall" as used in this chapter is expressly intended to be mandatory.

~~((21))~~ (22) "Taxpayer" means the person or entity whose name and address appears on the assessment rolls, or their duly authorized agent, personal representative, or guardian. "Taxpayer" also includes the person or entity whose name and address should appear on the assessment rolls as the owner of the property, but because of mistake, delay, or inadvertence does not so appear; for example, in an instance when the rolls have not yet been updated after a transfer of property. A property owner may contract with a lessee for the purpose of making the lessee responsible for the payment of the property tax and such lessee may be deemed to be a taxpayer solely for the purpose of pursuing property tax appeals in his or her own name. If such contract is made, the lessee shall be responsible for providing the county assessor with a proper and current mailing address.

~~((22))~~ (23) "Tax year" means the calendar year when property taxes are due and payable.

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

**AMENDATORY SECTION** (Amending Order PT 93-6 [WSR 93-08-050], filed 4/2/93)

**WAC 458-14-015 Jurisdiction of county boards of equalization.** (1) Boards have jurisdiction to hear all appeals as may be authorized by statute, including the following types of appeals:

(a) Appeals of exemption denials arising under RCW 35.21.755 (public corporations).

(b) Appeals for a change in appraised value when the department establishes taxable rent under RCW 82.29A.020 (2)(b) (leasehold excise tax) based on an appraisal done by the county assessor at the request of the department.

(c) Appeals of decisions or disputes pursuant to RCW 84.26.130 (historic property).

~~((e))~~ (d) Forest land determinations pursuant to RCW 84.33.116, 84.33.118, 84.33.120, 84.33.130, and 84.33.140, including an appeal of an assessor's refusal to classify land as forest land under RCW 84.33.120.

~~((d))~~ (e) Current use determinations pursuant to RCW 84.34.108 and ~~((, effective January 1, 1993,))~~ RCW 84.34.035.

~~((e))~~ (f) Appeals pursuant to RCW 84.36.385 (senior citizen exemption denials).

~~((f))~~ (g) Appeals pursuant to RCW 84.36.812 (cessation of exempt use).

~~((g))~~ (h) Determinations pursuant to RCW 84.38.040 (property tax deferrals).

~~((h))~~ (i) Determinations pursuant to RCW 84.40.085 (omitted property or value).

~~((i))~~ (j) Valuation appeals of taxpayers pursuant to RCW 84.48.010.

(k) Appeal from a decision of the assessor relative to a claim for either real or personal property tax exemption, pursuant to RCW 84.48.010.

(1) Destroyed property appeals pursuant to RCW 84.70.010.

(2) Boards have jurisdiction to equalize property values ~~((in the assessor's approved revaluation area))~~ on their own

initiative pursuant to RCW 84.48.010, in accordance with WAC 458-14-046.

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 PT 90-5 [WSR 90-23-097], filed 11/21/90)

**WAC 458-14-056 Petitions—Time limits—Waiver of filing deadline for good cause.** (1) The sole method for appealing an assessor's determination to the board, as to valuation of property, or as to any other types of assessor determinations shall be by means of a properly completed and timely filed taxpayer petition.

(2) A taxpayer's petition for review of the assessed valuation placed upon property by the assessor or for review of any of the types of appeals listed in WAC 458-14-015 shall be filed in duplicate with ~~((the clerk of))~~ the board on or before July 1st of the assessment year or within thirty days after the date an assessment or value change notice or other determination notice ~~((has been))~~ is mailed to the taxpayer, whichever date is later (RCW 84.40.038).

(3) No late filing of a petition shall be allowed except as specifically provided in this subsection. The board may waive the filing deadline if the petition is filed within a reasonable time after the filing deadline and the petitioner shows good cause, as defined in this subsection, for the late filing. A petition that is filed after the deadline without a showing of good cause shall be dismissed unless, after the taxpayer is notified by the board that the petition will be dismissed because of the late filing, the taxpayer promptly shows good cause for the late filing. The board shall decide a taxpayer's claim of good cause without holding a public hearing on the claim and shall promptly notify the taxpayer of the decision, in writing. The board's decision regarding a waiver of the filing deadline is final and not appealable to the state board of tax appeals. Good cause may be shown by documentation of one or more of the following events or circumstances:

(a) The taxpayer was unable to file the petition by the filing deadline because of a death or serious illness of the taxpayer or of a member of the taxpayer's immediate family occurring at or shortly before the time for filing. For purposes of this subsection, the term "immediate family" includes, but is not limited to, a grandparent, parent, brother, sister, spouse, child, or grandchild.

(b) The taxpayer was unable to file the petition by the filing deadline because of the occurrence of all of the following:

(i) The taxpayer was absent from his or her home or from the address where the assessment notice or value change notice is normally received by the taxpayer. If the notice is normally mailed by the assessor to a mortgagee or other agent of the taxpayer, the taxpayer must show that the mortgagee or other agent was required, pursuant to written instructions from the taxpayer, to promptly transmit the notice and failed to do so, and

(ii) The taxpayer was absent (as described in (b)(i) of this subsection) for more than fifteen of the thirty days prior to the filing deadline, and

(iii) The filing deadline is after July 1 of the assessment year, that is, the notice from which the taxpayer appeals was mailed within the assessment year and after June 2nd.

(c) The taxpayer was unable to file the petition by the filing deadline because the taxpayer reasonably relied upon incorrect, ambiguous, or misleading written advice as to the proper filing requirements by either a board member or board staff, the assessor or assessor's staff, or the property tax advisor designated under RCW 84.48.140, or his or her staff.

(d) The taxpayer was unable to file the petition by the filing deadline because of a natural disaster such as a flood or earthquake occurring at or shortly before the time for filing.

(e) The taxpayer was unable to file the petition by the filing deadline because of a delay or loss related to the delivery of the petition by the postal service. The taxpayer must be able to provide documentation from the postal service of such a delay or loss.

(4) If a petition is filed by mail it shall be postmarked no later than the filing deadline. If the filing deadline falls upon a Saturday, Sunday or holiday, the petition shall be filed on or postmarked no later than the next business day.

~~((4))~~ (5) A petition is properly completed when all relevant questions on the form provided or approved by the department ~~((is completed and filed. The petition must))~~ have been answered and the answers contain sufficient information or statements to apprise the board and the assessor of the reasons for the appeal. A petition which merely states that the assessor's valuation is too high or that property taxes are excessive, or similar such statements, is not properly completed and shall not be considered by the board. If, at the time of filing the petition, the taxpayer does not have all the documentary evidence available which he or she intends to present at the hearing, the petition will be deemed to be properly completed for purposes of preserving the taxpayer's right of appeal, if it is otherwise fully and properly ~~((completed))~~ filled out. However, any comparable sales or other valuation evidence not submitted at the time the petition is filed must be provided by the taxpayer to the assessor and the board at least seven business days, excluding legal holidays, prior to the board hearing. A copy of such completed petition shall be provided to the assessor by the clerk of the board. Any petition not fully and properly completed shall not be considered by the board (RCW 84.40.038). See: WAC 458-14-066 Requests for valuation information—Duty to exchange information—Time limits, for an explanation of the availability, use and exchange of valuation information prior to the hearing before the board.

~~((5)) Nothing in this section shall be construed to prevent the assessor from reviewing the valuation determination made with respect to the taxpayer's property and reaching an agreement with the taxpayer prior to the hearing. If, after filing the petition, the assessor and taxpayer reach an agreement as to the true and fair value of the property, such agreement shall be submitted to the board for approval, together with necessary valuation information. Approval shall be granted unless the board has evidence that the agreed value was arbitrary, capricious or intentionally~~

~~discriminatory in nature, or was a result of fraud or collusion between the assessor and the taxpayer. The board shall have the authority to request additional valuation information if it believes that the information submitted is not sufficient for it to make a determination.)~~

(6) Whenever the taxpayer has an appeal pending with the board, the state board of tax appeals or with a court of law, and the assessor notifies the taxpayer of a change in property valuation, the taxpayer ~~((shall be))~~ is required to file a timely petition with the board in order to preserve the right to appeal the change in valuation. For example, if a taxpayer has appealed a decision of the board to the board of tax appeals regarding an ~~((assessment))~~ assessed value for the year 1989, and that appeal is pending when the assessor issues a value change notice for the 1990 assessment year, the taxpayer must still file a timely petition appealing the valuation for the 1990 assessment year in order to preserve his or her right to appeal from that 1990 ~~((assessment))~~ assessed value.

(7) Petition forms shall be available from the clerk of the board and from the assessor's office.

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

AMENDATORY SECTION (Amending Order PT 90-5 [WSR 90-23-097], filed 11/21/90)

**WAC 458-14-066 Requests for valuation information—Duty to exchange information—Time limits.** (1) Introduction. Timely access to valuation information should be provided to both parties prior to the hearing on a petition so that time-consuming and costly discovery procedures are unnecessary.

(2) Requests by a taxpayer for valuation information from the assessor may be made on the petition form ~~((submitted to the clerk of))~~ filed with the board, or may be made at any reasonable time prior to the hearing. Upon request by the taxpayer, the assessor shall make available to the taxpayer the comparable sales used in establishing the taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall provide the taxpayer with such information. All such valuation information, including comparable sales, shall be provided to the taxpayer and the board within ~~((thirty))~~ sixty days of ~~((such))~~ the request but at least ~~((ten))~~ fourteen business days, excluding legal holidays, prior to ~~((such))~~ the taxpayer's appearance before the board of equalization.

(3) The valuation information provided by the assessor to the taxpayer shall not be subsequently changed ~~((or modified))~~ by the assessor ~~((in any review or appeal proceedings))~~ unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor shall provide ~~((such))~~ the additional evidence to the taxpayer and the board at least ~~((ten))~~ fourteen business days prior to the ~~((review proceedings or the hearing on appeal))~~ hearing at the board.

(4) A taxpayer who ~~((provides or intends to provide lists of))~~ lists comparable sales ~~((in connection with the filing and/or hearing of))~~ on the petition, or who provides the board and the assessor with comparable sales or valuation evidence after filing the petition shall ~~((provide such infor-~~

~~mation to the assessor and the board a reasonable time prior to the hearing and shall))~~ not thereafter change or add other comparable sales or valuation evidence without providing the assessor and the board with the additional information at least ~~((five))~~ seven business days, excluding legal holidays, prior to the board hearing.

(5) If either the assessor or taxpayer does not comply with the requirements of this section, t((F))he board in its discretion may ((waive the taxpayer's requirement to provide the information at least five business days prior to the hearing, and in such event, the board shall allow the assessor a continuance when so requested)) take any of the following actions:

(a) If there is no objection by either party, consider the new evidence provided by either party and proceed with the hearing;

(b) If there is an objection by either party to the board's considering the new evidence, refuse to consider the evidence that was not timely submitted;

(c) Postpone the hearing for a definite time period designated by the board, to provide the parties an opportunity to review all evidence; or

(d) Proceed with the hearing but allow the parties to submit new evidence to the board and the other party, after the hearing is concluded, within definite time periods designated by the board, and provide each party with an adequate opportunity to rebut or comment on the new evidence prior to the board's decision.

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

**WSR 95-12-088**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed June 7, 1995, 9:47 a.m.]

Original Notice.

Title of Rule: Experience hours requirements changes for WAC 308-125-010(16), 308-125-020(2), 308-125-030(3), and 308-125-070(1).

Purpose: Change associated rules to reflect 2,000 experience hours for licensure and certification as a real estate appraiser.

Statutory Authority for Adoption: RCW 18.140.030(1).

Statute Being Implemented: RCW 18.140.090.

Summary: These amended rules reflect a reduction in the required experience hours from three thousand to two thousand with a maximum of one thousand hours per year.

Reasons Supporting Proposal: Washington state currently requires three thousand experience hours for licensure and certification as a real estate appraiser. The appraisal subcommittee of FFIEC (Title 11; 12 U.S.C. §3301 et seq.) requires state minimums of two thousand hours. The amendments will reflect that minimum requirement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cleotis Borner, Jr., Olympia, (360) 753-1062.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These four rule changes reflect the minimum experience hour requirements established by the appraisal subcommittee of FFIEC (Title 11; 12 U.S.C. § 3301 et seq.) The amended WAC 308-125-010(16) will reduce the "full time"/twelve month requirement from one thousand five hundred hours to one thousand hours, consistent with the amendment to WAC 308-125-020(2). The amended WAC 308-125-020(2) will reduce the total number of experience hours for licensure or certification from three thousand hours to two thousand hours. The amended WAC 308-125-030(3) will reduce the number of nonresidential appraisal experience hours for the "general" classification from fifteen hundred hours to one thousand hours, consistent with the amendment to WAC 308-125-020(2). The amended WAC 308-125-070(1) will reduce the number of appraisal experience hours allowed in a twelve month period from fifteen hundred hours to one thousand hours, consistent with the amendment to WAC 308-125-020(2).

Proposal Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These amendments will bring Washington state into conformity with federally sanctioned guidelines and will not impose any costs on the relevant industry. Accordingly, under RCW 19.85.030 and 19.85.060, a small business [economic] impact statement is not required. This document is the Department of Licensing's "statement" as required by RCW 19.85.060.

Hearing Location: 405 Black Lake Boulevard, Building #2, Olympia, WA, on July 12, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Denise Hoage by July 3, 1995, TDD (360) 753-1966, or (360) 753-1062.

Submit Written Comments to: Cleotis Borner, Jr., P.O. Box 9012, Olympia, WA 98507-9012, FAX (360) 586-0998, by July 11, 1995.

Date of Intended Adoption: July 13, 1995.

June 6, 1995  
 Cleotis Borner, Jr.  
 Real Estate Appraiser  
 Program Manager

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

**WAC 308-125-010 Definitions.** (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.



(3) "Appraisal report" means any communication, written or oral, of an appraisal. Except all appraisal reports in federally related transactions are required to be written reports.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Licensed appraisal" means an appraisal prepared or signed by a state-licensed real estate appraiser. A licensed appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(7) "Department" means the department of licensing.

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

(9) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(10) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(11) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(12) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

(13) "State-licensed real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid license issued to him/her for residential real estate under this chapter. A state-licensed real estate appraiser may designate or identify an appraisal rendered by him/her as a "licensed appraisal."

(14) "Advisory committee" means a committee of seven individuals, of whom at least five are real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

(15) "Classroom hour" means fifty minutes out of each sixty minute hour.

(16) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand (~~five hundred~~) hours in real estate appraisal.

(17) "Licensed or residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

(18) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

(19) "Federally related transaction" means any real estate-related financial transaction which Federal Financial Institutions Regulatory Agency (FFIRA) or the Resolution Trust Company (RTC) engages in, contracts for, or regulates and which requires the services of an appraiser.

(20) "Real estate related-financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interest in property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

AMENDATORY SECTION (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

**WAC 308-125-020 Application process to take examination.** (1) Any person desiring to take an examination for licensure or certification as a state-licensed or state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) An applicant must, as of the date his/her application is filed with the department, possess the requisite two years (twenty-four months) and (~~three~~) two thousand hours of verifiable real estate appraisal experience.

(3) An application and the nonrefundable application fee shall be valid for six months from receipt by the department. An applicant may correct any discrepancies in the application other than experience during this six-month period. After six months, if the applicant has not met the prerequisites to sit for the licensure or certification examination, the applicant must submit a new application with the appropriate fee.

(4) Dishonored checks will be considered as an incomplete application.

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

**AMENDATORY SECTION** (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

**WAC 308-125-030 Examination prerequisite general classification.** The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in subjects related to real estate appraisal approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred sixty-five classroom hours of course work.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years (twenty-four months) of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, a minimum of two years (twenty-four months) is required.

(3) To fulfill the experience requirement, a candidate must have at least (~~fifteen hundred~~) one thousand hours, accumulated over the previous five years, of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state-certified general real estate appraiser must include coverage of all topics listed below, with particular emphasis on the appraisal of nonresidential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (i) Estimation of income and expenses.
- (ii) Operation statement ratios.
- (iii) Direct capitalization.
- (iv) Cash flow estimates.
- (v) Measures of cash flow.
- (vi) Discounted cash flow analysis.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.
- (p) Narrative report writing.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

**AMENDATORY SECTION** (Amending WSR 93-17-020, filed 8/10/93, effective 9/10/93)

**WAC 308-125-070 Experience requirements.** (1) A minimum of two years (twenty-four months) full-time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than (~~fifteen hundred~~) one thousand hours may be credited in any twelve-month period.

(2) Any work product claimed for experience credit dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice.

(3) Any work product claimed for experience credit dated prior to January 1, 1990, shall conform to the following standards:

(a) Reports shall be in writing.

(b) Reports shall contain the legal address of the subject property.

(c) Reports shall state the effective date of the appraisal.

(d) Reports shall contain a definition of value to be estimated.

(e) Reports shall contain a certification signed by the appraiser.

(f) Reports shall contain a description of the site, land, or buildings as applicable.

(g) Reports shall address all three approaches to value by either utilization of the approach or indication that the approach is not applicable or inappropriate to the specific property.

(h) Reports shall include adjustments and the value of the direct sales for the direct sales approach, which either sets forth the reasoning for value or states that the value is evident in ancillary supporting documentation or the report.

(i) Reports shall include analysis of market rents, expenses, vacancy rates, and capitalization rates when the income approach is used.

(j) Reports shall include analysis of building costs and site value when the cost approach is used.

(k) Reports shall include reasoning and supporting documentation for the final value estimate.

(l) Reports shall be signed and dated by the appraiser.

(4) An appraiser applying for certification must verify his/her completion of the required experience via affidavit, under oath subject to penalty of perjury on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

(5) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/study, teacher of appraisal courses.

(6) The department reserves the right to contact an employer for confirmation of experience claimed. This will require an employer to confirm via affidavit the experience of an applicant.

(7) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

Date of Intended Adoption: August 23, 1995.

June 7, 1995  
Jim Jesernig  
Director

**WSR 95-12-089**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 7, 1995, 9:52 a.m.]

Original Notice.

Title of Rule: WAC 16-536-020 Dry Pea and Lentil Commission nomination and election of board members.

Purpose: The rule will provide an alternative method of nominating candidates for board membership.

Statutory Authority for Adoption: RCW 15.65.250.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The amended rule will provide for an alternate method of conducting nominations when recommended by the commission board.

Reasons Supporting Proposal: Costs associated with conducting nominations are borne by the affected producers. The rule will reduce the cost of conducting nominations.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, Washington State Department of Agriculture, 1111 Washington Street, Olympia, (360) 902-1928; Implementation and Enforcement: Washington Dry Pea and Lentil Commission, Moscow, Idaho, (208) 882-3023.

Name of Proponent: Washington Dry Pea and Lentil Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Rule change based on commission board recommendations with respect to administration and conduct of the marketing order.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Current rule requires a separate meeting to be held for each producer district when a board member's term is about to expire. The new rule will allow nominations to be made by mail petitions as an alternative to meetings, when recommended by the commission board. There are certain costs associated with nominations; this rule change will reduce the cost to the commissions and Washington State Department of Agriculture.

Proposal Changes the Following Existing Rules: The rule would allow an alternate method of conducting nominations for board members.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will reduce costs and workload to the commission and this agency.

Hearing Location: Natural Resources Building, Room 259, 1111 Washington Street, Olympia, WA, on July 19, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by July 17, 1995, TDD (360) 902-1996.

Submit Written Comments to: Walter Swenson, Agriculture Programs Administrator, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2089, by July 19, 1995.

AMENDATORY SECTION (Amending Order 1768, filed 7/13/82)

**WAC 16-536-020 The dry pea and lentil board.** (1) **Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ten members. Eight members shall be affected producers elected as provided in this article. One member shall be an affected handler elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected 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 of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have two board members, being positions 7 and 8 shall include all other counties of the state of Washington located east of the summit of the Cascade Mountains: *Provided*, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(3) **Board membership qualifications.**

(a) The affected producer members of the board shall be practical producers of dry peas and/or lentils in the district in and for which they are nominated and elected 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 dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The affected handler member of the board shall be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling dry peas and/or lentils within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) **Term of office.**

PROPOSED

(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 seven, the affected handler shall have position eight and the member appointed by the director position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, two and three - one year

Positions four, five and six - two years

Positions seven, eight, nine, and ten - three years

No elected member of the board may serve more than two full consecutive three-year terms.

**(5) Nomination and election of board members.**

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. Such meetings 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 newspapers of general circulation within the affected district 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 within such affected district and handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. 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 or affected handlers.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers and handlers. Nominating petitions for producers and handlers shall be signed by not less than five affected producers and handlers. Final date for filing nominations shall be not less than twenty days after the notice was mailed.

**(6) Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of May 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 within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff 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

affected district 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 and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining 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 shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: *Provided*, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member.

(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, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only 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 money with the director in order to defray the costs of formulating the order: *Provided*, That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "dry pea and lentil 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 each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other

financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually 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 of the state of Washington. 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 him by the act or 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 quarterly, with the time and date thereof to be fixed by resolution of the board.

(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 through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings 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.

**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 95-12-090  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed June 7, 1995, 9:55 a.m.]

**Original Notice.**

Title of Rule: WAC 16-557-020 Asparagus Commission nomination and election of board members.

Purpose: The rule will provide an alternative method of nominating candidates for board membership.

Statutory Authority for Adoption: RCW 15.65.250.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The amended rule will provide for an alternate method of conducting nominations when recommended by the commission board.

Reasons Supporting Proposal: Costs associated with conducting nominations are borne by the affected producers. The rule will reduce the cost of conducting nominations.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, Washington State Department of Agriculture, 1111 Washington Street, Olympia, (360) 902-1928; Implementation and Enforcement: Washington Asparagus Commission, Kennewick, (509) 735-4446.

Name of Proponent: Washington Asparagus Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Rule change based on commission board recommendations with respect to administration and conduct of the marketing order.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Current rule requires a separate meeting to be held for each producer district when a board member's term is about to expire. The new rule will allow nominations to be made by mail petitions as an alternative to meetings, when recommended by the commission board. There are certain costs associated with nominations; this rule change will reduce the cost to the commissions and Washington State Department of Agriculture.

Proposal Changes the Following Existing Rules: The rule would allow an alternate method of conducting nominations for board members.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will reduce costs and workload to the commission and this agency.

Hearing Location: Natural Resources Building, Room 259, 1111 Washington Street, Olympia, WA, on July 19, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by July 17, 1995, TDD (360) 902-1996.

Submit Written Comments to: Walter Swenson, Agriculture Programs Administrator, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2089, by July 19, 1995.

Date of Intended Adoption: August 23, 1995.

June 7, 1995

Jim Jesernig

Director

PROPOSED

**AMENDATORY SECTION** (Amending WSR 91-09-003, filed 4/4/91, effective 5/5/91)

**WAC 16-557-020 Asparagus commodity board. (1)**

**Administration.** The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

**(2) Board membership.**

(a) The board shall consist of nine members. Six members shall be affected producers elected as provided in this section, one member shall be an affected handler, fresh, elected as provided in this section, one member shall be an affected handler processor, 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 that portion of the state of Washington located east of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions one and two, and shall be Benton, Kittitas, Klickitat, and Yakima counties.

(ii) District II shall have two board members, being positions three and four, and shall include the counties of Adams, Franklin, and Grant.

(iii) District III shall have two board members, being positions five and six, and shall include the counties of Columbia and Walla Walla.

**(3) Board membership qualifications.**

(a) The affected producer members of the board shall be practical producers of asparagus 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 actively engaged in producing asparagus within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as handlers for purpose of election and membership on a commodity board.

(b) The affected handler member of the board shall be a practical handler of asparagus and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling asparagus within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term 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, affected handler member fresh product, position seven, affected handler member, processor, position eight, and the member appointed by the director, position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, three, and seven - one year, shall terminate on December 31, 1992;

Positions two, four, and five - two years, shall terminate on December 31, 1993;

Positions six and eight - three years, shall terminate on December 31, 1994.

(d) No elected produce member of the board may serve more than two full consecutive three-year terms.

**(5) Nomination and election of board members.** For the purpose of nominating candidates for election to board membership, the director shall call separate meetings of affected producers, affected handlers, fresh and affected handler processors. Each year the director shall call for nomination meetings in those districts whose board members' term is about to expire. Such meetings 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 affected 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 within the affected area and all affected handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or affected handler 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 or affected handlers. At the inception of this order, nominations may be made at the issuance hearing.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. Nominating petitions for producers shall be signed by not less than five affected producers of the district from which such a candidate will be elected. Nomination petitions for handlers, fresh and processed shall be signed by not less than three affected handlers. The final date for filing nominations which shall not be less than twenty days after the notice was mailed.

**(6) Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of November 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 within the affected district. Each affected producer within the affected district shall be entitled to one vote.

Affected handler, fresh, shall be elected by a majority of the votes cast by the affected handlers, fresh. Affected handler, processor, shall be elected by a majority of the votes cast by the affected handlers, processor.

(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 affected 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 or affected handler entitled to vote whose name appears on the list of such affected producers and affected handler within the affected area maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler 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 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 receive thirty-five dollars or an amount as provided for in RCW 43.03.230 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(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 only 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 "asparagus 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 for an amount of petty cash for each days' needs, not to exceed fifty dollars, shall be deposited daily.

(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 34.05 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.

(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 him 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.

(p) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(11) **Procedures for board.**

(a) The board shall hold regular meetings, at least quarterly, 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 budget shall be presented for discussion at the meeting. In addition to such notice as may be required by chapter 42.30 RCW, 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 handler and by regular news service.

(c) In accordance with RCW 42.30.080, 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 95-12-091**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed June 7, 1995, 9:57 a.m.]

Original Notice.

Title of Rule: Chapter 16-700 WAC, State fair fund proration.

Statutory Authority for Adoption: RCW 15.76.180.

Statute Being Implemented: Chapter 15.76 RCW.

Summary: The rule change will allow the director to waive certain requirements that will allow the Northwest Washington Fair Association (formerly Whatcom County Fair) to receive state allocations as an area fair.

Reasons Supporting Proposal: The Northwest Washington Fair Association (NWFA) has successfully operated the Whatcom County Fair for many years, but has compelling reasons to reorganize as an area fair. The state fair law was changed to allow this reorganization without the two-year period to qualify as an area fair.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, Washington State Department of Agriculture, 1111 Washington Street, Olympia, (360) 902-1928; Implementation and Enforcement: Washington State Department of Agriculture, 1111 Washington, Olympia, (360) 902-1928.

Name of Proponent: Walter Swenson, Washington State Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The director of agriculture shall have the power to adopt such rules and regulations as may be necessary or appropriate to carry out the purposes of chapter 15.76 RCW, Fair law.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Northwest Washington Fair Association (NWFA), which for many years has managed the Whatcom County Fair as an agent of the county government, entered into an agreement with the county to operate the fair as a private fair, and reorganized as a nonprofit organization. NWFA has received allocation from the state fair fund as a county fair under the current fair law since 1961, but has petitioned the director of agriculture to receive allocations as an area fair. In reorganizing as an area fair, NWFA became ineligible to receive state allocations for three years. The fair law was changed to allow a predecessor organization to continue receiving state allocations even through they apply under a different fair classification.

Proposal Changes the Following Existing Rules: The new rule would allow the director of agriculture to waive the December 1 filing deadline for area fairs and adjust the minimum basic allocation for area fairs.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There are no additional costs with the allocations of fair funds. The fair funds are receipts from pari-mutual betting and allocated to agricultural fairs on a merit formula basis.

Hearing Location: Natural Resources Building, Room 205, 1111 Washington Street, Olympia, WA, on July 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by July 7, 1995, TDD (360) 902-1996.

Submit Written Comments to: Walter Swenson, Agriculture Programs Administrator, P.O. Box 42560, Olympia, 98504, FAX (360) 902-2089, by July 11, 1995.

Date of Intended Adoption: July 19, 1995.

June 7, 1995

Jim Jesernig

Director

**NEW SECTION**

**WAC 16-700-011 Fair reorganization.** Beginning January 1, 1994, and until June 30, 1997, the director may waive applications requirements, as defined in WAC 16-700-010 and adjust the basic annual allocation as defined in WAC 16-700-021, when a county fair reorganizes and makes application for allocation from the fair fund as an area fair.

**WSR 95-12-092**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed June 7, 1995, 10:15 a.m.]

Original Notice.

Title of Rule: City of Redmond shoreline master program.

Purpose: Amend WAC 173-19-2519.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Statute Being Implemented: Chapter 90.58 RCW.

Summary: The proposal would (1) include an area annexed by the city of Redmond from King County in 1990 into the city's shoreline master program; and (2) redesignate the environment from King County rural to city of Redmond urban. The change involves a portion of what is known as the Redmond Town Center Site, formerly the Golf Links golf course.

Reasons Supporting Proposal: Request for amendment was made by city of Redmond.

Name of Agency Personnel Responsible for Drafting: Wayne Turnberg, NWRO, 3190 160th Avenue S.E., Bellevue, WA, (206) 649-7030; Implementation and Enforcement: Linda Crerar, 300 Desmond Drive, Lacey, WA, (360) 407-7013.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The objective of the amendment is to include an area annexed by the city of Redmond from King County in 1990 into the city's shoreline master program. The environment designation would be redesignated from King County rural to city of Redmond urban. The boundaries affected by the change include a portion of what is known as the Redmond Town Center Site, formerly the Golf Links golf course. The site is bounded by Bear Creek on the south and east, the Sammamish River on the west; and Leary Way and the Burlington Northern right-of-way on the north. Adoption of the proposal would allow the city of Redmond to review



future development proposals for consistency with the city's shoreline master program.

Proposal Changes the Following Existing Rules: See the description above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85 RCW, the Regulatory Fairness Act, requires mitigating action and filing of a small business economic impact statement when rule adoption will have an economic impact on more than 20% of all industries or more than 10% of any one industry. This amendment proposed by city of Redmond does not meet the criteria requiring the preparation of a small business economic impact statement.

Hearing Location: Redmond City Hall, 15760 N.E. 85th Street, Redmond, WA, on July 12, 1995, at 6:30 p.m.

Assistance for Persons with Disabilities: Contact Kris Jasset by July 5, 1995, TDD (206) 649-4259, or (206) 649-7011 (voice).

Submit Written Comments to: Wayne Turnberg, NWRO, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, FAX (206) 649-7098, by July 26, 1995.

Date of Intended Adoption: August 2, 1995.

June 5, 1995  
Mary Riveland  
Director

AMENDATORY SECTION (Amending Order 89-58, filed 1/3/90, effective 2/3/90)

**WAC 173-19-2519 Redmond, city of.** City of Redmond master program approved September 20, 1974. Revision approved December 15, 1981. Revision approved October 20, 1986. Revision approved January 2, 1990. Revision approved August 2, 1995.

**WSR 95-12-094**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed June 7, 1995, 10:50 a.m.]

Original Notice.

Title of Rule: Chapter 246-324 WAC, Private alcohol and chemical dependency hospitals.

Purpose: To update requirements for private alcohol and chemical dependency hospitals.

Statutory Authority for Adoption: Chapter 71.12 RCW and RCW 43.60.040.

Statute Being Implemented: Chapter 71.12 RCW and RCW 43.43.842.

Summary: Establishes a new chapter for private alcohol and chemical dependency hospitals (previously a part of chapter 246-322 WAC), updates requirements, rewords and reformats to improve clarity, establishes requirements for criminal history background checks according to RCW 43.43.842.

Name of Agency Personnel Responsible for Drafting: Leslie Baldwin, Olympia, Washington, 705-6788; Implementation and Enforcement: Byron Plan, Olympia, Washington, 705-6777.

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: This rule action updates regulations for private alcohol and chemical dependency hospitals, reformats for clarity, and adds requirements for criminal history background checks to implement RCW 43.43.842.

Proposal does not change existing rules. This proposal establishes a new chapter.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Licensed hospital operators were asked if this rule action would financially impact their businesses. Fiscal impacts were negligible.

Hearing Location: Department of Health, Facilities and Services Conference Room, Target Plaza, Suite 500 (next to Ben Franklin Store), 2725 Harrison Avenue N.W., Olympia, WA 98504-7852, on July 11, 1995, at 1:30 p.m. Please contact Leslie Baldwin at (360) 705-6788 by July 5 if you wish to testify at the hearing via phone.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by July 3, 1995, TDD (206) 664-0064, or (206) 705-6788.

Submit Written Comments to: Leslie Baldwin, P.O. Box 47852, Olympia, WA 98504-7852, by July 10, 1995.

Date of Intended Adoption: July 14, 1995.

June 6, 1995  
Bruce Miyahara  
Secretary

**Chapter 246-324 WAC**  
**PRIVATE ALCOHOL AND**  
**CHEMICAL DEPENDENCY HOSPITALS**

NEW SECTION

**WAC 246-324-001 Purpose and scope.** (1) This chapter implements chapter 71.12 RCW.

(2) This chapter establishes minimum standards for private alcoholism hospitals.

(3) This chapter does not apply to:

(a) Hospitals regulated by chapters 70.41 RCW and 246-318 WAC;

(b) Private psychiatric hospitals regulated by chapters 71.12 RCW and 246-322 WAC;

(c) Adult residential rehabilitation centers regulated by chapters 71.12 RCW and 246-325 WAC;

(d) Residential treatment facilities for children and youth regulated by chapters 71.12 RCW and 246-323 WAC;

(e) Alcoholism treatment facilities regulated by chapters 71.12 RCW and 246-326 WAC;

(f) Boarding homes regulated by chapters 18.20 RCW and 246-316 WAC;

(g) Nursing homes regulated by chapters 18.51 RCW and 248-14 WAC; or

(h) Christian Science establishments providing remedial care of residents or patients in accordance with the practices and principles of the body known as Church of Christ, Scientist.

**NEW SECTION**

**WAC 246-324-010 Definitions.** 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 patient'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) "Administrator" means the individual responsible for the day-to-day operation of the hospital.

(3) "Advanced registered nurse practitioner" means a registered nurse authorized to practice specialized and advanced nursing according to the requirements in RCW 18.88.175.

(4) "Alcoholism" means a chronic, progressive, potentially fatal disease characterized by tolerance and physical dependency, or pathological organic changes, or both, as consequences of alcohol ingestion.

(a) "Chronic and progressive" means the physical, emotional and social changes that develop are cumulative and progress as alcohol ingestion continues;

(b) "Tolerance" means physiological adaptation to the presence of a high concentration of alcohol; and

(c) "Physical dependency" means withdrawal symptoms occur from decreasing or ceasing ingestion of alcohol.

(5) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and professional title/discipline; or

(b) A unique identifier which clearly indicates the responsible individual.

(6) "Bathing fixture" means a bathtub, shower, or combination bathtub shower.

(7) "Bathroom" means a room containing one or more bathing fixtures.

(8) "Chemical dependency counselor" means an individual who:

(a) Is licensed, certified, or registered as a counselor under chapter 18.19 RCW or possesses a written statement of exemption from this requirement from the department; and

(b) Meets the minimum qualifications in WAC 275-19-145.

(10) "Clinical record" means a file maintained by the licensee for each patient containing all pertinent medical and clinical information.

(11) "Comprehensive treatment plan" means a written plan of care developed by a multi-disciplinary treatment team for an individual patient, based on an assessment of the patient's developmental, biological, emotional, psychological, and social strengths and needs, which includes:

(a) Treatment goals with specific time frames;

(b) Specific services to be provided;

(c) The name of each individual responsible for each service provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the family as appropriate.

(12) "Construction" means:

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

(b) An addition, modification or alteration which changes the approved use of a room or area; and

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

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

(14) "Detoxification" means the process of ridding the body of the transitory effects of intoxication and any associated physiological withdrawal reaction.

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

(16) "Document" means to record, with authentication, date and time.

(17) "Family" means an individual or individuals:

(a) Designated by the patient, who may or may not be related to the patient; or

(b) Legally appointed to represent the patient.

(18) "Drug administration" means the act of an authorized individual giving a single dose of prescribed drug or biological to a patient according to the laws and regulations governing such acts.

(19) "Drug dispensing" means interpreting a prescription and, pursuant to that prescription, selecting, measuring, labeling, packaging, and issuing the prescribed medication to a patient or service unit of the facility.

(20) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements in this chapter.

(21) "Governing body" means the person legally responsible for the operation and maintenance of the hospital.

(22) "Intoxication" means acute poisoning or temporary impairment of mental or physical functioning caused by alcohol or associated substance use.

(23) "Health care professional" means an individual who practices health or health-related services within the individual's authorized scope of practice, who is licensed, certified or registered under Title 18 RCW;

(24) "Licensee" means the person to whom the department issues the hospital license.

(25) "Maximum security window" means a security window which, if operable, opens only with a key or special tool.

(26) "Multi-disciplinary treatment team" means a group of individuals from various clinical services who assess, plan, implement and evaluate treatment for patients under care.

(27) "Neglect" means conduct which results in deprivation of care necessary to maintain a patient'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 patient's level of functioning.

(28) "Patient-care staff" means permanent employees, temporary employees, volunteers, or contractors, who provide direct care services for patients.

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

(30) "Pharmacist" means an individual licensed as a pharmacist under chapter 18.64 RCW.

(31) "Pharmacy" means the central area in a hospital where prescriptions are filled, or drugs are stored and issued to hospital departments.

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

(33) "Physician assistant" means an individual licensed under chapter 18.71A or 18.57A RCW.

(34) "Private alcoholism hospital" or "hospital" means a privately owned and operated establishment or institution which:

(a) Provides accommodations and services over a continuous period of twenty-four hours or more for two or more individuals who are not related to the licensee; and

(b) Is expressly for diagnosing, treating and caring for individuals with signs or symptoms of alcoholism and the complications of associated substance use, and other medical diseases appropriately treated and cared for in the facility.

(35) "Professional staff" means health care professionals appointed by the governing body to practice within the parameters of the professional staff bylaws.

(36) "Referred outpatient diagnostic service" means a diagnostic test or examination performed outside the hospital which:

(a) Is ordered by a member of the professional staff legally permitted to order such tests and examinations, to whom the findings and results are reported; and

(b) Does not involve a parenteral injection, local or general anesthesia, or a surgical procedure.

(37) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(38) "Restraint" means any apparatus or chemical used to prevent or limit volitional body movements.

(39) "Seclusion room" means a small room designed for maximum security and patient protection, with minimal sensory stimuli, for the temporary care of one patient.

(40) "Security room" means a patient sleeping room designed, furnished and equipped to provide maximum safety and security.

(41) "Security window" means a window designed to inhibit exit, entry and injury to a patient, with safety glazing or other security feature to prevent breakage.

(42) "Self-administration" means the act of a patient taking the patient's own medication from a properly labeled container while on hospital premises, with the hospital responsible for appropriate medication use.

(43) "Sink" means a properly trapped plumbing fixture, with hot and cold water under pressure, which prevents back passage or return of air.

(44) "Social worker" means an individual registered or certified as a counselor under chapter 18.19 RCW with a

master's degree in social work from an accredited school of social work.

(45) "Special services" means clinical and rehabilitative activities or programs including, but not limited to:

- (a) Educational and vocational training;
- (b) Dentistry;
- (c) Speech therapy;
- (d) Physical therapy;
- (e) Occupational therapy;
- (f) Language translation; and
- (g) Training for individuals with hearing and visual impairment.

(46) "Staff" means permanent employees, temporary employees, volunteers, and contractors.

(47) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

(48) "Useable floor space" means the total floor surface area excluding area used for closets, wardrobes and fixed equipment.

**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 246-324-020 Licensure—Initial, renewal, modifications.** (1) A person shall have a current license issued by the department before operating or advertising a private alcohol and chemical dependency hospital.

(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) Certificate of need approval according to the provisions of chapter 246-310 WAC for the number of beds indicated on the application;

(c) Verification of department approval of facility plans submitted for construction review;

(d) A criminal history background check in accordance with WAC 246-324-030(2);

(e) Verification of approval as a private alcohol and chemical dependency hospital from the state director of fire protection according to RCW 71.12.485;

(f) The fee specified in WAC 246-324-990; and

(g) Other information as required by the department.

(3) The 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) The fee specified in WAC 246-324-990; and

(c) Other information as required by the department.

(4) At least sixty days prior to transferring ownership of a currently licensed hospital:

(a) The licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed hospital and the name under which the transferred hospital will operate;

(iii) Name of the new administrator, if known; and

- (iv) Date of the proposed change of ownership; and
- (b) The prospective owner shall apply for licensure according to subsection (2) of this section.

#### NEW SECTION

#### **WAC 246-324-025 Responsibilities and rights—Licensee and department.** (1) The licensee shall:

- (a) Comply with the provisions of chapter 71.12 RCW and this chapter;
  - (b) Post the private alcohol and chemical dependency hospital license in a conspicuous place on the premises;
  - (c) Maintain the bed capacity at or below the licensed bed capacity;
  - (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 date to be completed; and
    - (ii) A progress report stating the dates deficiencies were corrected;
  - (f) Obtain department approval before changing the bed capacity;
  - (g) Obtain department approval before starting any construction or making changes in department-approved plans or specifications;
  - (h) Notify the department immediately upon a change of administrator or governing body;
  - (i) When assuming ownership of an existing hospital, maintain past and current clinical records, registers, indexes, and analyses of hospital services, according to state law and regulations; and
  - (j) Obtain department approval of a plan for storing and retrieving patient records and reports prior to ceasing operation as a hospital.
- (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 meets the requirements in chapter 71.12 RCW and this chapter;
  - (b) Conduct an on-site inspection of the hospital prior to granting an initial license;
  - (c) Conduct on-site inspections at any time to determine compliance with chapter 71.12 RCW and this chapter;
  - (d) Give the administrator a written statement of deficiencies of chapter 71.12 RCW and this chapter observed during on-site surveys and investigations; and
  - (e) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a hospital license.
- (4) The department may deny, suspend, or revoke a private alcohol and chemical dependency hospital license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:
- (a) Is unqualified or unable to operate or direct operation of the hospital according to chapter 71.12 RCW and this chapter;

(b) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose a material fact, to the department:

- (i) In an application for licensure or renewal of licensure;
  - (ii) In any matter under department investigation; or
  - (iii) During an on-site survey or inspection;
  - (c) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;
  - (d) Fails or refuses to comply with the requirements of chapter 71.12 RCW or this chapter;
  - (e) Compromises the health or safety of a patient;
  - (f) Has a record of a criminal or civil conviction for:
    - (i) Operating a health care or mental health care facility without a license;
    - (ii) Any crime involving physical harm to another individual; or
    - (iii) Any crime or disciplinary board final decision specified in RCW 43.43.830;
  - (g) Had a license to operate a health care or mental health care facility denied, suspended or revoked;
  - (h) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or willfully interferes with an on-site survey or investigation;
  - (i) Commits, permits, aids or abets the commission of an illegal act on the hospital premises;
  - (j) Demonstrates cruelty, abuse, negligence, assault or indifference to the welfare and well-being of a patient;
  - (k) Fails to take immediate appropriate corrective action in any instance of cruelty, assault, abuse, neglect, or indifference to the welfare of a patient;
  - (l) Misappropriates the property of a patient;
  - (m) Fails to exercise fiscal accountability and responsibility toward individual patients, the department, and the business community; or
  - (n) Retaliates against a staff person, patient 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 patient's health, safety or welfare.

#### NEW SECTION

**WAC 246-324-030 Criminal history, disclosure, and background inquiries.** (1) The licensee or license applicant shall require a disclosure statement as defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other individual associated with the hospital having direct contact with vulnerable adults as defined under RCW 43.43.830.

(2) The license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department with the initial application for licensure.

(3) The licensee or license applicant shall:

- (a) Require a Washington state patrol criminal history background inquiry, as specified in RCW 43.43.842(1), from the Washington state patrol or the department of social and health services for each:

(i) Staff person, student, and any other individual currently associated with the hospital having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective staff person, student, and individual applying for association with the hospital prior to allowing the individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

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

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

(d) Verbally inform the 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 individual within ten days of receipt.

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

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

(b) Requests a background inquiry within three business days of the conditional acceptance of the 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 individual having direct contact with vulnerable adults, if that individual has been:

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

(b) Convicted of a crime relating to financial exploitation 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 individual except:

(i) The 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:

(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 an individual associated with the licensed hospital 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 246-324-035 Policies and procedures.** (1) The licensee shall develop and implement the following written policies and procedures consistent with this chapter and services provided:

(a) Criteria for admitting and retaining patients;

(b) Methods for assessing each patient's physical and mental health prior to admission;

(c) Providing or arranging for the care and treatment of patients;

(d) Assuring patient rights according to chapters 71.05 and 71.34 RCW;

(e) Protecting against abuse and neglect and reporting suspected incidents according to the provisions of chapters 71.05, 71.34, 74.34 and 26.44 RCW;

(f) Fire and disaster plans, including:

(i) Accessing patient-occupied sleeping rooms, toilet rooms and bathrooms;

(ii) Summoning internal or external resource agencies or persons, such as a poison center, fire department, and police;

(g) Emergency medical care, including:

(i) Physician orders;

(ii) Staff actions in the absence of a physician; and

(iii) Storing and accessing emergency supplies and equipment;

(h) Managing assaultive, self-destructive, or out-of-control behavior, including:

(i) Immediate actions and conduct;

(ii) Use of seclusion and restraints consistent with WAC 246-324-180; and

(iii) Documenting in the clinical record;

(i) Pharmacy and medication services consistent with WAC 246-324-210;

(j) Infection control as required by WAC 246-324-100;

(k) Staff actions upon:

(i) Patient elopement;

(ii) A serious change in a patient's condition, and immediately notifying family according to chapters 71.05 and 71.34 RCW;

(iii) Accidents or incidents potentially harmful or injurious to patients, and documentation in the clinical record; and

(iv) Patient death;

(l) Smoking on the hospital premises;

(m) Responsibility for patients' personal property, including recording any valuables left on deposit with the hospital;

(n) Allowing patients to work on the premises, according to WAC 246-324-180;

(o) Maintenance and housekeeping functions, including schedules;

(p) Cleaning, inspecting, repairing and calibrating electrical, biomedical and therapeutic equipment, and documenting actions;

(q) Transporting patients for:

(i) Diagnostic or treatment activities;

- (ii) Hospital connected business and programs; and
  - (iii) Medical care services not provided by the hospital;
  - (r) Transferring patients to other health care facilities or agencies;
  - (s) Obtaining and retaining criminal history background checks and disclosure statements consistent with WAC 246-324-030;
  - (t) Research involving patients;
  - (u) Clinical records consistent with WAC 246-324-200, the Uniform Medical Records Act, chapter 70.02 RCW and Title 42 CFR, chapter 1, Part 2, 10/1/89;
  - (v) Food service consistent with chapter 246-215 WAC and WAC 246-324-230.
- (2) The licensee shall review and update the policies and procedures annually or more often as needed.

#### NEW SECTION

**WAC 246-324-040 Governing body and administration.** The governing body shall:

- (1) Adopt written policies concerning the purposes, operation and maintenance of the hospital, and the safety, care and treatment of patients;
- (2) Provide staff, facilities, equipment, supplies and services to meet the needs of patients within the purposes of the hospital;
- (3) Establish and maintain a current written organizational plan delineating positions, responsibilities, authorities, and relationships of positions within the hospital;
- (4) Appoint an administrator responsible for implementing the policies adopted by the governing body;
- (5) Appoint a physician as medical director responsible for directing and supervising medical treatment and patient care twenty-four hours per day;
- (6) Maintain an organized professional staff accountable to the governing body;
- (7) Appoint and periodically reappoint the professional staff;
- (8) Require and approve professional staff bylaws and rules concerning, at a minimum:
  - (a) Organization of the professional staff;
  - (b) Delineation of privileges;
  - (c) Requirements for membership;
  - (d) Specific mechanisms for appointing and reappointing members;
  - (e) Granting, renewing and revising clinical privileges;
  - (f) Self-government;
  - (g) Required functions;
  - (h) Accountability to the governing body; and
  - (i) Mechanisms to monitor and evaluate quality of care and clinical performance; and
- (9) Require that each person admitted to the hospital is under the care of a professional staff member with clinical privileges.

#### NEW SECTION

**WAC 246-324-050 Staff.** The licensee shall:

- (1) Employ sufficient, qualified staff to:
  - (a) Provide adequate patient services;
  - (b) Maintain the hospital free of safety hazards; and
  - (c) Implement fire and disaster plans;

- (2) Develop and maintain a written job description for the administrator and each staff position;
- (3) Maintain evidence of appropriate qualifications and current credentials prior to hiring, or granting or renewing clinical privileges or association of any health care professional;
- (4) Verify work references prior to hiring staff;
- (5) Assure all patient-care staff including those transporting patients and supervising patient activities, except licensed staff whose professional training exceeds first-responder training, have within thirty days of employment:
  - (a) Current cardiopulmonary resuscitation cards from instructors certified by the American Red Cross, American Heart Association, United States Bureau of Mines, or Washington state department of labor and industries; and
  - (b) Current first-aid cards from instructors certified as in (a) of this subsection;
  - (6) Provide and document orientation and appropriate training for all staff, including:
    - (a) Organization of the hospital;
    - (b) Physical layout of hospital, including buildings, departments, exits, and services;
    - (c) Fire and disaster plans, including monthly drills;
    - (d) Infection control;
    - (e) Specific duties and responsibilities;
    - (f) Policies, procedures, and equipment necessary to perform duties;
    - (g) Patient rights according to chapters 71.05 and 71.34 RCW and patient abuse;
    - (h) Managing patient behavior; and
    - (i) Appropriate training for expected duties;
    - (7) Make available an ongoing, documented, in-service education program, including but not limited to:
      - (a) For each staff person, training to maintain and update competencies needed to perform assigned duties and responsibilities; and
      - (b) For patient care staff, in addition to (a) of this subsection, the following training:
        - (i) Methods of patient care;
        - (ii) Using the least restrictive alternatives;
        - (iii) Managing assaultive and self-destructive behavior;
        - (iv) Patient rights pursuant to chapters 71.05 and 71.34 RCW;
        - (v) Special needs of the patient population, such as children, minorities, elderly, and individuals with disabilities;
        - (vi) Cardiopulmonary resuscitation; and
        - (vii) First-aid training;
      - (8) When volunteer services are used within the hospital:
        - (a) Designate a qualified employee to be responsible for volunteer services;
        - (b) Provide and document orientation and training according to subsections (6) and (7) of this section for each volunteer; and
        - (c) Provide supervision and periodic written evaluations of each volunteer working directly with patients;
    - (9) In addition to following WISHA requirements, protect patients from tuberculosis by requiring each staff person to have upon employment or starting service, and each year thereafter during the individual's association with the hospital:

(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; and

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

(10) Report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority;

(11) Restrict a staff person's contact with patients when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the hospital setting or by casual contact; and

(12) Maintain a record on the hospital premises for each staff person, during employment and for two years following termination of employment, including but not limited to:

(a) An employment application;

(b) Verification of required education, training and credentials;

(c) Documentation of contacting work references as required by subsection (4) of this section;

(d) Criminal history disclosure and background checks as required in WAC 246-324-030;

(e) Verification of current cardiopulmonary resuscitation, first-aid and HIV/AIDS training;

(f) Tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers; and

(g) Annual performance evaluations.

#### NEW SECTION

**WAC 246-324-060 HIV/AIDS education and training.** 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, or subsequent editions published by the department; and

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

#### NEW SECTION

**WAC 246-324-100 Infection control.** The licensee shall:

(1) Establish and implement an effective hospital-wide infection control program, which includes at a minimum:

(a) Written policies and procedures describing:

(i) Types of surveillance used to monitor rates of nosocomial infections;

(ii) Systems to collect and analyze data; and

(iii) Activities to prevent and control infections;

(b) A review process, using definitions and criteria established by the committee, to determine if staff and patient infections are nosocomial;

(c) A system for reporting communicable diseases consistent with chapter 246-100 WAC, Communicable and certain other diseases;

(d) A procedure for reviewing and approving infection control aspects of policies and procedures used in each area of the hospital;

(e) A procedure to monitor the physical environment of the hospital for situations which may contribute to the spread of infectious diseases;

(f) Provisions for:

(i) Providing consultation regarding patient care practices, equipment and supplies which may influence the risk of infection;

(ii) Providing consultation regarding appropriate procedures and products for cleaning, disinfecting and sterilizing;

(iii) Providing infection control information for orientation and in-service education for staff providing direct patient care;

(iv) Making recommendations, consistent with federal, state, and local laws and rules, for methods of safe and sanitary disposal of:

(A) Sewage;

(B) Solid and liquid wastes; and

(C) Infectious wastes including safe management of sharps;

(g) Identifying specific precautions to prevent transmission of infections; and

(h) Coordinating employee activities to control exposure and transmission of infections to or from employees and others performing patient services;

(2) Assign one or more individuals to manage the infection control program with documented qualifications related to infection surveillance, prevention, and control, including:

(a) Education;

(b) Training;

(c) Certification; or

(d) Supervised experience;

(3) Designate an infection control committee, comprised of the individual or individuals assigned to manage the program and multi-disciplinary representatives from the professional staff, nursing staff and administrative staff, to:

(a) Oversee the program;

(b) Develop a committee-approved description of the program, including surveillance, prevention, and control activities;

(c) Delegate authority, approved in writing by administrative and professional staff, to institute surveillance, prevention, and control measures when there is reason to believe any patient or staff may be at risk of infection;

(d) Meet at regularly scheduled intervals, at least quarterly;

(e) Maintain written minutes and reports of findings presented during committee meetings; and

(f) Develop a method for forwarding recommendations to the professional staff, nursing, administration, and other committees and departments as appropriate.

#### NEW SECTION

**WAC 246-324-120 Physical environment.** The licensee shall:

(1) Provide a safe and clean environment for patients, staff and visitors;

(2) Provide ready access and equipment to accommodate individuals with physical and mental disabilities;

(3) Provide adequate lighting in all areas;

(4) Provide natural or mechanical ventilation sufficient to remove odors, smoke, excessive heat and condensation from all habitable rooms;

(5) Provide a heating system operated and maintained to sustain a comfortable, healthful temperature in all habitable rooms;

(6) Provide an adequate supply of hot and cold running water under pressure meeting the standards in chapters 246-290 and 246-291 WAC, with:

(a) Devices to prevent back-flow into the potable water supply system; and

(b) Water temperature not exceeding 120°F automatically regulated at all plumbing fixtures used by patients;

(7) Implement current, written policies, procedures, and schedules for maintenance and housekeeping functions;

(8) Provide housekeeping and service facilities on each floor of the hospital including:

(a) One or more service sinks, designed for filling and emptying mop buckets;

(b) Housekeeping closets:

(i) Equipped with shelving;

(ii) Ventilated to the out-of-doors; and

(iii) Kept locked; and

(c) A utility service area designed and equipped for washing, disinfecting, storing, and housing medical and nursing supplies and equipment; and

(9) Provide equipment and facilities to collect and dispose of all sewage, garbage, refuse and liquid waste in a safe and sanitary manner.

#### NEW SECTION

**WAC 246-324-140 Patient living areas.** The licensee shall:

(1) Provide patient sleeping rooms with:

(a) A minimum of eighty square feet of useable floor space in a single bedroom;

(b) A minimum of seventy square feet of useable floor space per bed in a multi-patient room;

(c) A minimum ceiling height of seven feet six inches over the required floor area;

(d) A maximum capacity of four patients;

(e) A floor elevation no lower than three feet six inches below grade, with grade extending horizontally ten or more feet from the building;

(f) Direct access to and from a corridor, common-use activity room, or other common-use area;

(g) A clear window area on an outside wall equal to or greater than one-tenth the floor area with a minimum of ten square feet;

(h) Sufficient room furnishings maintained in safe and clean condition including:

(i) A bed for each patient at least thirty-six inches wide or appropriate to the special needs and size of the patient;

(ii) A cleanable, firm mattress; and

(iii) A cleanable or disposable pillow;

(i) At least three feet between beds, and adequate space between furnishings to allow easy entrance, exit, and traffic flow within the room;

(2) In addition to the requirements in subsection (1) of this section, when security rooms are used, provide with:

(a) Security or maximum security windows appropriate to the area and program;

(b) Furnishings, equipment and design for maximum safety and security;

(c) Shielded and tamper-resistant lighting fixtures and electrical outlets;

(d) A door lockable from the outside;

(e) Provisions for authorized staff to observe occupants;

(3) Provide an enclosed space within the patient sleeping room, or nearby, suitable for each patient to hang garments, and store clothing and personal belongings;

(4) Provide secure storage for each patient's valuables in the patient sleeping room or elsewhere in the hospital;

(5) Provide a dining area for patients in a community setting with furnishings appropriate for dining;

(6) Provide and maintain a safe area or areas for patient recreation and physical activity equal to or greater than twenty square feet for each licensed bed space;

(7) Provide a visiting area allowing privacy for patients and visitors;

(8) Provide a readily available telephone for patients to make and receive confidential calls; and

(9) Provide a "nonpay" telephone or equivalent communication device readily accessible on each patient occupied floor for emergency use.

#### NEW SECTION

**WAC 246-324-150 Clinical facilities.** The licensee shall provide:

(1) An adequate number of counseling or treatment rooms for group or individual therapy programs with reasonable sound-proofing to maintain confidentiality;

(2) One or more seclusion rooms, with or without an exterior window, intended for short-term occupancy, with:

(a) Staff-controlled locks and relites in the door, or equivalent;

(b) Provisions for authorized staff to observe the occupant at all times;

(c) A minimum of eighty square feet of floor space, exclusive of fixed equipment, with a minimum room dimension of eight feet; and

(d) Shielded, tamper-proof lighting fixtures;



- (3) One or more physical examination rooms, with or without an exterior window, equipped with:
- (a) An examination table;
  - (b) Examination light;
  - (c) Storage for medical supplies and equipment; and
  - (d) A readily accessible handwashing sink, soap dispenser, and acceptable single-use hand-drying device; and
- (4) Secure areas to properly store and handle medical supplies and medications.

#### NEW SECTION

**WAC 246-324-160 Bathrooms, toilet rooms and handwashing sinks.** The licensee shall provide:

- (1) One toilet, handwashing sink and bathing fixture for each six patients, or fraction thereof, on each patient-occupied floor of the hospital, with:
  - (a) Provisions for privacy during toileting, bathing, showering, and dressing;
  - (b) Separate toilet rooms for each sex if the toilet room contains more than one toilet;
  - (c) Separate bathrooms for each sex if the bathroom contains more than one bathing fixture; and
  - (d) One or more grab bars at each toilet and bathing fixture appropriate to the needs of patients;
- (2) Toilet rooms and bathrooms directly accessible from patient rooms or corridors, without passing through any kitchen, pantry, food preparation, food storage, or dishwashing area or from one bedroom through another bedroom.

#### NEW SECTION

**WAC 246-324-170 Patient care services.** (1) The licensee shall:

- (a) Provide an initial physical and dependency assessment by a physician, advanced registered nurse practitioner, or physician assistant;
- (b) Admit only those patients for whom the hospital is qualified by staff, services and equipment to give adequate care; and
- (c) Provide appropriate transfer and acceptance of a patient needing medical care services not provided by the hospital, by:
  - (i) Transferring relevant data with the patient;
  - (ii) Obtaining written or verbal approval by the receiving facility prior to transfer; and
  - (iii) Immediately notifying the patient's family.
- (2) The licensee shall provide medical supervision and treatment, transfer, and discharge planning for each patient admitted or retained, including but not limited to:
  - (a) Admittance by a member of the medical staff as defined by the staff bylaws;
  - (b) An initial treatment plan upon admission;
  - (c) A physical examination and medical history completed and recorded by a physician, advanced registered nurse practitioner, or physician assistant within twenty-four hours following admission, unless the patient had a physical examination and medical history completed within fourteen days prior to admission, and the information is recorded in the clinical record;
  - (d) A comprehensive treatment plan developed within seventy-two hours following admission:

- (i) Developed by a multi-disciplinary treatment team with input, when appropriate, by the patient, family, and other agencies;
- (ii) Reviewed and modified by a chemical dependency counselor as indicated by the patient's clinical condition;
- (iii) Interpreted to personnel, staff, patient, and, when possible and appropriate, to family; and
- (iv) Implemented by persons designated in the plan;
- (e) Physician orders for drug prescriptions, medical treatments and discharge;
- (f) Current written policies and orders signed by a physician to guide the action of personnel when medical emergencies or threat to life arise and a physician is not present;
- (g) A discharge plan including a review of the patient's hospitalization, condition upon discharge, and recommendations for follow-up and continuing care;
- (h) Patient education pertaining to the patient's dependency, prescribed medications, and health maintenance; and
- (i) Referrals to appropriate resources and community services during and after hospitalization.

(3) The licensee shall provide, or arrange for, diagnostic and therapeutic services prescribed by the attending professional staff, including:

- (a) Medical services, including:
  - (i) A physician on call at all times;
  - (ii) Provisions for emergency medical services when needed; and
  - (iii) Participation of a multi-disciplinary treatment team;
- (b) Nursing services, including:
  - (i) A registered nurse, employed full time, responsible for nursing services twenty-four hours per day;
  - (ii) One or more registered nurses on duty at all times to supervise nursing care;
- (c) Chemical dependency counseling services, directed and supervised by a chemical dependency counselor, responsible for:
  - (i) A twenty-four-hour per day chemical dependency program; and
  - (ii) Patient education on chemical dependency;
- (d) Social work services coordinated and supervised by a social worker with experience working with patients with alcohol and chemical dependencies, responsible for:
  - (i) Reviewing social work activities;
  - (ii) Integrating social work services into the comprehensive treatment plan; and
  - (iii) Coordinating discharge with community resources; and
- (e) Special services, within the hospital or contracted outside the hospital, as specified in the comprehensive treatment plan.

#### NEW SECTION

**WAC 246-324-180 Patient safety and seclusion care.**

- (1) The licensee shall assure seclusion and restraint are used only to the extent and duration necessary to ensure the safety of patients, staff, and property, as follows:
- (a) Staff shall not inflict pain;
  - (b) Staff shall document all assaultive incidents in the clinical record;

(c) Staff shall observe any patient in restraint or seclusion at least every fifteen minutes, intervening as necessary, and recording observations and interventions in the clinical record;

(d) Staff shall notify, and receive authorization by, a physician within one hour of initiating patient restraint or seclusion;

(e) A physician shall examine each restrained or secluded patient and renew the order for every twenty-four continuous hours of restraint and seclusion; and

(f) A mental health professional or registered nurse shall evaluate the patient when secluded or restrained more than two continuous hours, and re-evaluate the patient at least once every eight continuous hours of restraint and seclusion thereafter.

(2) The licensee shall provide adequate emergency supplies and equipment, including airways, bag resuscitators, intravenous fluids, oxygen, sterile supplies, and other equipment identified in the policies and procedures, easily accessible to patient-care staff;

(3) When research is proposed or conducted involving patients, the licensee shall:

(a) Document an initial and continuing review process by a multi-disciplinary treatment team;

(b) Require approval by the patient prior to participation;

(c) Allow the patient to discontinue participation at any time; and

(d) Ensure policies and procedures are in accordance with Title 42 Code of Federal Regulations, chapter 1, Part 2, 10/1/89 edition.

(4) The licensee shall prohibit the use of any patient for basic maintenance of the hospital or equipment, housekeeping, or food service in compliance with the Federal Fair Labor Standards Act, 29 USC, paragraph 203 et al., and 29 CFR, section 525 et al., except:

(a) Cleaning or maintaining the patient's private living area, or performing personal housekeeping chores; or

(b) Performing therapeutic activities:

(i) Included in and appropriate to the comprehensive treatment plan;

(ii) As agreed to with the patient;

(iii) Documented as part of the treatment program; and

(iv) Appropriate to the age, physical, and mental condition of the patient.

(5) The licensee shall assure the safety and comfort of patients when construction work occurs in or near occupied areas.

#### NEW SECTION

**WAC 246-324-190 Provisions for patients with tuberculosis.** A licensee providing inpatient services for patients with suspected or known infectious tuberculosis shall:

(1) Design patient rooms with:

(a) Ventilation to maintain a negative pressure condition in each patient room relative to adjacent spaces, except bath and toilet areas, with:

(i) Air movement or exhaust from the patient room to the out-of-doors with the exhaust grille located over the head of the bed;

(ii) Exhaust at the rate of six air changes per hour; and  
(iii) Make-up or supply air from adjacent ventilated spaces for four or less air changes per hour, and tempered outside air for two or more air changes per hour;

(iv) Ultraviolet generator irradiation as follows:

(A) Use of ultraviolet fluorescent fixtures with lamps emitting wave length of 253.7 nanometers;

(B) The average reflected irradiance less than 0.2 microwatts per square centimeter in the room at the five foot level;

(C) Wall-mount type of fixture installed over the head of the bed, as close to the ceiling as possible to irradiate the area of the exhaust grille and the ceiling; and

(D) Lamps changed as recommended by the manufacturer; and

(b) An adjoining bathroom and toilet room with bedpan washer; and

(2) Provide discharge information to the health department of the patient's county of residence.

#### NEW SECTION

**WAC 246-324-200 Clinical records.** (1) The licensee shall establish and maintain an organized clinical record service, consistent with recognized principles of record management, directed, staffed, and equipped to:

(a) Ensure timely, complete and accurate identification, checking, processing, indexing, filing, and retrieval of records;

(b) Facilitate compilation, maintenance, analyses, and distribution of patient care statistics; and

(c) Protect records from undue deterioration and destruction.

(2) The licensee shall develop and maintain an individual clinical record for each person receiving care, treatment, or diagnostic service at the hospital.

(3) The licensee shall ensure prompt entry and filing of the following data into the clinical record for each period a patient receives inpatient or outpatient services:

(a) Identifying information;

(b) Assessment and diagnostic data including history of findings and treatment provided for the dependency for which the patient is treated in the hospital;

(c) Comprehensive treatment plan;

(d) Authenticated orders for:

(i) Drugs or other therapies;

(ii) Therapeutic diets; and

(iii) Care and treatment, including standing medical orders used in the care and treatment of the patient, except standing medical emergency orders;

(e) Significant observations and events in the patient's clinical treatment;

(f) Any restraint of the patient;

(g) Data bases containing patient information;

(h) Original reports or durable, legible, direct copies of original reports, of all patient tests, diagnostic procedures and examinations performed on or for the patient;

(i) Description of therapies administered, including drug therapies;

(j) Nursing services;

(k) Progress notes recorded by the professional staff responsible for the care of the patient or others significantly involved in active treatment modalities; and

(l) A discharge plan and discharge summary.

(4) The licensee shall ensure each entry includes:

(a) Date;

(b) Time of day;

(c) Authentication by the individual making the entry; and

(d) Diagnosis, abbreviations and terminology consistent with:

(i) Third edition revised 1987 *The American Psychiatry Association Diagnostic and Statistical Manual of Mental Disorders*; and

(ii) *International Classification of Diseases, 9th edition, 1988*.

(5) The licensee shall provide designated areas, designed to assure confidentiality, for reading, recording, and maintaining patient clinical records.

(6) The licensee shall prevent access to clinical records by unauthorized persons.

(7) The licensee shall retain and preserve:

(a) Each patient's clinical records, excluding reports on referred outpatient diagnostic services, for:

(i) Adult patients, a minimum of ten years following the most recent discharge; or

(ii) Patients who are minors at the time of care, treatment, or diagnosis, a minimum of three years following the patient's eighteenth birth date, or ten years following the most recent discharge, whichever is longer;

(b) Reports on referred outpatient diagnostic services for at least two years;

(c) A master patient index card or equivalent for at least the same period of time as the corresponding clinical records; and

(d) Patients' clinical records, registers, indexes, and analyses of hospital service in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.

## NEW SECTION

**WAC 246-324-210 Pharmacy and medication services.** The licensee shall:

(1) Maintain the pharmacy in the hospital in a safe, clean, and sanitary condition;

(2) Provide evidence of current approval of pharmacy services by the Washington state board of pharmacy under chapter 18.64 RCW;

(3) Develop and implement procedures for prescribing, storing, and administering medications according to state and federal laws and rules, including:

(a) Assuring professional staff who prescribe are authorized to prescribe under chapter 69.41 RCW;

(b) Assuring orders and prescriptions for medications administered and self-administered include:

(i) Date and time;

(ii) Type and amount of drug;

(iii) Route of administration;

(iv) Frequency of administration; and

(v) Authentication by professional staff;

(c) Administering drugs;

(d) Self-administering drugs;

(e) Receiving and recording or transcribing verbal or telephone drug orders by authorized staff;

(f) Authenticating verbal and telephone orders by prescriber in a timely manner, not to exceed forty-eight hours for inpatients;

(g) Use of medications and drugs owned by the patient but not dispensed by the hospital pharmacy, including:

(i) Specific written orders;

(ii) Identification and administration of drug;

(iii) Handling, storage and control;

(iv) Disposition; and

(v) Pharmacist and physician inspection and approval prior to patient use to ensure proper identification, lack of deterioration, and consistency with current medication profile;

(h) Maintaining drugs in patient care areas of the hospital including:

(i) Hospital pharmacist or consulting pharmacist responsibility;

(ii) Legible labeling with generic and/or trade name and strength as required by federal and state laws;

(iii) Access only by staff authorized access under hospital policy;

(iv) Storage under appropriate conditions specified by the hospital pharmacist or consulting pharmacist, including provisions for:

(A) Storing medicines, poisons, and other drugs in a specifically designated, well-illuminated, secure space;

(B) Separating internal and external stock drugs; and

(C) Storing Schedule II drugs in a separate locked drawer, compartment, cabinet, or safe; and

(i) Preparing drugs in designated rooms with ample light, ventilation, sink or lavatory, and sufficient work area;

(j) Prohibiting the administration of outdated or deteriorated drugs, as indicated by label;

(k) Restricting access to pharmacy stock of drugs to:

(i) Legally authorized pharmacy staff; and

(ii) Except for Schedule II drugs, to a registered nurse designated by the hospital when all of the following conditions are met:

(A) The pharmacist is absent from the hospital;

(B) Drugs are needed in an emergency, and are not available in floor supplies; and

(C) The registered nurse, not the pharmacist, is accountable for the registered nurse's actions;

(4) The appropriate professional staff committee shall approve all policies and procedures on drugs, after documented consultation with:

(a) The pharmacist or pharmacist consultant directing hospital pharmacy services; and

(b) An advisory group comprised of representatives from the professional staff, hospital administration, and nursing services;

(5) When planning new construction of a pharmacy:

(a) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(b) Provide housekeeping facilities within or easily accessible to the pharmacy;

(c) Locate pharmacy in a clean, separate, secure room with:

(i) Storage, including locked storage for Schedule II controlled substances;

(ii) All entrances equipped with closers;

(iii) Automatic locking mechanisms on all entrance doors to preclude entrance without a key or combination;

(iv) Perimeter walls of the pharmacy and vault, if used, constructed full height from floor to ceiling;

(v) Security devices or alarm systems for perimeter windows and relites;

(vi) An emergency signal device to signal at a location where twenty-four-hour assistance is available;

(vii) Space for files and clerical functions;

(viii) Break-out area separate from clean areas; and

(ix) Electrical service including emergency power to critical pharmacy areas and equipment;

(d) Provide a general compounding and dispensing unit, room, or area with:

(i) A work counter with impermeable surface;

(ii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;

(iii) Storage space;

(iv) A refrigeration and freezing unit; and

(v) Space for mobile equipment;

(e) If planning a manufacturing and unit dose packaging area or room, provide with:

(i) Work counter with impermeable surface;

(ii) Corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter; and

(iii) Storage space;

(f) Locate admixture, radiopharmaceuticals, and other sterile compounding room, if planned, in a low traffic, clean area with:

(i) A preparation area;

(ii) A work counter with impermeable surface;

(iii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;

(iv) Space for mobile equipment;

(v) Storage space;

(vi) A laminar flow hood in admixture area; and

(vii) Shielding and appropriate ventilation according to WAC 246-318-540 (3)(m) for storage and preparation of radiopharmaceuticals;

(g) If a satellite pharmacy is planned, comply with the provisions of:

(i) Subsection (5)(a), (5)(c)(i), (ii), (iii), (iv), (v), and (vi) of this section when drugs will be stored;

(ii) Subsection (5)(c)(vii), (viii), and (ix) of this section, if appropriate; and

(iii) Subsections (5)(d) and (g) of this section if planned;

(h) If a separate outpatient pharmacy is planned, comply with the requirements for a satellite pharmacy including:

(i) Easy access;

(ii) A conveniently located toilet meeting accessibility requirements in WAC 51-20-3100; and

(iii) A private counseling area.

#### NEW SECTION

**WAC 246-324-220 Laboratory services.** The licensee shall:

(1) Provide access to laboratory services to meet emergency and routine needs of patients;

(2) Ensure laboratory services are provided by licensed or waived medical test sites in accordance with chapter 70.42 RCW and chapter 246-338 WAC; and

(3) Maintain each medical test site in the hospital in a safe, clean, and sanitary condition.

#### NEW SECTION

**WAC 246-324-230 Food and dietary services.** The licensee shall:

(1) Comply with chapters 246-215 and 246-217 WAC, food service;

(2) Designate an individual responsible for managing and supervising dietary/food services twenty-four hours per day, including:

(a) Incorporating ongoing recommendations of a dietitian;

(b) Serving at least three meals a day at regular intervals with fifteen or less hours between the evening meal and breakfast, unless the licensee provides a nutritious snack between the evening meal and breakfast;

(c) Providing well-balanced meals and nourishments that meet the current recommended dietary allowances of the *National Research Council*, 10th edition, 1989, adjusted for patient age, sex and activities unless contraindicated;

(d) Making nourishing snacks available as needed for patients, and posted as part of the menu;

(e) Preparing and serving therapeutic diets according to written medical orders;

(f) Preparing and serving meals under the supervision of food service staff;

(g) Maintaining a current diet manual, approved in writing by the dietitian and medical staff, for use in planning and preparing therapeutic diets;

(h) Ensuring all menus:

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

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

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

(iv) Provide a variety of foods;

(v) Are approved in writing by the dietitian;

(vi) Are posted in a location easily accessible to all patients; and

(vii) Are retained for one year;

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

(4) Allow sufficient time for patients to consume meals;

(5) Ensure staff from dietary/food services are present in the hospital during all meal times;

(6) Keep policies and procedures pertaining to food storage, preparation, and storage, and cleaning food service equipment and work areas in the food service area for easy reference by dietary staff at all times.

NEW SECTION

**WAC 246-324-240 Laundry.** The licensee shall provide:

- (1) Laundry and linen services, on the premises or by commercial laundry;
- (2) Storage and sorting areas for soiled laundry in well-ventilated areas, separate from clean linen handling areas;
- (3) A clean area with an adequate supply of clean linen;
- (4) When laundry is washed on the premises:
  - (a) An adequate water supply and a minimum water temperature of 140°F in washing machines; and
  - (b) Laundry facilities in areas separate from food preparation and dining; and
- (5) Facilities for patients who wear their own clothing during hospitalization to do personal laundry.

NEW SECTION

**WAC 246-324-250 Construction.** (1) The licensee shall comply with chapter 31 of the *Washington State Building Code* for all construction.

(2) Prior to starting 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 specified in chapter 246-314 WAC;

(c) A functional program which describes the services and operational methods affecting the hospital building, premises, and patients;

(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) One copy of specifications and the radiant panel test report 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 patients 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 construction, modification, and alteration consistent with RCW 18.20.130.

NEW SECTION

**WAC 246-324-500 Exemptions.** (1) A licensee wishing to request an exemption from a requirement in this chapter 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 patient or public health and safety.

(2) If the department determines the exemption will not jeopardize patient or public health or safety, and is not contrary to the intent of chapter 71.12 RCW and this chapter, the department may:

(a) Exempt the licensee from meeting a specific requirement in this chapter; or

(b) Allow the licensee to use another method of meeting the requirement.

(3) The licensee shall retain a copy of each approved exemption in the hospital.

NEW SECTION

**WAC 246-324-990 Fees.** The licensee shall submit:

(1) An initial fee of forty-seven dollars and thirty cents for each bed space indicated on the application for licensure; and

(2) An annual renewal fee of forty-seven dollars and thirty cents for each licensed bed space.

WSR 95-12-095  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
[Filed June 7, 1995, 10:51 a.m.]

Original Notice.

Title of Rule: Education WAC 246-840-500 through 246-840-575.

Purpose: To clarify education requirements and make WAC language consistent between registered and licensed practical nursing. The separate WACs will be combined to form a new WAC chapter.

Statutory Authority for Adoption: RCW 18.79.110.

Summary: Education requirements are clarified and consistency is developed in WAC language regarding registered and licensed practical nursing.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patricia O. Brown, RN, MSN, 1300 S.E. Quince, Olympia, (360) 753-2686.

Name of Proponent: Washington State Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change is anticipated to make the intent of the commission easier to understand.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: The Washington State Nursing Care Quality Assurance Commission, Attn: Mary Dale, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 753-2686, or FAX (360) 586-5935.

Hearing Location: Holiday Inn, 9 North 9th Street, Yakima, WA 98901, on July 21, at 1:00; and at the WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, SeaTac, WA 98188, on August 9, at 1:00.

Assistance for Persons with Disabilities: Contact Washington State Nursing Care Quality Assurance Commission by one week prior to hearing, TDD (360) 664-0064, or 1-800-525-0127 ext. 753-2686.

Submit Written Comments to: Patricia O. Brown, RN, MSN, P.O. Box 47864, Olympia, WA 98504-7864, FAX (360) 586-5935, by August 9, 1995.

Date of Intended Adoption: September 22, 1995.

May 31, 1995

Patricia O. Brown, RN, MSN  
Executive Director

Chapter 246-840 WAC  
NURSING EDUCATION

NEW SECTION

**WAC 246-840-500 Philosophy governing approval of nursing education programs.** While the commission herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of

registered and practical nurses to meet current and future nursing needs of the public. The commission believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The commission further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

NEW SECTION

**WAC 246-840-505 Purposes of commission approval of nursing education programs.** The commission approves nursing education programs for the following purposes:

- (1) To assure preparation for the safe practice of nursing by setting minimum standards for nursing education programs preparing persons for licensure as registered nurses or practical nurses;
- (2) To provide guidance for the development of new nursing education programs;
- (3) To foster continued improvement of established nursing education programs;
- (4) To provide criteria for the commission to evaluate new or established nursing education programs;
- (5) To assure the student adequate educational preparation;
- (6) To assure eligibility for admission to the licensing examinations for registered or practical nurses, and to facilitate interstate endorsement of graduates of commission approved schools of nursing.

NEW SECTION

**WAC 246-840-510 Approval of nursing education programs.** (1) Application for program development.

- (a) An educational institution wishing to establish a program in nursing shall:
  - (i) Submit to the commission at least eighteen months in advance of expected opening date a statement of intent to establish a nursing education program.
  - (ii) Submit to the commission, along with the statement of intent, a feasibility study to include at least the following information:
    - (A) Nursing studies documenting the need for entry level nurses in the area.
    - (B) Purposes and classification of the program.
    - (C) Availability of qualified faculty.
    - (D) Budgeted faculty positions.
    - (E) Availability of adequate clinical facilities for the program.
    - (F) Availability of adequate academic facilities for the program.
    - (G) Potential effect on other nursing programs in the area.
    - (H) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.
    - (I) Anticipated student population.
    - (J) Tentative time schedule for planning and initiating the program.
  - (iii) Respond to the commission's request(s) for additional information.

PROPOSED

(b) The commission shall either grant or withhold approval for program development.

(2) Program development.

(a) At least twelve months in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a proposed nursing education program. The proposed program plan shall include:

(i) Purpose, philosophy, and objectives.

(ii) Organization and administration.

(iii) Budget.

(iv) Resources, facilities, and services.

(v) Provisions for faculty, including qualifications, responsibilities, organization, and faculty/student ratio.

(vi) Curriculum, including course descriptions and course outlines.

(vii) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system.

(viii) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the commission a written report of the proposed program plan at least five weeks prior to a scheduled commission meeting at which time the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) A survey visit will be conducted by a representative of the commission before a decision regarding approval is rendered.

(d) Students may not be admitted to the program until approval has been granted by the commission.

(e) The nurse administrator of the program and other administrative officers of the organization shall attend the commission meeting to present the formal application and clarify and amplify materials included in the written report of the proposed program plan.

(f) The commission shall either grant or withhold provisional approval of the proposed nursing program.

(3) Provisional approval.

(a) The school shall submit course outlines to the commission for review and approval at least three months prior to offering the course;

(b) The school shall submit progress reports as requested by the commission; and

(c) Survey visits shall be scheduled as deemed necessary by the commission during the period of provisional approval.

(4) Full approval.

(a) A self-evaluation report of compliance with the standards for nursing education shall as identified in WAC 246-840-550 through 246-840-575 be submitted within three months following graduation of the first class, and a survey visit shall be made for consideration of full approval of the program.

(b) The commission will review the self-evaluation report, survey reports and added materials for full approval of the nursing education program only at scheduled commission meetings.

(c) The self-evaluation report, added materials and survey reports shall be in the commission office at least five weeks prior to the commission meeting.

(5) Satellite nursing education programs. An approved nursing education program wishing to initiate an off-campus, extended or satellite nursing program must submit a plan to the commission demonstrating that:

(a) A need for entry level nurses exists in the area.

(b) Faculty on-site meet all the requirements and qualifications of the parent nursing education program.

(c) Adequate clinical facilities are available and meet the requirements of the parent program.

(d) Academic facilities and resources are comparable to those of the parent program.

NEW SECTION

**WAC 246-840-520 Periodic evaluation of approved programs.** (1) To ensure continuing compliance with the plan and standards of nursing education, all nursing education programs will be surveyed and reevaluated for continued approval every eight years. More frequent visits may occur as deemed necessary by the commission or at the request of the nursing education program.

(a) The survey visit will be made by representative(s) of the commission on dates mutually agreeable to the commission and the nursing education program.

(b) Announcement of a survey visit will be sent to programs at least twelve months in advance of the visit.

(c) Prior to the survey a program shall submit a self-evaluation report which provides evidence of compliance with the standards of nursing education as identified in WAC 246-840-550 through 246-840-575.

(d) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the commission's survey report for that year if a national accreditation survey is scheduled concurrently. Where appropriate the survey will be made in conjunction with a national accreditation visit. An addendum to the report for the national accreditation survey must be submitted to address requirements of the state not considered by the national accrediting body.

(e) A draft of the survey visit report will be made available to the school for review and corrections in statistical data and for response to issues raised.

(f) Following the commission's review and decision, written notification regarding approval of the program and the commission comments and recommendations will be sent to the administrator of the nursing education program.

(2) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the commission for approval at least three months prior to implementation.

(3) Annual reports will be submitted on forms provided by the commission.

NEW SECTION

**WAC 246-840-525 Commission action following survey visits.** (1) Whenever a matter directly concerning a nursing program is being considered by the commission, any commission member who is associated with the program shall not participate in the deliberation or decision-making action of the commission.

(2) Each program shall be evaluated in terms of its conformance to the curriculum standards as provided in this chapter.

(3) The commission shall give written notice to the educational institution and the nurse administrator of the nursing program information regarding its decision on the program's approval status.

(4) Continuing full approval shall be granted a nursing program that meets the requirements of the law and rules and regulations of the commission. Full approval may carry recommendations for improvement and for correcting deficiencies.

(5) If the commission determines that an approved nursing program is not maintaining the curriculum standards required for approval, the commission shall give written notice specifying the deficiencies and shall designate the period of time in which the deficiencies must be corrected. The program's approval shall be suspended if a program fails to correct the deficiencies within the specified period of time.

#### NEW SECTION

**WAC 246-840-530 Denial, conditional approval or withdrawal of approval.** (1) The commission may deny approval to new programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 246-840-550 through 246-840-575. All such commission actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the commission.

(2) Conditional approval shall be granted a nursing education program that has failed to meet the minimum standards contained in the law and the rules and regulations of the commission.

(a) Conditions that must be met within a designated time period shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Withdrawal of approval.

(3) The commission may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 246-840-550 through 246-840-575. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the commission.

#### NEW SECTION

**WAC 246-840-535 Reinstatement of approval.** The commission may consider reinstatement of withdrawn approval of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 246-840-550 through 246-840-575.

#### NEW SECTION

##### **WAC 246-840-540 Appeal of commission decisions.**

A nursing education program deeming itself aggrieved by a decision of the commission affecting its approval status shall have the right to appeal the commission's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.05 RCW.

#### NEW SECTION

##### **WAC 246-840-545 Closing of an approved nursing education program.**

(1) Voluntary closing. When a governing institution decides to close a program it shall notify the commission in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program shall continue until the last class enrolled is graduated.

(i) The program shall continue to meet the standards for approval, WAC 246-840-550 through 246-840-575 until all of the enrolled students have graduated.

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate.

(iii) The commission shall be notified by the governing institution of the closing date.

(b) The program shall close after assisting in the transfer of students to other approved programs.

(i) The program shall continue to meet the standard required for approval, WAC 246-840-550 through 246-840-575 until all students are transferred.

(ii) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the commission by the governing institution.

(iii) The date on which the last student was transferred shall be the closing date of the program.

(c) Custody of records.

(i) If the program closes but the governing institution continues to function, it shall assume responsibility for the records of the students and graduates. The commission shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the commission for safekeeping.

(iii) The commission shall be consulted about the disposition of all other records.

(2) Closing as a result of withdrawal of approval. When the commission withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. A time frame for the transfer process will be established by the commission.

(c) A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the commission by the governing institution.

(d) Custody of records.



(i) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The commission shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the commission for safekeeping.

(iii) The commission shall be consulted about the disposition of all other records.

#### NEW SECTION

**WAC 246-840-550 Purpose, philosophy, and objectives for approved nursing education programs.** (1) The purpose, philosophy, and objectives of the program shall be stated clearly and shall be available in written form. They shall be consistent with the definitions of nursing practice as outlined in RCW 18.79.040 and 18.79.060.

(2) The nursing education program shall have a statement of philosophy that is consistent with the philosophy of the governing institution.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective, and psychomotor capabilities of the graduate.

#### NEW SECTION

**WAC 246-840-555 Organization and administration for approved nursing education programs.** (1) The nursing education program shall be an integral part of the accredited governing institution. The governing institution accreditation must be by an approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution shall be clearly delineated.

(3) The nursing education program shall be organized with clearly defined authority, responsibility, and channels of communication.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program shall allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a registered nurse currently licensed in this state with the following qualifications:

(a) In a program offering practical nursing education or associate degree, a minimum of a masters with a major in nursing, preparation in education and administration, and at least five years of professional experience as a registered nurse including two years of experience in nursing education.

(b) In a program offering the baccalaureate degree in nursing, a masters degree with a major in nursing, a doctoral degree in nursing or a related field, preparation in education and administration, and at least five years of experience as a registered nurse including two years of experience in nursing education at the baccalaureate level.

(7) The administrator of the nursing education program shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Liaison with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of the institution. Encourage faculty to seek ways of improving clinical skills and methods of demonstrating continued clinical competence.

(d) Facilitation of faculty recruitment and appointment. The administration of the program is encouraged to establish a goal for acquiring faculty with diversity in ethnicity, gender, clinical specialty and experience that would be representative of the students enrolled in the program.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state nursing commission are effectively implemented.

(i) Notifying the commission of any major changes in the program or its administration.

(8) The administrator of the nursing education program shall have designated time provided to conduct relevant administrative duties and responsibilities.

#### NEW SECTION

**WAC 246-840-560 Resources, facilities, and services for approved nursing education programs.** (1) Classrooms, laboratories, and conference rooms shall be available and shall be adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for the conferences with students. Adequate space shall be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A variety of sites shall be utilized for learning experiences to enable the student to observe and practice safe nursing care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care to clients in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness, rehabilitation and support in death. Clinical experiences shall include opportunities to learn and provide care to clients from diverse ethnic and cultural backgrounds. The emphasis placed on these areas and the scope encompassed shall be in keeping with the purpose, philosophy and objectives of the program. The experiences may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities shall be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives. The number of hours of class and clinical practice opportunities and distribution of these shall be in direct ratio to the

amount of time necessary for the student at the particular stage of development to accomplish the objectives.

(c) Clinical facilities shall be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(d) Throughout the program the total hours of class and required clinical practice opportunities shall not exceed forty hours per week.

(4) Library facilities shall be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) Periodic evaluations of resources, facilities, and services shall be conducted by the administration, faculty, and/or students.

(6) Adequate financial support for faculty, support personnel, equipment, supplies, and services shall be demonstrated.

#### NEW SECTION

**WAC 246-840-565 Students in approved nursing education programs.** (1) The approved nursing education program shall:

(a) Provide in writing policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal. These policies shall be consistent with the policies of the governing institution. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(b) Maintain a system of student records.

(c) Provide a written statement of student rights and responsibilities.

(d) Require that students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards.

(2) The nursing education program shall provide the student in an ADN or BSN program with information on the legal definition and parameters of the nursing technician role, as in WAC 246-839-010(10) and 246-839-840. Such information shall be provided prior to the time of completion of the first clinical course and shall clearly advise the student of their responsibilities, should they choose to be employed as a nursing technician.

#### NEW SECTION

**WAC 246-840-570 Faculty in approved nursing education programs.** (1) There shall be a sufficient number of qualified faculty with adequate diversity of expertise in nursing to meet the purposes and objectives of the nursing education program.

(2) The maximum ratio of faculty to students in clinical areas involving direct care of patients or clients shall be one faculty member to twelve students. A lower ratio may be required by the commission of nursing for students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

- (a) The preparation and expertise of the faculty member;
- (b) The objectives to be achieved;
- (c) The level of students;
- (d) The number, type, and conditions of patients;

(e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s).

(3) Nursing faculty, including those in career ladder programs, shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A masters degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment in a program preparing registered nurses.

A Baccalaureate degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment in program preparing practical nurses only.

(i) Exceptions allowed without prior commission approval:

(A) Current tenured faculty.

(B) Ongoing reappointment of instructors on faculty prior to (Insert date of adoption of education rules).

(C) Temporary faculty replacement for less than three quarters or two semesters.

(ii) Exceptions allowed with prior commission approval:

(A) Temporary short-term faculty appointment of less than one academic year.

(B) Faculty specializing in a highly selected clinical area such as an operating room.

(c) Clinical experience as a registered nurse relevant to area(s) of responsibility.

(4) Nonnurse faculty must have academic and professional education and experience in their field of specialization.

(5) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose, philosophy, and objectives of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility and to demonstrate current clinical competency.

#### NEW SECTION

**WAC 246-840-575 Curriculum for approved nursing education programs.** (1) The basic curriculum shall not be less than two academic years for preparation of a registered nurse. The basic curriculum shall not be less than nine months or forty weeks for preparation of a practical nurse.

(2) The length, organization, content, methods of instruction, and placement of courses shall be consistent with the philosophy of the program.

(3) The curriculum shall include:

**FOR PRACTICAL NURSE PROGRAMS:**

(a) Concepts of social, behavioral, and related foundation subjects which may be integrated, combined or presented as separate courses.

(i) Normal growth and development.

(ii) Psychology - social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(iii) Personal and vocational relationships.

(b) Biological and related foundation subjects, which may be integrated, combined or presented as separate courses.

(i) Anatomy and physiology.

(ii) Microbiology - elementary concepts.

(iii) Chemistry and physics - elementary concepts.

(iv) Nutrition and diet therapy.

(v) Pharmacology and applied mathematics.

(c) Principles and practice of practical nursing consistent with the practical nursing role of the beginning practitioner as provided by the standards of competency identified in WAC 246-838-260.

(i) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(ii) Medical and surgical nursing.

(iii) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with complications.

(iv) Geriatric nursing.

(v) Mental health nursing.

(vi) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(vii) Laboratory and clinical practice in the functions of the practical nurse, including but not limited to, administration of medications, common medical surgical techniques and related client teaching.

(viii) Concepts of client care management.

#### FOR REGISTERED NURSE PROGRAMS:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined, or presented as separate courses.

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology and anthropology, which may be integrated, combined, or presented as separate courses.

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing.

(d) History, trends, and legal and ethical issues pertaining to the nursing profession, which may be integrated, combined, or presented as separate courses. Baccalaureate programs shall include study of research principles.

(e) Opportunities for the student to learn assessment of needs, planning, implementation, and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership.

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall

include opportunities for the student to learn and have direct involvement in, responsibility and accountability for nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy, and objectives of the program.

(g) Opportunities for the student to participate in multidisciplinary health care.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-838-140	Establishment of new practical nursing program.
WAC 246-838-150	Survey visits.
WAC 246-838-160	Board action following survey visits.
WAC 246-838-170	Termination of a suspension.
WAC 246-838-180	Student records.
WAC 246-838-190	Statement of completion of the course.
WAC 246-838-200	Readmissions, transfers.
WAC 246-838-210	Clinical practice areas.
WAC 246-838-220	Structure for curriculum implementation.
WAC 246-838-230	Curriculum standards in an approved practical nursing program.
WAC 246-838-240	Curriculum content.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-839-505	Philosophy governing approval of nursing education programs.
WAC 246-839-506	Purposes of board approval of nursing education programs.
WAC 246-839-525	Approval of nursing education programs.
WAC 246-839-530	Denial, conditional approval or withdrawal of approval.
WAC 246-839-535	Reinstatement of approval.
WAC 246-839-540	Appeal of board decisions.
WAC 246-839-545	Closing of an approved nursing education program.
WAC 246-839-550	Purpose, philosophy, and objectives for approved nursing education programs.
WAC 246-839-555	Organization and administration for approved nursing education programs.
WAC 246-839-560	Resources, facilities, and services for approved nursing education programs.
WAC 246-839-565	Students in approved nursing education programs.
WAC 246-839-570	Faculty in approved nursing education programs.

WAC 246-839-575 Curriculum for approved nursing education programs.

**WSR 95-12-096**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed June 7, 1995, 10:54 a.m.]

Original Notice.

Title of Rule: Chapter 246-322 WAC, Private psychiatric hospitals.

Purpose: To update requirements for private psychiatric hospitals.

Statutory Authority for Adoption: Chapter 71.12 RCW and RCW 43.60.040.

Statute Being Implemented: Chapter 71.12 RCW and RCW 43.43.842.

Summary: Updates rules for private psychiatric hospitals, repeals rules for private alcoholism hospitals (which are proposed for adoption as a new chapter 246-324 WAC), reformats existing rules to improve clarity, establishes requirements for criminal history background checks according to RCW 43.43.842.

Name of Agency Personnel Responsible for Drafting: Leslie Baldwin, Olympia, Washington, 705-6788; Implementation and Enforcement: Byron Plan, Olympia, Washington, 705-6777.

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: This rule action updates regulations for private psychiatric hospitals, rewords and reformats regulations for clarity, and adds requirements for criminal history background checks to implement RCW 43.43.842.

Proposal Changes the Following Existing Rules: Repeals regulations for private alcoholism hospitals and amends chapter 246-322 WAC.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Licensed private psychiatric hospital operators were asked if this rule action would financially impact their businesses. No one reported a fiscal impact.

Hearing Location: Department of Health, Facilities and Services Conference Room, Target Plaza, Suite 500 (next to Ben Franklin Store), 2725 Harrison Avenue N.W., Olympia, WA 98504-7852, on July 11, 1995, at 1:30 p.m. Please contact Leslie Baldwin at (360) 705-6788 by July 5 if you wish to testify at the hearing via phone.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by July 3, 1995, TDD (206) 664-0064, or (206) 705-6788.

Submit Written Comments to: Leslie Baldwin, P.O. Box 47852, Olympia, WA 98504-7852, by July 10, 1995.

Date of Intended Adoption: July 14, 1995.

June 6, 1995  
 Bruce Miyahara  
 Secretary

NEW SECTION

**WAC 246-322-001 Purpose and scope.** (1) This chapter implements chapter 71.12 RCW.

(2) This chapter establishes minimum standards for private psychiatric hospitals.

(3) This chapter does not apply to:

(a) Hospitals regulated by chapters 70.41 RCW and 246-318 WAC;

(b) Private alcohol and chemical dependency hospitals regulated by chapters 71.12 RCW and 246-324 WAC;

(c) Adult residential rehabilitation centers regulated by chapters 71.12 RCW and 246-325 WAC;

(d) Residential treatment facilities for children and youth regulated by chapters 71.12 RCW and 246-323 WAC;

(e) Alcoholism treatment facilities regulated by chapters 71.12 RCW and 246-326 WAC;

(f) Boarding homes regulated by chapters 18.20 RCW and 246-316 WAC;

(g) Nursing homes regulated by chapters 18.51 RCW and 248-14 WAC; or

(h) Christian Science establishments providing remedial care of residents or patients in accordance with the practices and principles of the body known as Church of Christ, Scientist.

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

**WAC 246-322-010 Definitions.** For the purposes of ~~((these rules and regulations for private psychiatric and alcoholism hospitals))~~ this chapter, the following words and phrases ~~((shall))~~ have the following meanings unless the context clearly indicates otherwise:

~~((1))~~ "Abuse" means the injury or sexual abuse of an individual patient by a person who is legally responsible for the welfare of that patient under circumstances which indicate that the health, welfare and safety of the patient is harmed thereby.

Person "legally responsible" shall include a parent, guardian or an individual to whom parental or guardian responsibility has been delegated, (e.g., teachers, providers of residential care and/or treatment, providers of day care).

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility to act in its behalf in the overall management of the hospital.

(3) "Alcoholic patient" means an individual demonstrating signs or symptoms of alcoholism.

(4) "Alcoholism" means a chronic, progressive, potentially fatal disease characterized by tolerance and physical dependency, pathological organic changes, or both, all of which are the consequences of alcohol ingestion.

(a) "Chronic and progressive" means that physical, emotional and social changes that develop are cumulative and progress as drinking continues.

(b) "Tolerance" means physiological adaptation to the presence of high concentration of alcohol.

(c) "Physical dependency" means that withdrawal symptoms occur from decreasing or ceasing ingestion of alcohol.

(5) "Alcoholism counselor" means a member of the clinical staff who is knowledgeable about the nature and treatment of alcoholism, is knowledgeable about community resources which provide services alcoholics may need, knows and understands the principles and techniques of alcoholism counseling and is skilled in the application of these principles and techniques.

(6) "Authenticated" or authentication means authorization of a written entry in a record or chart by means of a signature which shall include, minimally, first initial, last name and title.

(7) "Bathing facility" means a bathtub or shower.

(8) "Child psychiatrist" means a psychiatrist who is certified in child psychiatry by the board of psychiatry and neurology or board eligible.

(9) "Clinical record" means a file containing all pertinent clinical information about a particular patient to include: Identifying information, data bases, assessment, individualized comprehensive treatment plan, diagnosis and treatment, progress notes, other clinical events and a discharge summary.

(10) "Clinical staff" means qualified individuals, licensed when applicable, appointed by the governing body to practice within the parameters of the clinical staff bylaws as approved by the governing body of the hospital.

(11) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact regardless of whether or not damage is inflicted.

(12) "Department" means the Washington state department of social and health services.

(13) "Detoxified" means withdrawn from alcohol and/or associated substance use and recovered from the transitory effects of intoxication and any associated acute physiological withdrawal reaction.

(14) "Detoxification" means the process in which an individual recovers from the transitory effects of intoxication and/or any associated physiological withdrawal reaction.

(15) "Dietitian" means an individual who is eligible for membership in the American Dietetic Association.

(16) "Discipline" means reasonable actions by personnel and staff aimed at regulation of unacceptable behavior.

(17) "Drug administration" means an act in which a single dose of prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, verifying it with the physician's order, giving the individual dose to the proper patient, and properly recording the time and dose given.

(18) "Drug dispensing" means an act entailing the interpretation of an order (prescription) for a drug or biological and, pursuant to that order (prescription), proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(19) "Family" means individuals who are important to and designated by a patient, who need not be relatives.

(20) "Governing body" means the individual or group legally responsible for operation and maintenance of the hospital.

(21) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(22) "Individualized treatment plan" means a written statement of care to be provided for a patient based upon assessment of his/her strengths and problems. This statement shall include short term and long term goals with an estimated time frame stipulated and shall include discharge planning. When appropriate, the statement shall be developed with participation of the patient.

(23) "Intoxication" means acute poisoning or temporary impairment of an individual's mental and/or physical functioning caused by alcohol and/or associated substance use.

(24) "Intoxicated" means in the state of intoxication.

(25) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(26) "Legend drug" means any drug which is required by an applicable state or federal law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(27) "Licensed pharmacy" means a pharmacy licensed by the state board of pharmacy and a place where the practice of pharmacy is conducted.

(28) "Medical staff" means physicians and other medical practitioners appointed by the governing body to practice within the parameters of the medical staff bylaws within the hospital.

(29) "Multidisciplinary treatment team" means a group comprised of individuals from the various clinical services who assess, plan, implement and evaluate treatment for patients under care.

(30) "Neglect" means negligent treatment or maltreatment. An act or omission which evinces a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations and disordered development.

(31) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the hospital.

(b) Addition(s) to existing hospital(s) to be used as part of the hospital(s).

(c) Alteration(s) or modification(s) other than minor alteration(s) to a hospital. "Minor alterations" means any structural or functional modification within the existing hospital which does not change the approved use of the room or area. Minor alterations performed under this

definition do not require prior approval of the department, however, this does not constitute a release from the applicable requirements contained in chapter 248-16 WAC.

(32) "Occupational therapist" means a person eligible for certification as a registered occupational therapist by the American occupational therapy association.

(33) "Owner" means an individual, firm or joint stock association or the legal successor thereof who operates the hospital whether owning or leasing the premises.

(34) "Pharmacist" means an individual who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW, as now or hereafter amended.

(35) "Physician" means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.

(36) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his/her professional practice, as defined by Washington state statute, for legitimate medical purposes (RCW 18.64.011(8)).

(37) "Private alcoholism hospital" means an institution, facility, building or equivalent designed, organized, maintained and operated to provide diagnosis, treatment and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter shall not apply to any facility, agency or other entity which shall be both owned and operated by a public or governmental body.

(38) "Private psychiatric hospital" means an institution, facility, building or agency specializing in the diagnosis, care and treatment of individuals demonstrating signs and/or symptoms of mental disorder (as defined in RCW 71.05.020(2)) and providing accommodations and other necessary services over a continuous period of twenty-four hours or more for two or more individuals not related to the operator, provided that this chapter shall not apply to any facility, agency or other entity which shall be both owned and operated by a public or governmental body.

(39) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is eligible for certification by the American board of psychiatry and neurology.

(40) "Psychologist" means an individual who is licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW, as now or hereafter amended.

(41) "Recreational therapist" means an individual with a bachelor's degree with a major or option in therapeutic recreation or in recreation for ill and handicapped.

(42) "Registered nurse" means an individual duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW, as now or hereafter amended.

(43) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting volitional body movements.

(44) "Scheduled drugs" means those drugs, substances or immediate precursors controlled under Article II of the Uniform Controlled Substances Act, chapter 69.50 RCW.

(45) "Seclusion room" means a small secure room specifically designed and organized to provide for temporary placement, care and observation of one patient and further, providing an environment with minimal sensory stimuli, maximum security and protection and visualization of the patient by authorized personnel and staff.

(a) Inside or outside rooms are acceptable for seclusion.

(b) Doors of seclusion rooms shall be provided with locks. There shall be relites in the door, or equivalent, affording visibility of the occupant at all times.

(c) Seclusion room shall provide at least eighty square feet of floor space, exclusive of fixed equipment, with a minimum room dimension of eight feet.

(46) "Security room" means a patient sleeping room designed, furnished and equipped to provide maximum safety and security. This room shall be provided with window protection or security windows and a lockable door with provision for observation of the occupant(s).

(47) "Security window" means a window designed to inhibit exit, entry and injury to a patient. A "maximum security window" shall mean a window that can only be opened by keys or tools that are under control of personnel. The operation of the sash of the maximum security window shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated.

(48) "Self-administration" means those instances when a patient takes his/her own medication from a properly labeled container, while on the premises of the hospital, with the responsibility for appropriate use maintained by the hospital.

(49) "Shall" means compliance with the regulation is mandatory.

(50) "Should" means compliance with the regulation or rule is suggested or recommended but not required.

(51) "Social worker" means an individual with a master's degree in social work from an accredited school of social work.

(52) "Special services" means clinical and rehabilitative activities and/or programs which shall include but not be limited to: Educational and vocational training; speech, language, hearing, vision, dentistry, and physical therapy.

(53) "Toilet" means a room containing at least one water closet.

(54) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water. (1) "Abuse" means an act by any individual which injures, exploits or in any way jeopardizes a patient'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) "Administrator" means the individual responsible for the day-to-day operation of the hospital.

(3) "Advanced registered nurse practitioner" means a registered nurse authorized to practice specialized and advanced nursing according to the requirements in RCW 18.88.175.

(4) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and professional title/discipline; or

(b) A unique identifier which clearly indicates the responsible individual.

(5) "Bathing fixture" means a bathtub, shower, or combination bathtub shower.

(6) "Bathroom" means a room containing one or more bathing fixtures.

(7) "Child psychiatrist" means an individual licensed as a physician under chapter 18.71 or 18.57 RCW who is board-certified or board-eligible with a specialty in child psychiatry by:

(a) The American Board of Psychiatry and Neurology;  
or

(b) The Bureau for Osteopathic Specialists, American Osteopathic Neurology and Psychiatry.

(8) "Clinical record" means a file maintained by the licensee for each patient containing all pertinent psychological, medical, and clinical information.

(9) "Comprehensive treatment plan" means a written plan of care developed by a multi-disciplinary treatment team for an individual patient, based on an assessment of the patient's developmental, biological, emotional, psychological, and social strengths and needs, which includes:

(a) Treatment goals with specific time frames;

(b) Specific services to be provided;

(c) The name of each individual responsible for each service provided;

(d) Behavior management; and

(e) Discharge criteria with estimated time frames.

(10) "Construction" means:

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

(b) An addition, modification or alteration which changes the approved use of a room or area; and

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

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

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

(13) "Document" means to record, with authentication, date and time.

(14) "Drug administration" means the act of an authorized individual giving a single dose of prescribed drug or biological to a patient according to the laws and regulations governing such acts.

(15) "Drug dispensing" means interpreting a prescription and, pursuant to that prescription, selecting, measuring, labeling, packaging, and issuing the prescribed medication to a patient or service unit of the facility.

(16) "Exemption" means a written authorization from the department which releases a licensee from meeting a specific requirement or requirements in this chapter.

(17) "Family" means an individual or individuals:

(a) Designated by the patient, who may or may not be related to the patient; or

(b) Legally appointed to represent the patient.

(18) "Governing body" means the person legally responsible for the operation and maintenance of the hospital.

(19) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice, who is:

(a) Licensed, certified or registered under Title 18 RCW; or

(b) A recreational therapist as defined in this section.

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

(21) "Licensee" means the person to whom the department issues the hospital license.

(22) "Maximum security window" means a security window which, if operable, opens only with a key or special tool.

(23) "Mental health professional" means:

(a) A psychiatrist, psychologist, psychiatric nurse or social worker; or

(b) An individual with:

(i) A masters degree in behavioral science, nursing science, or a related field from an accredited college or university; and

(ii) Two years experience directly treating mentally ill individuals under the supervision of a mental health professional.

(24) "Multi-disciplinary treatment team" means a group of individuals from various clinical services who assess, plan, implement and evaluate treatment for patients under care.

(25) "Neglect" means conduct which results in deprivation of care necessary to maintain a patient'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 patient's level of functioning.

(26) "Occupational therapist" means an individual licensed under chapter 18.59 RCW.

(27) "Patient-care staff" means employees, temporary employees, volunteers, or contractors, who provide direct care services for patients.

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

(29) "Pharmacist" means an individual licensed as a pharmacist under chapter 18.64 RCW.

(30) "Pharmacy" means the central area in a hospital where prescriptions are filled, or drugs are stored and issued to hospital departments.

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

(32) "Physician assistant" means an individual licensed under chapter 18.71A or 18.57A RCW.

(33) "Private psychiatric hospital" or "hospital" means a privately owned and operated establishment or institution which:

(a) Provides accommodations and services over a continuous period of twenty-four hours or more; and

(b) Is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(34) "Professional staff" means health care professionals appointed by the governing body to practice within the parameters of the professional staff bylaws.

(35) "Psychiatric nurse" means a registered nurse with:

(a) A bachelor's degree from an accredited college or university and two years experience directly treating mentally ill or emotionally disturbed individuals under the supervision of a psychiatrist or psychiatric nurse; or

(b) Three years experience directly treating mentally ill or emotionally disturbed individuals under the supervision of a psychiatrist or psychiatric nurse.

(36) "Psychiatrist" means an individual licensed as a physician under chapter 18.71 or 18.57 RCW who is board-certified or board-eligible with a specialty in psychiatry by:

(a) The American Board of Psychiatry and Neurology;

or

(b) The Bureau for Osteopathic Specialists, American Osteopathic Neurology and Psychiatry.

(37) "Psychologist" means an individual licensed under chapter 18.83 RCW.

(38) "Recreational therapist" means an individual:

(a) With a bachelor's degree with a major or option in therapeutic recreation or in recreation for the ill and handicapped; or

(b) Certified or certification-eligible under Certification Standards for Therapeutic Recreation Personnel, June 1, 1988, National Council for Therapeutic Recreation Certification, 49 South Main Street, Suite 005, Spring Valley, New York 10977.

(39) "Referred outpatient diagnostic service" means a diagnostic test or examination performed outside the hospital which:

(a) Is ordered by a member of the professional staff legally permitted to order such tests and examinations, to whom the findings and results are reported; and

(b) Does not involve a parenteral injection, local or general anesthesia, or a surgical procedure.

(40) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(41) "Restraint" means any apparatus or chemical used to prevent or limit volitional body movements.

(42) "Seclusion room" means a small room designed for maximum security and patient protection, with minimal sensory stimuli, for the temporary care of one patient.

(43) "Security room" means a patient sleeping room designed, furnished and equipped to provide maximum safety and security.

(44) "Security window" means a window designed to inhibit exit, entry and injury to a patient, with safety glazing or other security feature to prevent breakage.

(45) "Self-administration" means the act of a patient taking the patient's own medication from a properly labeled

container while on hospital premises, with the hospital responsible for appropriate medication use.

(46) "Sink" means a properly trapped plumbing fixture, with hot and cold water under pressure, which prevents back passage or return of air.

(47) "Social worker" means an individual registered or certified as a counselor under chapter 18.19 RCW with a master's degree in social work from an accredited school of social work.

(48) "Special services" means clinical and rehabilitative activities or programs including, but not limited to:

(a) Educational and vocational training;

(b) Dentistry;

(c) Speech therapy;

(d) Physical therapy;

(e) Occupational therapy;

(f) Language translation; and

(g) Training for individuals with hearing or visual impairment.

(49) "Staff" means employees, temporary employees, volunteers, and contractors.

(50) "Toilet" means a fixture fitted with a seat and flushing device used to dispose of bodily waste.

(51) "Useable floor space" means the total floor surface area excluding area used for closets, wardrobes and fixed equipment.

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

**WAC 246-322-020 Licensure—Initial, renewal, modifications.** ~~((Private psychiatric hospitals and private alcoholism hospitals for adults, adolescents, and children shall be licensed under chapter 71.12 RCW, Private establishments. The purpose of this section is to establish minimum standards for safety and adequate care of patients with signs and/or symptoms of acute emotional or psychiatric impairment or acute alcoholism and associated substance use during diagnosis and treatment.~~

~~(1) Application for license.~~

~~(a) An application for a private hospital license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.~~

~~(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect current accuracy of such information as to the identity of each officer and director of the corporation, if the hospital is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the hospital is operated through a legal partnership.~~

~~(2) Disqualified applicants.~~

~~(a) Each and every individual named in an application for a license shall be considered separately and jointly as applicants and if anyone is deemed unqualified by the department in accordance with the law or these rules and regulations, the license may be denied, suspended, or revoked. A license may be denied, suspended, or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with these rules and regulations promulgated pursuant thereto and, in addition, any of the following:~~



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

(ii) Aiding or abetting the commission of an illegal act on the premises of the hospital;

(iii) Cruelty, assault, abuse, neglect or indifference to the welfare of any patient;

(iv) Misappropriation of property of the patients; and

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual patient, the department, or the business community.

(b) Before granting a license to operate as a hospital, the department shall consider the ability of each individual named in the application to operate a hospital in accordance with the law and with these regulations. Individuals who have previously been denied a license to operate a health care facility in the state or elsewhere, or who have been convicted criminally or civilly of operating such a facility without a license, or who have had their license to operate such a facility suspended or revoked shall not be granted a license unless, to the satisfaction of the department, they affirmatively establish clear, cogent, and convincing evidence of their ability to operate the hospital for which the license is sought, and for conformance with all applicable laws and rules and regulations.

(3) Denial, suspension, modification, or revocation of a license; adjudicative proceeding.

(a) When the department determines that a facility has failed or refused to comply with the requirements of chapter 71.12 RCW and/or these rules, the department may, if the interests of the patients so demand, issue to the applicant or licensee a notice to deny a license application, or to suspend, modify, or revoke a license to a license holder. The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989. An applicant or license holder has the right to an adjudicative proceeding to contest a license decision.

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(e) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 248-08 WAC. If a provision in this chapter conflicts with chapter 248-08 WAC, the provision in this chapter governs.

(4) Submission of plans. The following shall be submitted with an application for license: *Provided, however*, That when any of the required plans are already on file with the department for previous applications for license or construction approval, only plans for portions or changes which are not on file need to be submitted.

(a) A plan showing streets, driveways, water and sewage disposal systems, the location of buildings on the site, and

grade elevations within ten feet of any building in which patients are to be housed.

(b) Floor plans for each building in which patients are to be housed. The floor plans shall provide the following information: Identification of each patient's sleeping room by use of a lettering or numbering system; the useable square feet of floor space in each room; the clear glass window area in each patient's sleeping room, the height of the lowest portion of the ceiling in any patient's sleeping room; the floor elevations referenced to the grade level.

(5) Posting of a license. The license for the hospital shall be posted in a conspicuous place on the premises.

(6) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations;

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, which designate the function of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

(i) Plot plans;

(ii) Plans for each floor of the building(s) which designate the function of each room and show all fixed equipment in the planned locations of beds and other furniture in patient's sleeping rooms;

(iii) Interior and exterior elevations, building sections and construction details;

(iv) A schedule of floors, wall and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating ventilation and electrical systems; and

(v) Specifications which fully describe workmanship and finishes.

(e) Adequate provision shall be made for the safety and comfort of patients if construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. As indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only those changes which have been approved by the department may be incorporated into the construction project. All construction shall be submitted for the department's file on the project, even though it was not required that these be submitted prior to approval.

~~(7) Compliance with other regulations:~~

~~(a) Rules and regulations adopted by the Washington state fire marshal under the provisions of RCW 71.12.485 which are found in Title 212 WAC apply.~~

~~(b) If there is no local plumbing code, the uniform plumbing code of the international association of plumbing and mechanical officials shall be followed.~~

~~(c) Compliance with these regulations does not exempt private hospitals from compliance with the local and state electrical codes or local zoning, building, and plumbing codes.~~

~~(8) Transfer of ownership. The ownership of a hospital shall not be transferred until the transferee has been notified by the department that the transferee's application for license has been approved. Change in administrator shall be reported to the department.)~~ (1) A person shall have a current license issued by the department before operating or advertising a private psychiatric hospital.

(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) Certificate of need approval according to the provisions of chapter 246-310 WAC for the number of beds indicated on the application;

(c) Verification of department approval of facility plans submitted for construction review;

(d) A criminal history background check in accordance with WAC 246-322-030(2);

(e) Verification of approval as a private psychiatric hospital from the state director of fire protection according to RCW 71.12.485;

(f) The fee specified in WAC 246-322-990; and

(g) Other information as required by the department.

(3) The 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) The fee specified in WAC 246-322-990; and

(c) Other information as required by the department.

(4) At least sixty days prior to transferring ownership of a currently licensed hospital:

(a) The licensee shall submit to the department:

(i) The full name and address of the current licensee and prospective owner;

(ii) The name and address of the currently licensed hospital and the name under which the transferred hospital will operate;

(iii) Name of the new administrator, if known; and

(iv) Date of the proposed change of ownership; and

(b) The prospective owner shall apply for licensure according to subsection (2) of this section.

## NEW SECTION

**WAC 246-322-025 Responsibilities and rights—Licensee and department.** (1) The licensee shall:

(a) Comply with the provisions of chapter 71.12 RCW and this chapter;

(b) Post the private psychiatric hospital license in a conspicuous place on the premises;

(c) Maintain the bed capacity at or below the licensed bed capacity;

(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 date to be completed; and

(ii) A progress report stating the dates deficiencies were corrected.

(f) Obtain department approval before changing the bed capacity;

(g) Obtain department approval before starting any construction or making changes in department-approved plans or specifications;

(h) Notify the department immediately upon a change of administrator or governing body;

(i) When assuming ownership of an existing hospital, maintain past and current clinical records, registers, indexes, and analyses of hospital services, according to state law and regulations; and

(j) Obtain department approval of a plan for storing and retrieving patient records and reports prior to ceasing operation as a hospital.

(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 meets the requirements in chapter 71.12 RCW and this chapter;

(b) Conduct an on-site inspection of the hospital prior to granting an initial license;

(c) Conduct on-site inspections at any time to determine compliance with chapter 71.12 RCW and this chapter;

(d) Give the administrator a written statement of deficiencies of chapter 71.12 RCW and this chapter observed during on-site surveys and investigations; and

(e) Comply with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC when denying, suspending, modifying, or revoking a hospital license.

(4) The department may deny, suspend, or revoke a private psychiatric hospital license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Is unqualified or unable to operate or direct operation of the hospital according to chapter 71.12 RCW and this chapter;

(b) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose a material fact, to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation; or

(iii) During an on-site survey or inspection;

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

(d) Fails or refuses to comply with the requirements of chapter 71.12 RCW or this chapter;

(e) Compromises the health or safety of a patient;

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

(i) Operating a health care or mental health care facility without a license;

(ii) Any crime involving physical harm to another individual; or

(iii) Any crime or disciplinary board final decision specified in RCW 43.43.830;

(g) Had a license to operate a health care or mental health care facility denied, suspended or revoked;

(h) Refuses to allow the department access to facilities or records, or fails to promptly produce for inspection any book, record, document or item requested by the department, or willfully interferes with an on-site survey or investigation;

(i) Commits, permits, aids or abets the commission of an illegal act on the hospital premises;

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

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

(l) Misappropriates the property of a patient;

(m) Fails to exercise fiscal accountability and responsibility toward individual patients, the department, and the business community; or

(n) Retaliates against a staff person, patient 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 patient's health, safety or welfare.

#### NEW SECTION

**WAC 246-322-030 Criminal history, disclosure, and background inquiries.** (1) The licensee or license applicant shall require a disclosure statement as defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other individual associated with the hospital having direct contact with vulnerable adults as defined under RCW 43.43.830.

(2) The license applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department with the initial application for licensure.

(3) The licensee or license applicant shall:

(a) Require a Washington state patrol criminal history background inquiry, as specified in RCW 43.43.842 (1), from the Washington state patrol or the department of social and health services for each:

(i) Staff person, student, and any other individual currently associated with the hospital having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and

(ii) Prospective staff person, student, and individual applying for association with the hospital prior to allowing the individual direct contact with vulnerable adults, except as allowed by subsection (4) of this section;

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

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

(d) Verbally inform the 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 individual within ten days of receipt.

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

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

(b) Requests a background inquiry within three business days of the conditional acceptance of the 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 individual having direct contact with vulnerable adults, if that individual has been:

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

(b) Convicted of a crime relating to financial exploitation 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 individual except:

(i) The 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:

(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 an individual associated with the licensed hospital 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 246-322-035 Policies and procedures.** (1) The licensee shall develop and implement the following written policies and procedures consistent with this chapter and services provided:

- (a) Criteria for admitting and retaining patients;
- (b) Methods for assessing each patient's physical and mental health prior to admission;
- (c) Providing or arranging for the care and treatment of patients;
- (d) Assuring patient rights according to chapters 71.05 and 71.34 RCW;
- (e) Protecting against abuse and neglect and reporting suspected incidents according to the provisions of chapters 71.05, 71.34, 74.34 and 26.44 RCW;
- (f) Fire and disaster plans, including;
- (i) Accessing patient-occupied sleeping rooms, toilet rooms and bathrooms;
- (ii) Summoning internal or external resource agencies or persons, such as a poison center, fire department, and police;
- (g) Emergency medical care, including:
  - (i) Physician orders;
  - (ii) Staff actions in the absence of a physician; and
  - (iii) Storing and accessing emergency supplies and equipment;
- (h) Managing assaultive, self-destructive, or out-of-control behavior, including:
  - (i) Immediate actions and conduct;
  - (ii) Use of seclusion and restraints consistent with WAC 246-322-180; and
  - (iii) Documenting in the clinical record;
- (i) Pharmacy and medication services consistent with WAC 246-322-210;
- (j) Infection control as required by WAC 246-322-100;
- (k) Staff actions upon:
  - (i) Patient elopement;
  - (ii) A serious change in a patient's condition, and immediately notifying family according to chapters 71.05 and 71.34 RCW;
  - (iii) Accidents or incidents potentially harmful or injurious to patients, and documentation in the clinical record; and
  - (iv) Patient death;
- (l) Smoking on the hospital premises;
- (m) Responsibility for patients' personal property, including recording any valuables left on deposit with the hospital;
- (n) Allowing patients to work on the premises, according to WAC 246-322-180;
- (o) Maintenance and housekeeping functions, including schedules;
- (p) Cleaning, inspecting, repairing and calibrating electrical, biomedical and therapeutic equipment, and documenting actions;
- (q) Transporting patients for:
  - (i) Diagnostic or treatment activities;
  - (ii) Hospital connected business and programs; and
  - (iii) Medical care services not provided by the hospital;
- (r) Transferring patients to other health care facilities or agencies;

(s) Obtaining and retaining criminal history background checks and disclosure statements consistent with WAC 246-322-030.

(t) Research involving patients;

(u) Clinical records consistent with WAC 246-322-200, the Uniform Medical Records Act, chapter 70.02 RCW and Title 42 CFR, chapter 1, Part 2, 10/1/89;

(v) Food service consistent with chapter 246-215 WAC and WAC 246-322-230.

(2) The licensee shall review and update the policies and procedures annually or more often as needed.

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

**WAC 246-322-040 Governing body and administration.** ~~((1) The hospital shall have a governing body which is responsible for the overall operation and maintenance of the hospital, including adoption of written personnel policies and written policies for safety, care and treatment of patients.~~

~~(2) The governing body shall be responsible for the provision of personnel, facilities, equipment, supplies and special services to meet the needs of the patients.~~

~~(3) The governing body shall appoint an administrator who shall be responsible for implementing the policies adopted by the governing body.~~

~~(4) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority and relationships of positions within the hospital.~~

~~(5) Governing body bylaws, in accordance with legal requirements, shall be adopted by the governing body, reviewed biennially and revised as necessary.~~

~~(6) The governing body shall have the authority and responsibility for the appointment and reappointment of the medical and clinical staff. This authority may be delegated.~~

~~(a) Each private alcoholism hospital shall have a medical director who is a physician preferably with training and/or experience in alcoholism and associated substance use. Each private psychiatric hospital shall have a medical director who is a psychiatrist. The medical director shall have twenty four hour accountability and responsibility for directing and supervising medical care and medical treatment of patients.~~

~~(b) The governing body shall keep on file evidence that each practitioner appointed to the medical or clinical staff has appropriate, current qualification and, when required by Washington state law, a current license to practice and/or certification as required.~~

~~(c) The medical and clinical staff shall develop bylaws, rules and regulations subject to approval by the governing body. These bylaws and rules shall include requirements for medical and clinical staff membership, delineation of clinical privileges and organization of the medical and clinical staff.)~~ The governing body shall:

(1) Adopt written policies concerning the purposes, operation and maintenance of the hospital, and the safety, care and treatment of patients;

(2) Provide staff, facilities, equipment, supplies and services to meet the needs of patients within the purposes of the hospital;

(3) Establish and maintain a current written organizational plan delineating positions, responsibilities, authorities, and relationships of positions within the hospital;

(4) Appoint an administrator responsible for implementing the policies adopted by the governing body;

(5) Appoint a psychiatrist as medical director responsible for directing and supervising medical treatment and patient care twenty-four hours per day;

(6) Maintain an organized professional staff accountable to the governing body;

(7) Appoint and periodically reappoint the professional staff;

(8) Require and approve professional staff bylaws and rules concerning, at a minimum:

(a) Organization of the professional staff;

(b) Delineation of privileges;

(c) Requirements for membership;

(d) Specific mechanisms for appointing and reappointing members;

(e) Granting, renewing and revising clinical privileges;

(f) Self-government;

(g) Required functions;

(h) Accountability to the governing body; and

(i) Mechanisms to monitor and evaluate quality of care and clinical performance; and

(9) Require that each person admitted to the hospital is under the care of a professional staff member with clinical privileges.

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

**WAC 246-322-050** (~~(Personnel—Volunteers—Research.)~~) **Staff.** (~~((1) There shall be sufficient, qualified personnel to provide the services needed by the patients and to maintain the hospital.~~)

~~(a) There shall be a written job description for each position classification within the hospital.~~

~~(b) There shall be a personnel record system and a current personnel record for each employee to include application for employment, verification of education or training when required, a record of verification of a valid, current license for any employee for whom licensure is required and an annual written performance evaluation.~~

~~(c) A planned, supervised and documented orientation, including employee responsibility regarding patient rights, patient discipline and patient abuse shall be provided for each new employee. (See WAC 248-22-021(7)).~~

~~(d) There shall be an ongoing inservice education program which is documented and affords each employee the opportunity to maintain and update the competencies needed to perform assigned duties and responsibilities. Cardiopulmonary resuscitation training shall be provided. Employees who work with patients should have first aid training.~~

~~(2) When volunteer services are provided or permitted within the hospital, the following shall apply:~~

~~(a) Volunteer services and activities shall be coordinated by a designated, qualified employee of the hospital.~~

~~(b) There shall be appropriate, documented orientation and training provided for each volunteer in accordance with the service or job to be performed which shall include patient rights.~~

~~(e) There shall be supervision and periodic written evaluation by qualified hospital personnel of volunteers who work directly with patients.~~

~~(3) Research and human subjects review committee. When research is proposed or conducted which involves patients, there shall be a documented multidisciplinary initial and continuing review process.~~

~~(a) The purpose of this review shall be to protect the patient's rights with acceptance or rejection and continuing review for the duration of the study.~~

~~(b) Policies and procedures of the committee shall reflect Title 42 Code of Federal Regulations, Part 2.)~~ The licensee shall:

(1) Employ sufficient, qualified staff to:

(a) Provide adequate patient services;

(b) Maintain the hospital free of safety hazards; and

(c) Implement fire and disaster plans;

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

(3) Maintain evidence of appropriate qualifications and current credentials prior to hiring, or granting or renewing clinical privileges or association of any health care professional;

(4) Verify work references prior to hiring staff;

(5) Assure all patient-care staff including those transporting patients and supervising patient activities, except licensed staff whose professional training exceeds first-responder training, have within thirty days of employment:

(a) Current cardiopulmonary resuscitation cards from instructors certified by the American Red Cross, American Heart Association, United States Bureau of Mines, or Washington state department of labor and industries; and

(b) Current first-aid cards from instructors certified as in (a) of this subsection;

(6) Provide and document orientation and appropriate training for all staff, including:

(a) Organization of the hospital;

(b) Physical layout of hospital, including buildings, departments, exits, and services;

(c) Fire and disaster plans, including monthly drills;

(d) Infection control;

(e) Specific duties and responsibilities;

(f) Policies, procedures, and equipment necessary to perform duties;

(g) Patient rights according to chapters 71.05 RCW and 71.34 RCW and patient abuse;

(h) Managing patient behavior; and

(i) Appropriate training for expected duties;

(7) Make available an ongoing, documented, in-service education program, including but not limited to:

(a) For each staff person, training to maintain and update competencies needed to perform assigned duties and responsibilities; and

(b) For patient care staff, in addition to (a) of this subsection, the following training:

(i) Methods of patient care;

(ii) Using the least restrictive alternatives;

(iii) Managing assaultive and self-destructive behavior;

(iv) Patient rights pursuant to chapters 71.05 and 71.34 RCW;

(v) Special needs of the patient population, such as children, minorities, elderly, and individuals with disabilities;

PROPOSED

(vi) Cardiopulmonary resuscitation; and

(vii) First-aid training;

(8) When volunteer services are used within the hospital:

(a) Designate a qualified employee to be responsible for volunteer services;

(b) Provide and document orientation and training according to subsections (6) and (7) of this section for each volunteer; and

(c) Provide supervision and periodic written evaluations of each volunteer working directly with patients;

(9) In addition to following WISHA requirements, protect patients from tuberculosis by requiring each staff person to have upon employment or starting service, and each year thereafter during the individual's association with the hospital:

(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; and

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

(10) Report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority;

(11) Restrict a staff person's contact with patients when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the hospital setting or by casual contact; and

(12) Maintain a record on the hospital premises for each staff person, during employment and for two years following termination of employment, including, but not limited to:

(a) An employment application;

(b) Verification of required education, training and credentials;

(c) Documentation of contacting work references as required by subsection (4) of this section;

(d) Criminal history disclosure and background checks as required in WAC 246-322-030;

(e) Verification of current cardiopulmonary resuscitation, first-aid and HIV/AIDS training;

(f) Tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers; and

(g) Annual performance evaluations.

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

**WAC 246-322-060 HIV/AIDS education and training.** ((Private psychiatric and alcoholism hospitals shall:

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

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

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

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

**WAC 246-322-100 Infection control.** ~~((1) There shall be written policies and procedures addressing infection control.~~

~~(2) Provisions shall be made for isolation of patients in accordance with the most recent edition of *Isolation Techniques for use in Hospitals*, United States Department of Health, Education and Welfare.~~

~~(3) There shall be a written policy related to reporting of communicable disease in accordance with chapter 248-100 WAC.~~

~~(4) Recognized standards of medical aseptic techniques including basic handwashing practices shall be followed in all direct personal care of patients.~~

~~(5) Methods for cleaning, disinfecting or sterilizing, handling and storage of all supplies and equipment shall be such as to prevent the transmission of infection.~~

~~(6) There shall be in effect a current system of discovering, reporting, investigating, and reviewing infections among patients and personnel with maintenance of records on such infections.~~

~~(7) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When this skin test is negative (less than ten millimeters induration read at forty eight to seventy two hours), no further tuberculin skin tests shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty eight to seventy two hours. Positive reactors shall have a chest x ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:~~

~~(a) Those with a positive skin test who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing.~~

~~(b) Records of test results, x-rays or exemptions from such shall be kept by the facility.~~

~~(8) Employees with a communicable disease in an infectious stage shall not be on duty.))~~ The licensee shall:

(1) Establish and implement an effective hospital-wide infection control program, which includes at a minimum:

(a) Written policies and procedures describing:

(i) Types of surveillance used to monitor rates of nosocomial infections;

(ii) Systems to collect and analyze data; and

(iii) Activities to prevent and control infections;

(b) A review process, using definitions and criteria established by the committee, to determine if staff and patient infections are nosocomial;

(c) A system for reporting communicable diseases consistent with chapter 246-100 WAC, Communicable and certain other diseases;

(d) A procedure for reviewing and approving infection control aspects of policies and procedures used in each area of the hospital;

(e) A procedure to monitor the physical environment of the hospital for situations which may contribute to the spread of infectious diseases;

(f) Provisions for:

(i) Providing consultation regarding patient care practices, equipment and supplies which may influence the risk of infection;

(ii) Providing consultation regarding appropriate procedures and products for cleaning, disinfecting and sterilizing;

(iii) Providing infection control information for orientation and in-service education for staff providing direct patient care;

(iv) Making recommendations, consistent with federal, state, and local laws and rules, for methods of safe and sanitary disposal of:

(A) Sewage;

(B) Solid and liquid wastes; and

(C) Infectious wastes including safe management of sharps;

(g) Identifying specific precautions to prevent transmission of infections; and

(h) Coordinating employee activities to control exposure and transmission of infections to or from employees and others performing patient services;

(2) Assign one or more individuals to manage the infection control program with documented qualifications related to infection surveillance, prevention, and control, including:

(a) Education;

(b) Training;

(c) Certification; or

(d) Supervised experience;

(3) Designate an infection control committee, comprised of the individual or individuals assigned to manage the program and multi-disciplinary representatives from the professional staff, nursing staff and administrative staff, to:

(a) Oversee the program;

(b) Develop a committee-approved description of the program, including surveillance, prevention, and control activities;

(c) Delegate authority, approved in writing by administrative and professional staff, to institute surveillance, prevention, and control measures when there is reason to believe any patient or staff may be at risk of infection;

(d) Meet at regularly scheduled intervals, at least quarterly;

(e) Maintain written minutes and reports of findings presented during committee meetings; and

(f) Develop a method for forwarding recommendations to the professional staff, nursing, administration, and other committees and departments as appropriate.

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

WAC 246-322-120 Physical environment. ~~((1) The hospital shall provide a safe and clean environment for patients, staff and visitors.~~

~~(a) There shall be current, written policies and procedures for maintenance and housekeeping functions.~~

~~(b) Routine and periodic maintenance and cleaning schedules shall be developed and maintained.~~

~~(2) The hospital shall be readily accessible to and equipped to accommodate physically handicapped individuals.~~

~~(3) A safely maintained outdoor recreation area shall be available for use of patients in private psychiatric hospitals.~~

~~(4) There shall be provision for adequate personal privacy for each patient during toileting, bathing, showering, and dressing.~~

~~(5) Patient sleeping rooms.~~

~~(a) Each sleeping room shall be directly accessible from a corridor or a common use activity room or an area for patients.~~

~~(b) Sleeping rooms shall be outside rooms with clear window area on the outside wall or approximately 1/8 of the usable floor area or more.~~

~~(i) When security rooms are provided, security or maximum security windows appropriate to the area and program shall be used.~~

~~(ii) Shatterproof glass or other clear, shatterproof materials shall be used in sleeping rooms used as security rooms.~~

~~(c) No room more than three feet six inches below grade shall be used for the housing of patients. There shall be at least 80 squared feet of usable floor space in a single bedroom and multipatient rooms shall provide not less than 70 square feet of floor area per bed. The maximum capacity shall not exceed four patients. There shall not be less than 7 1/2 feet ceiling height over the required floor area.~~

~~(d) Each patient shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within her/his room or nearby. There shall be provision in the room or elsewhere for secure storage of patients' valuables.~~

~~(e) Each patient shall have access to his/her room except when contraindicated by the determination of the treatment team staff.~~

~~(f) Each patient shall be provided a bed at least 36 inches wide or appropriate to the special needs and size of the patient with a cleanable, firm mattress and cleanable or disposable pillow.~~

(g) Sufficient room furnishings shall be provided and maintained in a clean and safe condition.

(h) Patient beds shall be spaced so that they do not interfere with entrance, exit or traffic flow within the room. Patient rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(6) Each patient occupied floor of the facility shall provide one toilet and lavatory for every six patients or fraction thereof.

(a) There shall be one bathing facility for each six patients or fraction thereof.

(b) Separate toilet and bathing facilities for each sex are required if the toilet facility contains more than one water closet or bathing facility. Such facilities shall provide doors and partitions for privacy.

(c) Grab bars shall be provided at each water closet and bathing facility.

(7) Adequate lighting shall be provided in all areas of the hospital.

(8) Ventilation.

(a) Ventilation of all rooms used by patients or personnel shall be sufficient to remove all objectionable odors, excessive heat or condensation.

(b) All inside rooms, including toilets, bathrooms, smoking rooms and other rooms in which excessive moisture, odors or contaminants originate shall be provided with mechanical exhaust ventilation.

(9) Heating. The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by patients during the coldest weather conditions ordinarily encountered in the geographical location of the hospital.

(10) Water supply. There shall be an adequate supply of hot and cold running water under pressure which conforms with the standards of the state board of health, chapter 248-54 WAC. Hot water at all fixtures used by patients shall be at a safe temperature. Hot water temperature at bathing fixtures used by patients shall be automatically regulated so as not to exceed 110°F. There shall be devices to prevent backflow into the water supply system from fixtures where extension hoses or other cross connections may be used.

(11) Linen and laundry.

(a) A safe and adequate storage area with a supply of clean linen shall be provided.

(b) When laundry facilities are provided, they shall be located in an area separate from food preparation and dining area(s).

(c) The soiled laundry storage and sorting area(s) shall be in well ventilated area(s), separate from clean linen handling area(s). If linen/laundry is washed on the premises, an adequate supply of hot water shall be available to provide water at a minimum of 160°F in the washing machine.

(d) When commercial laundry service is used, the hospital shall ensure that all requirements above are met.

(e) Provision for laundering of personal clothing of patients shall meet the above standards.

(12) Visiting area. An adequate number of rooms shall be provided within the hospital to allow privacy for patients and visitors.

(13) Counseling/therapy rooms.

(a) An adequate number of rooms shall be provided for group or individual therapy programs.

(b) Therapy rooms shall be enclosed and reasonably soundproofed, as necessary to maintain confidentiality.

(c) Private psychiatric hospitals shall provide at least one seclusion room, intended for short term occupancy, which provides for direct supervision by the treatment staff. Each seclusion room shall have provisions for ventilation and light.

(14) Physical examination room. There shall be a physical examination room within the facility. An inside room may be used.

(a) The examination room shall be equipped with an examination table, examination light, and storage units for medical supplies and equipment.

(b) There shall be a handwashing facility and soap dispenser in or readily accessible to the examination room.

(15) Utility and storage facilities. There shall be sufficient utility and storage facilities which are designed and equipped for washing, disinfecting, storing and other handling of medical and nursing supplies and equipment in a manner which ensures segregation of clean and sterile supplies and equipment from those that are contaminated.

(16) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting on each floor of the facility.

(b) All sewage, garbage, refuse and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition or a nuisance.

(17) There shall be designated charting area(s) which provides space for reading and charting in patient records and provides for maintenance of confidentiality of each record.

(18) Dining area. There shall be a dining area(s) for those patients wishing to eat in the dining area(s). Appropriate furnishings shall be provided for dining.

(19) Communications.

(a) There shall be a telephone readily available for patients to make and receive confidential calls.

(b) There shall be a "nonpay" telephone or equivalent communication device readily accessible on each patient occupied floor in event of fire or other emergencies.) The licensee shall:

(1) Provide a safe and clean environment for patients, staff and visitors;

(2) Provide ready access and equipment to accommodate individuals with physical and mental disabilities;

(3) Provide adequate lighting in all areas;

(4) Provide natural or mechanical ventilation sufficient to remove odors, smoke, excessive heat and condensation from all habitable rooms;

(5) Provide a heating system operated and maintained to sustain a comfortable, healthful temperature in all habitable rooms;

(6) Provide an adequate supply of hot and cold running water under pressure meeting the standards in chapters 246-290 and 246-291 WAC, with:

(a) Devices to prevent back-flow into the potable water supply system; and

(b) Water temperature not exceeding 120°F automatically regulated at all plumbing fixtures used by patients;



(7) Implement current, written policies, procedures, and schedules for maintenance and housekeeping functions;

(8) Provide housekeeping and service facilities on each floor, including:

(a) One or more service sinks, designed for filling and emptying mop buckets;

(b) Housekeeping closets:

(i) Equipped with shelving;

(ii) Ventilated to the out-of-doors; and

(iii) Kept locked; and

(c) A utility service area designed and equipped for washing, disinfecting, storing, and housing medical and nursing supplies and equipment; and

(9) Provide equipment and facilities to collect and dispose of all sewage, garbage, refuse and liquid waste in a safe and sanitary manner.

#### NEW SECTION

**WAC 246-322-140 Patient living areas.** The licensee shall:

(1) Provide patient sleeping rooms with:

(a) A minimum of eighty square feet of useable floor space in a single bedroom;

(b) A minimum of seventy square feet of useable floor space per bed in a multi-patient room;

(c) A minimum ceiling height of seven feet six inches over the required floor area;

(d) A maximum capacity of four patients;

(e) A floor elevation no lower than three feet six inches below grade, with grade extending horizontally ten or more feet from the building;

(f) A clear window area on an outside wall equal to or greater than one-tenth the floor area with a minimum of ten square feet;

(g) Only security or maximum security windows;

(h) Direct access to and from a corridor, common-use activity room, or other common-use area;

(i) Sufficient room furnishings maintained in safe and clean condition including:

(i) A bed for each patient at least thirty-six inches wide or appropriate to the special needs and size of the patient;

(ii) A cleanable, firm mattress; and

(iii) A cleanable or disposable pillow; and

(j) At least three feet between beds, and adequate space between furnishings to allow easy entrance, exit, and traffic flow within the room;

(2) In addition to the requirements in subsection (1) of this section, when security rooms are used, provide with:

(a) Security or maximum security windows appropriate to the area and program;

(b) Furnishings, equipment and design for maximum safety and security;

(c) Shielded and tamper-resistant lighting fixtures and electrical outlets;

(d) A door lockable from the outside; and

(e) Provisions for authorized staff to observe occupants;

(3) Provide an enclosed space within the patient sleeping room, or nearby, suitable for each patient to hang garments, and store clothing and personal belongings;

(4) Provide secure storage for each patient's valuables in the patient sleeping room or elsewhere in the hospital;

(5) Provide a dining area for patients in a community setting with furnishings appropriate for dining;

(6) Provide and maintain a safe area or areas for patient recreation and physical activity equal to or greater than twenty square feet for each licensed bed space;

(7) Provide a visiting area allowing privacy for patients and visitors;

(8) Provide a readily available telephone for patients to make and receive confidential calls; and

(9) Provide a "nonpay" telephone or equivalent communication device readily accessible on each patient occupied floor for emergency use.

#### NEW SECTION

**WAC 246-322-150 Clinical facilities.** The licensee shall provide:

(1) An adequate number of counseling or treatment rooms for group or individual therapy programs with reasonable soundproofing to maintain confidentiality;

(2) One or more seclusion rooms, with or without an exterior window, intended for short-term occupancy, with:

(a) Staff-controlled locks and relites in the door, or equivalent;

(b) Provisions for authorized staff to observe the occupant at all times;

(c) A minimum of eighty square feet of floor space, exclusive of fixed equipment, with a minimum room dimension of eight feet; and

(d) Shielded, tamper-proof lighting fixtures;

(3) One or more physical examination rooms, with or without an exterior window, equipped with:

(a) An examination table;

(b) Examination light;

(c) Storage for medical supplies and equipment; and

(d) A readily accessible handwashing sink, soap dispenser, and acceptable single-use hand-drying device; and

(4) Secure areas to properly store and handle medical supplies and medications.

#### NEW SECTION

**WAC 246-322-160 Bathrooms, toilet rooms and handwashing sinks.** The licensee shall provide:

(1) One toilet, handwashing sink and bathing fixture for each six patients, or fraction thereof, on each patient-occupied floor of the hospital, with:

(a) Provisions for privacy during toileting, bathing, showering, and dressing;

(b) Separate toilet rooms for each sex if the toilet room contains more than one toilet;

(c) Separate bathrooms for each sex if the bathroom contains more than one bathing fixture; and

(d) One or more grab bars at each toilet and bathing fixture appropriate to the needs of patients; and

(2) Toilet rooms and bathrooms directly accessible from patient rooms or corridors, without passing through any kitchen, pantry, food preparation, food storage, or dishwashing area or from one bedroom through another bedroom.

NEW SECTION

**WAC 246-322-170 Patient care services.** (1) The licensee shall:

(a) Provide an initial physical and mental health assessment by a physician, advanced registered nurse practitioner, or physician assistant;

(b) Admit only those patients for whom the hospital is qualified by staff, services and equipment to give adequate care; and

(c) Provide appropriate transfer and acceptance of a patient needing medical care services not provided by the hospital, by:

(i) Transferring relevant data with the patient;

(ii) Obtaining written or verbal approval by the receiving facility prior to transfer; and

(iii) Immediately notifying the patient's family.

(2) The licensee shall provide medical supervision and treatment, transfer, and discharge planning for each patient admitted or retained, including but not limited to:

(a) Admittance by a member of the medical staff as defined by the staff bylaws;

(b) An initial treatment plan upon admission;

(c) A physical examination and medical history completed and recorded by a physician, advanced registered nurse practitioner, or physician assistant within twenty-four hours following admission, unless the patient had a physical examination and medical history completed within fourteen days prior to admission, and the information is recorded in the clinical record;

(d) A psychiatric evaluation, including provisional diagnosis, completed and documented within seventy-two hours following admission;

(e) A comprehensive treatment plan developed within seventy-two hours following admission:

(i) Developed by a multi-disciplinary treatment team with input, when appropriate, by the patient, family, and other agencies;

(ii) Reviewed and modified by a mental health professional as indicated by the patient's clinical condition;

(iii) Interpreted to staff, patient, and, when possible and appropriate, to family; and

(iv) Implemented by persons designated in the plan;

(f) Physician orders for drug prescriptions, medical treatments and discharge;

(g) Current written policies and orders signed by a physician to guide the action of staff when medical emergencies or threat to life arise and a physician is not present;

(h) A discharge plan including a review of the patient's hospitalization, condition upon discharge, and recommendations for follow-up and continuing care;

(i) Patient education pertaining to the patient's illness, prescribed medications, and health maintenance; and

(j) Referrals to appropriate resources and community services during and after hospitalization.

(3) The licensee shall provide, or arrange for, diagnostic and therapeutic services prescribed by the attending professional staff, including:

(a) Medical services, including:

(i) A physician on call at all times; and

(ii) Provisions for emergency medical services when needed;

(b) Psychiatric services, including:

(i) A staff psychiatrist available for consultation daily and visits as necessary to meet the needs of each patient; and

(ii) A child psychiatrist for regular consultation when hospital policy permits the admission of children or adolescents;

(c) Nursing services, including:

(i) A psychiatric nurse, employed full time, responsible for directing nursing services twenty-four hours per day; and

(ii) One or more registered nurses on duty within the hospital at all times to supervise nursing care;

(d) Social work services coordinated and supervised by a social worker with experience working with psychiatric patients, responsible for:

(i) Reviewing social work activities;

(ii) Integrating social work services into the comprehensive treatment plan; and

(iii) Coordinating discharge with community resources;

(e) Psychological services coordinated and supervised by a psychologist with experience working with psychiatric patients;

(f) Occupational therapy services coordinated and supervised by an occupational therapist with experience working with psychiatric patients, responsible for integrating occupational therapy functions into the patient's comprehensive treatment plan;

(g) Recreational therapy services coordinated and supervised by a recreational or occupational therapist with experience working with psychiatric patients, responsible for integrating recreational therapy functions into the comprehensive treatment plan; and

(h) Special services, within the hospital or contracted outside the hospital, as specified in the comprehensive treatment plan.

NEW SECTION

**WAC 246-322-180 Patient safety and seclusion care.**

(1) The licensee shall assure seclusion and restraint are used only to the extent and duration necessary to ensure the safety of patients, staff, and property, as follows:

(a) Staff shall not inflict pain;

(b) Staff shall document all assaultive incidents in the clinical record;

(c) Staff shall observe any patient in restraint or seclusion at least every fifteen minutes, intervening as necessary, and recording observations and interventions in the clinical record;

(d) Staff shall notify, and receive authorization by, a physician within one hour of initiating patient restraint or seclusion;

(e) A physician shall examine each restrained or secluded patient and renew the order for every twenty-four continuous hours of restraint and seclusion; and

(f) A mental health professional or registered nurse shall evaluate the patient when secluded or restrained more than two continuous hours, and re-evaluate the patient at least once every eight continuous hours of restraint and seclusion thereafter.

(2) The licensee shall provide adequate emergency supplies and equipment, including airways, bag resuscitators, intravenous fluids, oxygen, sterile supplies, and other

equipment identified in the policies and procedures, easily accessible to patient-care staff.

(3) When research is proposed or conducted involving patients, the licensee shall:

(a) Document an initial and continuing review process by a multi-disciplinary treatment team;

(b) Require approval by the patient prior to participation;

(c) Allow the patient to discontinue participation at any time; and

(d) Ensure policies and procedures are in accordance with Title 42 Code of Federal Regulations, chapter 1, Part 2, 10/1/89 edition.

(4) The licensee shall prohibit the use of any patient for basic maintenance of the hospital or equipment, housekeeping, or food service in compliance with the Federal Fair Labor Standards Act, 29 USC, paragraph 203 et al., and 29 CFR, section 525 et al., except:

(a) Cleaning or maintaining the patient's private living area, or performing personal housekeeping chores; or

(b) Performing therapeutic activities:

(i) Included in and appropriate to the comprehensive treatment plan;

(ii) As agreed to with the patient;

(iii) Documented as part of the treatment program; and

(iv) Appropriate to the age, physical, and mental condition of the patient.

(5) The licensee shall assure the safety and comfort of patients when construction work occurs in or near occupied areas.

#### NEW SECTION

**WAC 246-322-190 Provisions for patients with tuberculosis.** A licensee providing inpatient services for mentally ill patients with suspected or known infectious tuberculosis shall:

(1) Design patient rooms with:

(a) Ventilation to maintain a negative pressure condition in each patient room relative to adjacent spaces, except bath and toilet areas, with:

(i) Air movement or exhaust from the patient room to the out-of-doors with the exhaust grille located over the head of the bed;

(ii) Exhaust at the rate of six air changes per hour;

(iii) Make-up or supply air from adjacent ventilated spaces for four or less air changes per hour, and tempered outside air for two or more air changes per hour; and

(iv) Ultraviolet generator irradiation as follows:

(A) Use of ultraviolet fluorescent fixtures with lamps emitting wave length of 253.7 nanometers;

(B) The average reflected irradiance less than 0.2 microwatts per square centimeter in the room at the five foot level;

(C) Wall-mount type of fixture installed over the head of the bed, as close to the ceiling as possible to irradiate the area of the exhaust grille and the ceiling; and

(D) Lamps changed as recommended by the manufacturer; and

(b) An adjoining bathroom and toilet room with bedpan washer; and

(2) Provide discharge information to the health department of the patient's county of residence.

#### NEW SECTION

**WAC 246-322-200 Clinical records.** (1) The licensee shall establish and maintain an organized clinical record service, consistent with recognized principles of record management, directed, staffed, and equipped to:

(a) Ensure timely, complete and accurate identification, checking, processing, indexing, filing, and retrieval of records;

(b) Facilitate compilation, maintenance, analyses, and distribution of patient care statistics; and

(c) Protect records from undue deterioration and destruction.

(2) The licensee shall develop and maintain an individual clinical record for each person receiving care, treatment, or diagnostic service at the hospital.

(3) The licensee shall ensure prompt entry and filing of the following data into the clinical record for each period a patient receives inpatient or outpatient services:

(a) Identifying information;

(b) Assessment and diagnostic data including history of findings and treatment provided for the psychiatric condition for which the patient is treated in the hospital;

(c) Psychiatric evaluation including:

(i) Medical and psychiatric history and physical examination; and

(ii) Record of mental status;

(d) Comprehensive treatment plan;

(e) Authenticated orders for:

(i) Drugs or other therapies;

(ii) Therapeutic diets; and

(iii) Care and treatment, including standing medical orders used in the care and treatment of the patient, except standing medical emergency orders;

(f) Significant observations and events in the patient's clinical treatment;

(g) Any restraint of the patient;

(h) Data bases containing patient information;

(i) Original reports or durable, legible, direct copies of original reports, of all patient tests, diagnostic procedures and examinations performed on or for the patient;

(j) Description of therapies administered, including drug therapies;

(k) Nursing services;

(l) Progress notes recorded by the professional staff responsible for the care of the patient or others significantly involved in active treatment modalities; and

(m) A discharge plan and discharge summary.

(4) The licensee shall ensure each entry includes:

(a) Date;

(b) Time of day;

(c) Authentication by the individual making the entry; and

(d) Diagnosis, abbreviations and terminology consistent with:

(i) Fourth edition revised 1987 *The American Psychiatry Association Diagnostic and Statistical Manual of Mental Disorders*; and

(ii) *International Classification of Diseases, 9th edition, 1988.*

(5) The licensee shall provide designated areas, designed to assure confidentiality, for reading, recording, and maintaining patient clinical records.

(6) The licensee shall share and release information relating to patients and former patients only as authorized by statute and administrative code, and shall protect patient confidentiality according to confidentiality requirements in chapters 70.02, 71.05, and 71.34 RCW.

(7) The licensee shall retain and preserve:

(a) Each patient's clinical records, excluding reports on referred outpatient diagnostic services, for:

(i) Adult patients, a minimum of ten years following the most recent discharge; or

(ii) Patients who are minors at the time of care, treatment, or diagnosis, a minimum of three years following the patient's eighteenth birth date, or ten years following the most recent discharge, whichever is longer;

(b) Reports on referred outpatient diagnostic services for at least two years;

(c) A master patient index card or equivalent for at least the same period of time as the corresponding clinical records; and

(d) Patients' clinical records, registers, indexes, and analyses of hospital service in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.

#### NEW SECTION

**WAC 246-322-210 Pharmacy and medication services.** The licensee shall:

(1) Maintain the pharmacy in the hospital in a safe, clean, and sanitary condition;

(2) Provide evidence of current approval of pharmacy services by the Washington state board of pharmacy under chapter 18.64 RCW;

(3) Develop and implement procedures for prescribing, storing, and administering medications according to state and federal laws and rules, including:

(a) Assuring professional staff who prescribe are authorized to prescribe under chapter 69.41 RCW;

(b) Assuring orders and prescriptions for medications administered and self-administered include:

(i) Date and time;

(ii) Type and amount of drug;

(iii) Route of administration;

(iv) Frequency of administration; and

(v) Authentication by professional staff;

(c) Administering drugs;

(d) Self-administering drugs;

(e) Receiving and recording or transcribing verbal or telephone drug orders by authorized staff;

(f) Authenticating verbal and telephone orders by prescriber in a timely manner, not to exceed forty-eight hours for inpatients;

(g) Use of medications and drugs owned by the patient but not dispensed by the hospital pharmacy, including:

(i) Specific written orders;

(ii) Identification and administration of drug;

(iii) Handling, storage and control;

(iv) Disposition; and

(v) Pharmacist and physician inspection and approval prior to patient use to ensure proper identification, lack of deterioration, and consistency with current medication profile;

(h) Maintaining drugs in patient care areas of the hospital including:

(i) Hospital pharmacist or consulting pharmacist responsibility;

(ii) Legible labeling with generic and/or trade name and strength as required by federal and state laws;

(iii) Access only by staff authorized access under hospital policy;

(iv) Storage under appropriate conditions specified by the hospital pharmacist or consulting pharmacist, including provisions for:

(A) Storing medicines, poisons, and other drugs in a specifically designated, well-illuminated, secure space;

(B) Separating internal and external stock drugs; and

(C) Storing Schedule II drugs in a separate locked drawer, compartment, cabinet, or safe;

(i) Preparing drugs in designated rooms with ample light, ventilation, sink or lavatory, and sufficient work area;

(j) Prohibiting the administration of outdated or deteriorated drugs, as indicated by label;

(k) Restricting access to pharmacy stock of drugs to:

(i) Legally authorized pharmacy staff; and

(ii) Except for Schedule II drugs, to a registered nurse designated by the hospital when all of the following conditions are met:

(A) The pharmacist is absent from the hospital;

(B) Drugs are needed in an emergency, and are not available in floor supplies; and

(C) The registered nurse, not the pharmacist, is accountable for the registered nurse's actions;

(4) The appropriate professional staff committee shall approve all policies and procedures on drugs, after documented consultation with:

(a) The pharmacist or pharmacist consultant directing hospital pharmacy services; and

(b) An advisory group comprised of representatives from the professional staff, hospital administration, and nursing services;

(5) When planning new construction of a pharmacy:

(a) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(b) Provide housekeeping facilities within or easily accessible to the pharmacy;

(c) Locate pharmacy in a clean, separate, secure room with:

(i) Storage, including locked storage for Schedule II controlled substances;

(ii) All entrances equipped with closers;

(iii) Automatic locking mechanisms on all entrance doors to preclude entrance without a key or combination;

(iv) Perimeter walls of the pharmacy and vault, if used, constructed full height from floor to ceiling;

(v) Security devices or alarm systems for perimeter windows and relites;

- (vi) An emergency signal device to signal at a location where twenty-four-hour assistance is available;
- (vii) Space for files and clerical functions;
- (viii) Break-out area separate from clean areas; and
- (ix) Electrical service including emergency power to critical pharmacy areas and equipment;
- (d) Provide a general compounding and dispensing unit, room, or area with:
  - (i) A work counter with impermeable surface;
  - (ii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;
  - (iii) Storage space;
  - (iv) A refrigeration and freezing unit; and
  - (v) Space for mobile equipment;
- (e) If planning a manufacturing and unit dose packaging area or room, provide with:
  - (i) Work counter with impermeable surface;
  - (ii) Corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter; and
  - (iii) Storage space;
- (f) Locate admixture, radiopharmaceuticals, and other sterile compounding room, if planned, in a low traffic, clean area with:
  - (i) A preparation area;
  - (ii) A work counter with impermeable surface;
  - (iii) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;
  - (iv) Space for mobile equipment;
  - (v) Storage space;
  - (vi) A laminar flow hood in admixture area; and
  - (vii) Shielding and appropriate ventilation according to WAC 246-318-540 (3)(m) for storage and preparation of radiopharmaceuticals;
- (g) If a satellite pharmacy is planned, comply with the provisions of:
  - (i) Subsection (5)(a), (5)(c)(i), (ii), (iii), (iv), (v), and (vi) of this section when drugs will be stored;
  - (ii) Subsection (5)(c)(vii), (viii), and (ix) of this section, if appropriate; and
  - (iii) Subsections (5)(d) and (f) of this section if planned;
- (h) If a separate outpatient pharmacy is planned, comply with the requirements for a satellite pharmacy including:
  - (i) Easy access;
  - (ii) A conveniently located toilet meeting accessibility requirements in WAC 51-20-3100; and
  - (iii) A private counseling area.

**NEW SECTION**

**WAC 246-322-220 Laboratory services.** The licensee shall:

- (1) Provide access to laboratory services to meet emergency and routine needs of patients;
- (2) Ensure laboratory services are provided by licensed or waived medical test sites in accordance with chapter 70.42 RCW and chapter 246-338 WAC; and
- (3) Maintain each medical test site in the hospital in a safe, clean, and sanitary condition.

**NEW SECTION**

**WAC 246-322-230 Food and dietary services.** The licensee shall:

- (1) Comply with chapters 246-215 and 246-217 WAC, food service;
- (2) Designate an individual responsible for managing and supervising dietary/food services twenty-four hours per day, including:
  - (a) Incorporating ongoing recommendations of a dietitian;
  - (b) Serving at least three meals a day at regular intervals with fifteen or less hours between the evening meal and breakfast, unless the licensee provides a nutritious snack between the evening meal and breakfast;
  - (c) Providing well-balanced meals and nourishments that meet the current recommended dietary allowances of the National Research Council, 10th edition, 1989, adjusted for patient age, sex and activities unless contraindicated;
  - (d) Making nourishing snacks available as needed for patients, and posted as part of the menu;
  - (e) Preparing and serving therapeutic diets according to written medical orders;
  - (f) Preparing and serving meals under the supervision of food service staff;
  - (g) Maintaining a current diet manual, approved in writing by the dietitian and medical staff, for use in planning and preparing therapeutic diets;
  - (h) Ensuring all menus:
    - (i) Are written at least one week in advance;
    - (ii) Indicate the date, day of week, month and year;
    - (iii) Include all foods and snacks served that contribute to nutritional requirements;
    - (iv) Provide a variety of foods;
    - (v) Are approved in writing by the dietitian;
    - (vi) Are posted in a location easily accessible to all patients; and
    - (vii) Are retained for one year;
- (3) Substitute foods, when necessary, of comparable nutrient value and record changes on the menu;
- (4) Allow sufficient time for patients to consume meals;
- (5) Ensure staff from dietary/food services are present in the hospital during all meal times;
- (6) Keep policies and procedures pertaining to food storage, preparation, and storage, and cleaning food service equipment and work areas in the food service area for easy reference by dietary staff at all times.

**NEW SECTION**

**WAC 246-322-240 Laundry.** The licensee shall provide:

- (1) Laundry and linen services, on the premises or by commercial laundry;
- (2) Storage and sorting areas for soiled laundry in well-ventilated areas, separate from clean linen handling areas;
- (3) A clean area with an adequate supply of clean linen;
- (4) When laundry is washed on the premises:
  - (a) An adequate water supply and a minimum water temperature of 140°F in washing machines; and
  - (b) Laundry facilities in areas separate from food preparation and dining; and

(5) Facilities for patients who wear their own clothing during hospitalization to do personal laundry.

#### NEW SECTION

**WAC 246-316-250 Construction.** (1) The licensee shall comply with chapter 31 of the Washington State Building Code for all construction.

(2) Prior to starting 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 specified in chapter 246-314 WAC;

(c) A functional program which describes the services and operational methods affecting the hospital building, premises, and patients;

(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) One copy of specifications and the radiant panel test report 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 patients 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 construction, modification, and alteration consistent with RCW 18.20.130.

**Reviser's note:** The above new section was filed by the agency as WAC 246-316-250. This section is placed among sections forming chapter 246-322 WAC, and therefore should be numbered WAC 246-322-250. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

#### NEW SECTION

**WAC 246-322-500 Exemptions.** (1) A licensee wishing to request an exemption from a requirement in this chapter 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 patient or public health and safety.

(2) If the department determines the exemption will not jeopardize patient or public health or safety, and is not contrary to the intent of chapter 71.12 RCW and this chapter, the department may:

(a) Exempt the licensee from meeting a specific requirement in this chapter; or

(b) Allow the licensee to use another method of meeting the requirement.

(3) The licensee shall retain a copy of each approved exemption in the hospital.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-322-070	Patient care services.
WAC 246-322-080	Food and dietary services.
WAC 246-322-090	Pharmaceutical services.
WAC 246-322-110	Clinical records.
WAC 246-322-130	Laboratory services.
WAC 246-322-991	Alcoholism hospital fees.

**WSR 95-12-098**  
**PROPOSED RULES**  
**ARTS COMMISSION**  
 [Filed June 7, 1995, 11:29 a.m.]

**Original Notice.**

**Title of Rule:** Title 30 WAC, Arts Commission; amending chapter 30-01 WAC, Washington State Arts Commission; adopting chapter 30-02 WAC, Definitions; amending chapter 30-04 WAC, Public records; amending chapter 30-08 WAC, Practice and procedure; amending chapter 30-12 WAC, General rules; adopting chapter 30-14 WAC, Awards program; repealing chapter 30-16 WAC, Partnership program; adopting chapter 30-18 WAC, Arts in education; repealing chapter 30-20 WAC, Institutional support program; adopting chapter 30-22 WAC, Folk arts; repealing chapter 30-24 WAC, Artist fellowship program; adopting chapter 30-26 WAC, Community arts development programs; repealing chapter 30-28 WAC, State-wide services; repealing chapter 30-32 WAC, Cultural enrichment program; repealing chapter 30-36 WAC, Artists-in-residence program; amending chapter 30-40 WAC, Art in public places program; amending chapter 30-44 WAC, Governor's arts awards; and repealing chapter 30-48 WAC, Community development program.

**Purpose:** Chapter 30-01 WAC is amended to reflect the current mission of the commission, process for electing officers, eliminating secret ballots, expansion of officers' duties, changing appointment process of executive director, and designating current office address and location; chapter 30-02 WAC is added to consolidate all definitions in one chapter; chapter 30-04 WAC is amended to show current address of commission, copying and billing procedures, and to delete the request for public record form; chapter 30-08 WAC is amended to delete ballot by mail provision and to address the public's participation at commission meetings; chapter 30-12 WAC is amended to reflect current commission policy on panels, support for arts institutions, and support of Washington artists and organizations. In addition, to redefine special audiences, Native American arts, ethnic communities, and to expand the credit and endorsement policy to include individuals; chapter 30-14 WAC is adopted to incorporate the core criteria of four components of the commission's awards program into one chapter consistent with commission guidelines; chapter 30-16 WAC is repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-18 WAC is adopted to incorporate the two existing and the new components of the commission's arts in education program consistent with commission guidelines; chapter 30-20 WAC is repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-22 WAC is adopted to establish the commission's folk arts program consistent with commission guidelines; chapter 30-24 WAC is repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-26 WAC is adopted to incorporate the core criteria with new components of the community arts development programs consistent with commission guidelines; chapter 30-28 WAC is repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-32 WAC is repealed and the program is incorporated into chapter 30-18 WAC consistent with

commission guidelines; chapter 30-36 WAC is repealed and the program is incorporated into chapter 30-18 WAC consistent with commission guidelines; chapter 30-40 WAC is amended to be consistent with the program's enabling legislation, and adopted policy and practices; chapter 30-44 WAC is amended to incorporate the heritage awards into the chapter; and chapter 30-48 WAC is repealed and the program is incorporated into chapter 30-26 WAC consistent with commission guidelines.

**Statutory Authority for Adoption:** RCW 43.46.040.

**Statute Being Implemented:** Chapter 43.46 RCW, RCW 43.17.200, 43.17.205, 43.17.210, 43.19.455, 28A.335.210, 28B.10.025, and 28B.10.027.

**Summary:** Chapter 30-01 WAC, the proposed amendments incorporate the current mission statement, the timing for electing officers, eliminates the use of secret ballots, allows officers to act as ex officio members of all standing committees, addresses the appointment of the executive director and designates the current office address and location; chapter 30-02 WAC, the proposed rule consolidates the definitions throughout Title 30 WAC into one chapter; chapter 30-04 WAC, the proposed amendments designate current address of commission, copying charges and billing procedures, and deletes the public record request form; chapter 30-08 WAC, the proposed amendments eliminate commission ballots by mail and allow the chairperson to limit individual public testimony at meetings to a reasonable period; chapter 30-12 WAC, the proposed amendments clarify the commission's panel process, broaden support of arts institutions, conform to commission policy to support Washington artists and organizations, redefine special audiences, Native American arts, ethnic minorities, and expand credit and endorsement policies to include individuals; chapter 30-14 WAC, incorporates the commission's partnership program (organizational support and project support), institutional support program, artist fellowship program and state-wide services program (cooperative partnerships) into one chapter consistent with commission guidelines; chapter 30-16 WAC, repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-18 WAC, to adopt a chapter incorporating the two existing (cultural enrichment program and artist-in-residence program) and the new components of the arts in education program consistent with commission guidelines; chapter 30-20 WAC, repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-22 WAC, to adopt the commission's folk arts program into administrative regulations; chapter 30-24 WAC, repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-26 WAC, to adopt a chapter that incorporates the core criteria with new components of the community arts development programs consistent with commission guidelines; chapter 30-28 WAC, repealed and the program is incorporated into chapter 30-14 WAC consistent with commission guidelines; chapter 30-32 WAC, repealed and the program is incorporated into chapter 30-18 WAC consistent with commission guidelines; chapter 30-36 WAC, repealed and the program is incorporated into chapter 30-18 WAC consistent with commission guidelines; chapter 30-40 WAC, the proposed amendments bring the chapter into compliance with the program's enabling

PROPOSED

legislation and commission adopted policy and practices; chapter 30-44 WAC, the proposed amendments incorporate the heritage awards into the chapter; and chapter 30-48 WAC, repealed and the program is incorporated into chapter 30-26 WAC consistent with commission guidelines.

**Reasons Supporting Proposal:** To reflect current commission guidelines, policy and practices throughout the title; to reflect changes to the commission's enabling legislation; to make general housekeeping changes; to bring rules into conformance with Open Public Meetings Act; to consolidate, streamline and eliminate duplication; and to address constituents' needs.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Karen Kamara Gose, 234 East 8th Avenue, Olympia, (360) 753-3860.

**Name of Proponent:** Washington State Arts Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Chapter 30-01 WAC, outlines commission purposes, organization, and office location. The chapter is amended to reflect the current mission statement, the timing for electing officers, eliminates the use of secret ballots, allows officers to act as ex officio members of all standing committees, addresses the appointment of the executive director and designates the current office address and location. No anticipated effects; chapter 30-02 WAC, consolidates definitions throughout Title 30 WAC. It is anticipated this format will provide ease of reference; chapter 30-04 WAC, outlines the commission's public records procedure. The chapter is amended to designate current address of commission, copying charges and billing procedures, and deletes the public record request form. No anticipated effects; chapter 30-08 WAC, addresses commission meetings, duties of officers, public participation at commission meetings and appeal procedures. The chapter is amended to eliminate commission ballots by mail and allow the chairperson to limit individual public testimony at meetings to a reasonable period. No anticipated effects; chapter 30-12 WAC, outlines general rules pertaining to commission programs. The chapter is amended to clarify the commission's panel process, broaden support of arts institutions, conform to commission policy to support Washington artists and organizations, redefine special audiences, Native American arts, ethnic minorities, and expand credit and endorsement policies to include individuals. No anticipated effects; chapter 30-14 WAC, outlines the general rules affecting awards made by the commission to develop, sponsor and promote the growth and development of the arts in the state of Washington. This chapter incorporates the commission's partnership program (organizational support and project support), institutional support program, artist fellowship program and state-wide services program (cooperative partnerships) into one chapter. It is anticipated that this format will eliminate duplication and consolidate criteria into one chapter; chapter 30-18 WAC, the arts in education program supports activities that promote the arts as basic to the education of all Washington citizens with the major emphasis in grades K-12 and incorporates the two existing programs (cultural enrichment program and artist-in-residence program) and the new components that include arts

organization/school project grants and arts curriculum grants. It is anticipated that this format will eliminate duplication and consolidate criteria into one chapter; chapter 30-22 WAC, establishes the folk arts program which supports and preserves a variety of diverse traditional artists and cultures in the state of Washington. No anticipated effects; chapter 30-26 WAC, outlines the community arts development programs which provide assistance to individuals and organizations within the state. The anticipated effects are to eliminate duplication and better address constituents' needs; chapter 30-40 WAC, addresses the arts in public places program established by the legislature which requires a portion of appropriations for capital expenditures to be set aside for the acquisition of works of art to be placed in public buildings. The proposed amendments bring the chapter into compliance with the enabling legislation and commission adopted policy and practices. No anticipated effects; and chapter 30-44 WAC, establishes the governor's arts and heritage awards which recognize individuals and organizations who have contributed significantly to the arts and cultural development and the cultural heritage and traditional arts of the state. The proposed amendments incorporate the commission's heritage awards into the chapter. No anticipated effects.

**Proposal Changes the Following Existing Rules:** The proposed rules change existing rules to reflect current commission guidelines, policy and practices; incorporate changes to the commission's enabling legislation; make general housekeeping changes; bring rules into conformance with Open Public Meetings Act; consolidate, streamline and eliminate duplication; and address constituents' needs. In addition, chapters 30-16, 30-20, 30-24, 30-28, 30-32, 30-36, and 30-48 WAC are being repealed. Chapter 30-01 WAC, updates the commission's mission statement, modifies the time when officers will be elected, eliminates secret ballots, allows officers to act as ex officio members of all standing committees, addresses the appointment of the executive director and designates the current office address and location; chapter 30-04 WAC, designates current address of commission, modifies copying charges and billing procedures and deletes public record request form; chapter 30-08 WAC, eliminates commission ballots by mail and allows the chairperson to limit individual testimony to a reasonable time period; chapter 30-12 WAC, eliminates terms "advisory" and "selection" in reference to panels and eliminates a specific number of individuals to serve on panels; broadens support of arts institutions; conforms commission policy to support Washington artists and organizations; redesignates and redefines special audiences; redefines Native American arts and ethnic minorities; and expands credit and endorsement policies to include individuals; chapter 30-40 WAC, corrects statutory references; requires commission to inventory the state art collection; modifies billing procedures; modifies deaccessioning policy and procedures; clarifies that the art allocation for common schools does not apply to sheds, warehouses or other buildings of a temporary nature and that this allocation only applies to monies appropriated by the state; adds commission and agency representatives to recommendation process in limited competitions, addition of contemporary artmaking process in state arts collection; eliminates separate arts selection panel; allows sharing of school district funds in consultation with the Office of



Superintendent of Public Instruction; and gives commission more discretion with respect to evaluations; and chapter 30-44 WAC, adds the heritage awards which focus on the cultural heritage and traditional arts of the state; addresses nominations and review process; and adds review criteria.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable. Pursuant to RCW 19.85.060, the commission is not required to prepare a small business economic impact statement since the proposed rules will not have an economic impact.

Hearing Location: John L. O'Brien Building, Hearing Room B, 1st Floor, Olympia, Washington, on July 11, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Kamara Gose by July 7th, TDD (800) 833-5388, or (360) 587-5500.

Submit Written Comments to: Karen Kamara Gose, 234 East 8th Avenue, P.O. Box 42675, Olympia, WA 98504-2675, FAX (360) 586-5351, by July 7, 1995.

Date of Intended Adoption: July 11, 1995.

June 7, 1995  
Karen Kamara Gose  
Executive Director

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-01-010 Purpose.** The purpose of this chapter is to ensure compliance by the Washington state arts commission with the provisions of chapters 43.46, 34.05, and 42.17 RCW.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-01-020 Authority.** The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules under the provisions of the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-01-040 Description of commission's purpose and goals.** (1) The commission is charged with the conservation and development of the state's artistic resources as described in RCW 43.46.005. It is a citizens' commission consisting of nineteen members appointed by the governor and two members of the legislature. It is authorized by RCW 43.46.050 to study, plan, and advise the governor, state departments, and the legislature regarding cultural development. Through the authority granted by RCW 43.46.055, the commission may administer any activity, and assist any person or agency in programs or projects related to the growth and development of the arts and humanities.

(2) Statement of purpose. The commission has adopted as its ~~((statement of purpose: To improve the growth, development, and preservation of the arts, striving in all programs to maintain the highest possible quality.~~

~~(3) Goals. The commission has adopted the following goals:~~

~~(a) To improve the availability and access to the arts for all Washington residents;~~

~~(b) To conserve and develop the state's artistic resources, its artists, works of art, and arts institutions;~~

~~(c) To advocate society's need for the arts;~~

~~(d) To enhance education through the involvement of professional artists in all arts disciplines in schools and other educational settings))~~

mission: The arts are essential to the quality of life for all of Washington's citizens. The Washington state arts commission states its dedication to the support of the promotion, growth, development, and preservation of the arts within the state. The commission strives to foster artistic merit and ensure accessibility to all citizens of the state.

(3) Goals. To work toward this mission, the commission will promote throughout the state:

(a) Artistic development, growth, and preservation;

(b) Artistic expressions of the many cultures which contribute to Washington's diversity;

(c) The arts as basic to the education of all citizens;

(d) Access, equity, and local empowerment in all its activities; and

(e) Organizational skills development, stability and continuity, and managerial expertise.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-01-050 Organization.** (1) Officers. The officers of the commission shall be chairperson, first vice-chairperson, and second vice-chairperson.

(2) Election of officers. At ~~((each mid-year))~~ the last meeting of the calendar year, the current chairperson shall appoint a nominating committee. At the first meeting of each fiscal year, the nominating committee will report its recommendations for officers, after which nominations shall be open to the floor. An election shall be held ~~((by secret ballot))~~ and the member receiving the highest number of votes for each of the three positions shall be declared elected to the position for the coming year. The officers shall act as chairperson, first vice-chairperson, and second vice-chairperson until the next election or successors are elected. Vacancies may be filled by the chairperson between annual elections of officers.

(3) Duties of officers.

(a) The chairperson shall preside at all meetings of the commission, shall act as principal spokesperson for the commission, represent the commission between meetings, appoint standing and ad hoc committees, appoint committee chairpersons, remove members of committees, act as an ex officio member of all standing committees, provide a regular report to the commission regarding recent actions and activities, and perform other duties that pertain to the office. The chairperson shall lead commission activities in close partnership with the executive director, and coordinate with the executive director in the planning and arrangements for all meetings of the commission. ~~((The chairperson shall inform the executive director or prospective executive director of the terms of his/her employment and shall be responsible for the supervision of the executive director.))~~

(b) The vice-chairperson shall act as chairperson in the absence or incapacity of the chairperson.

(c) The second vice-chairperson shall act as chairperson in the absence or incapacity of both the chairperson and the first vice-chairperson.

(d) All officers can act as an ex officio member of all standing committees.

(4) Interim committee. The chairperson, first vice-chairperson, second vice-chairperson, and one commissioner at-large appointed by the chairperson shall constitute the interim committee. The interim committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner. Any committee action shall be ratified at the next regular meeting of the commission.

(5) Committees. The chairperson shall appoint such committees as the commission or the chairperson shall deem necessary to carry on the business of the commission. A committee may act on behalf of the commission between regular meetings when such action is necessary to authorize staff implementation of a required function in a timely manner, and when such action has been specifically authorized in advance by a majority vote taken at a regular meeting of the commission. Any committee action shall be ratified at the next regular meeting of the commission.

(6) The executive director is appointed by the governor.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-01-060 Office location and hours—Correspondence to staff.** (1) The official administrative location of the commission and its staff is at the Washington State Arts Commission, (~~9th and Columbia Building, Room 110, Olympia, Washington, 98504 4111~~) 234 E. 8th Avenue, Olympia, Washington, 98501 (360) 753-3860. The commission office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted, and except for business relating to public records, which is governed by WAC 30-04-040).

(2) Address for written communications. All written communications with the commission (~~(, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the commission's decisions and other matters)~~) shall be addressed as follows: Washington State Arts Commission, (~~9th and Columbia Building, Room 110, Mailstop GH 11, Olympia, Washington, 98504 4111, 206/753-3860~~) 234 E. 8th Avenue, P.O. Box 42675, Olympia, Washington, 98504-2675.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 30-01-030 Definitions.

#### **Chapter 30-02 WAC DEFINITIONS**

#### NEW SECTION

**WAC 30-02-010 Definitions.** The following definitions shall apply throughout this title:

(1) "Agency" means the agency with one-half of one percent of its capital construction appropriations designated for the acquisition of works of art under RCW 43.17.200, 43.19.455, 28A.335.210, and 28B.10.025, as follows:

(a) RCW 43.17.200 designates all state agencies, departments, boards, councils, commissions, and quasi-public corporations.

(b) RCW 43.19.455 designates all state agencies under the department of general administration.

(c) RCW 28A.335.210 designates "common schools" (public schools) recognized by the state of Washington.

(d) RCW 28B.10.025 designates the University of Washington, Washington State University, regional universities, The Evergreen State College and community college districts.

(2) "Agency project committee" means an advisory committee that works with the commission to develop a designated art project. The agency project committee shall be appointed at the commission's request by the administration of the agency receiving the project and may consist of members representing: Agency administration, artists or art professionals, community members, and building users. Committee nominations should strive to be balanced by gender, ethnically diverse, and represent the constituencies of the agency. The commission may recommend representatives to the agency project committee.

(3) "Appeal" means any request by an applicant to the commission for reconsideration of a previous decision on a program application.

(4) "Applicant" means a legally incorporated organization, unit of government, or individual.

(5) "Art scholar" means a folklorist, art historian, aesthetician, art critic, or other scholar of the arts recognized as a professional by peers in the field.

(6) "Art selection panel" means a body appointed by the commission to review, recommend, and select artists for projects according to project specifications. Panels will vary in size and be comprised of artists and/or art professionals. Panel nominations should strive to be balanced by gender, ethnically diverse, and represent the variety of contemporary artistic production.

(7) The "artists resource bank" means a file of artists' slides and materials maintained by the commission. Artists included in the artists resource bank are selected by art selection panels through competitions and considered for project selection by agency project committees.

(8) "Award" means the financial assistance committed through a contract or paid to an eligible applicant.

(9) "Chairperson" means that person elected pursuant to RCW 43.46.040.

(10) "Commission" means the Washington state arts commission.

(11) "Commissioners" mean the members of the commission who are appointed pursuant to RCW 43.46.015.

(12) "Committee chairpersons" mean those persons appointed by the chairperson of the commission as described in WAC 30-01-050(3).

(13) "Committees" mean those subgroups of the commission appointed by the chairperson as described in WAC 30-01-050(5).

(14) "Complimentary tickets" are any free admissions provided by arts organizations to commissioners or staff for evaluation purposes.

(15) "Deaccessioning" means the removal of a work of art from the state art collection by the commission.

(16) "Evaluators" are individuals requested to make recommendations regarding programs, selections, and issues before the commission based on their expertise, training, or experience in a given field.

(17) "Executive director" means that person employed pursuant to RCW 43.46.045 to carry out the functions of that chapter.

(18) "Financial assistance" means money provided to applicants from federal, state, or private funds of the commission.

(19) "Fiscal year" means the period beginning July 1 and ending June 30 of the following year.

(20) "Folk artist" means those most valuable and most authentic practitioners of the folk and traditional arts that have been brought up within a traditional community, learning the repertoire from their own seniors and absorbing the style as they live the life that the style and the repertoire represent.

(21) "Grant" means award or financial assistance.

(22) "Grantee" means an institution, organization, arts group, or individual receiving a grant.

(23) "Literary arts" shall include poetry, fiction, and literary or arts criticism.

(24) "Local arts commission" means a governmental agency created to represent, serve, and promote interdisciplinary arts, artists, and arts organizations within its legal jurisdiction.

(25) "Local arts council" means a private, nonprofit organization, designated under Section 501(c)(3) as a tax-exempt organization by the Internal Revenue Service, created to represent, serve and promote multidisciplinary arts, artists, and arts organizations within its community jurisdiction.

(26) "Maintenance" means the ongoing upkeep required for artworks to retain their structural and aesthetic integrity.

(27) "Matching component" means an amount of money or the value of materials or services provided by the applicant.

(28) A "Native American" is a person of recognized North American Indian descent through tribal affiliation or general tribal community recognition.

(29) "Nonprofit" means incorporation under the nonprofit laws of the state of Washington or another state, and determination by the Internal Revenue Service (IRS) that the incorporated entity is exempt from taxation under Section 501(c)(3) of the IRS code.

(30) "Panels" mean those individuals from which the commission, as a part of its regular practice, may seek advice in order to provide a comprehensive professional perspective in the decision-making process, and may include commissioners.

(31) "Performing arts" mean the broad disciplines of music, dance, and drama and the various forms of expression and performances associated within them.

(32) "Postmark" means the date affixed to letters, parcels or packages by the United States Postal Service (USPS), either through the USPS postmark stamp or USPS meter tape.

(33) "Professional artist" means a person generally recognized by critics and peers as a professional producing high quality work on a regular basis. Other indicators of professionalism include frequent or consistent exhibitions, performances, readings, publications, purchases by museums, commissions, honors and awards, and art training. Students enrolled in an ongoing formal art education program and avocational practitioners are not considered professional. Hereinafter, professional artist will be referred to as "artist."

(34) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(35) "Special populations" mean public or nonprofit institutions serving prison programs, incarcerated youth programs, and programs serving the mentally or physically disabled, and youth-at-risk.

(36) "Sponsor" means any Washington state public school, school district, educational service district, private nonparochial school, college or university, or any cultural or community organization including local arts councils and commissions, retirement centers, libraries, hospitals, correctional centers, and other facilities for special populations.

(37) "Staff" means those persons employed by the executive director pursuant to RCW 43.46.045.

(38) The "state art collection" means all works of art and select design models commissioned or purchased under RCW 43.17.200, 28A.58.055, 28A.335.210, 43.46.090, and 43.19.455. Individual works are held in trust under the terms of an interagency agreement by agencies working in partnership with the commission. Development, administration, and management of the overall collection, including maintenance if funded, deaccessioning and loan policies, archival recordkeeping and documentation, shall be carried out by the commission.

(39) "Support" means financial, technical, or information assistance provided by the commission and the staff to individuals or organizations.

(40) "Technical assistance" means the transmittal of information, skills, and/or resources that help to improve the ability of an institution, organization, arts group, or individual to accomplish its purpose.

(41) "Three-dimensional visual arts" shall include relief and sculpture in the round and three-dimensional crafts.

(42) "Traditional artist" means those most valuable and most authentic practitioners of the folk and traditional arts that have been brought up within a traditional community, learning the repertoire from their own seniors and absorbing the style as they live the life that the style and the repertoire represent.

(43) "Two-dimensional visual arts" shall include painting, drawing, print-making, photography, multimedia, and two-dimensional crafts.

(44) "Washington state arts commission" means the commission established pursuant to RCW 43.46.015.

(45) "Writing" means handwriting, typewriting, printing, photostating, and every other means of recording, any form

of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

**AMENDATORY SECTION** (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-04-040** (~~Office hours~~) **Inspection and copying.** Public records shall be available for inspection and copying (~~during the customary office hours. For the purposes of this chapter, the customary office hours shall be~~) from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, (excluding Saturdays, Sundays, and legal holidays). All public records of the commission are located at the Washington State Arts Commission, (~~9th and Columbia Building, Room 110~~) 234 E. 8th Avenue, Olympia, Washington.

**AMENDATORY SECTION** (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-04-050 Requests for public records.** In accordance with the requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing upon a form prescribed (~~herein~~) by the commission which shall be available at the location indicated (~~in WAC 30-04-040~~) above. The form shall be presented to the public records officer, or to another designated member of the staff if the public records officer is not available (~~during customary office hours~~). The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer, or staff person assisting the member of the public making the request, will ascertain whether or not the information requested is exempt from public inspection and copying as outlined in WAC 30-04-070 and further defined in RCW 42.17.310. Included therein, but not limited to, are such exemptions as personal information that may violate the rights of privacy of the individual, national defense information, certain aspects of real estate appraisals as outlined in RCW 42.17.310 (1)(g), and other particular information.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be

inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer, or staffperson to whom the request is made, to:

- (a) Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- (b) Assist the member of the public in appropriately identifying the public record requested;
- (c) Protect and otherwise prevent damage to the public record being inspected and copied;
- (d) Prevent disorganization of file folders or document containers;
- (e) Remain in the company of the member of the public at all times during which a public document is being inspected, and provide the fullest assistance possible;
- (f) Prevent excessive interference with the other essential functions of the agency.

(5) Only the staff and members of the commission may open files to gain access to commission records.

(6) No public record of the commission may be taken from the premises of the commission by a member of the public.

(7) Public inspection of commission records shall be done only in such locations as are approved by the public records officer, which locations must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless other arrangements are authorized by the public records officer.

**AMENDATORY SECTION** (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-04-060 Copying.** No fee shall be charged for the inspection of public records. The commission shall charge (~~twenty five cents per page~~) an appropriate cost determined by the agency for copies of public records and the use of commission copy equipment. This charge is the amount necessary to reimburse the commission for its actual cost incident to such copying. If the public records officer deems it more efficient to have copying done outside the agency, the charges will be based on the actual cost of such outside copying service. For all copying service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of invoice payable to the Washington state arts commission.

**AMENDATORY SECTION** (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-04-090 Protection of public records.** (1) Records are available for inspection and copying at the location and during office hours identified in WAC 30-04-040 and then only in the presence of an authorized staffperson of the commission and with the aid and assistance of such staffperson.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equip-

ment located at the commission office and the availability of authorized staff to operate that equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public record form as provided ~~((in WAC 30-04-100 and 30-04-110))~~ by the commission. Staff shall acknowledge such request for an appointment within two working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staffperson.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 30-04-100 Adoption of form.

WAC 30-04-110 Request for public record form.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-08-030 Commission meetings.** (1) General schedule. The commission shall meet at least five times each year and at such other times as determined to be necessary. The meetings of the commission shall all be "regular" or "special meetings" as those designations are applied in chapter 42.30 RCW. Meetings may be called, subject to the notice requirements of chapter 42.30 RCW, at any time and place by the chairperson or a majority of the commissioners.

(2) Notice. Twenty days notice of all meetings shall be given by mailing a copy of the notice and draft agenda to each commissioner and to any person who has made a written request to the commission to receive meeting notices.

(3) Special or emergency meetings. The twenty-day notice may be waived for special or emergency meetings upon consent of a majority of the commission. In such cases, the provisions of RCW 42.30.080 will govern due notification of the time, place and business to be transacted.

(4) Executive session. An executive session may be called by the chairperson or a majority of the commission. Executive sessions shall deal only with matters authorized by chapter 42.30 RCW.

(5) ~~((Ballots by mail—))~~Conference calls. Given the geographic distribution of the commissioners, the chairperson may ~~((call for a ballot by mail when an item calls for consideration by the full commission. The results of the vote shall be made available at the next regular meeting of the commission. The chairperson may also))~~ convene a meeting by conference call if the situation warrants immediate action by the full commission, subject to the notice requirements of chapter 42.30 RCW.

(6) Rules of order. The commission shall generally follow *Roberts Rules of Order*, newly revised, in conducting its business meetings.

(7) Quorum. A simple majority of the regularly appointed and acting members of the commission shall constitute a quorum. If all twenty-one positions are filled, the quorum shall be eleven.

(8) Voting rights. All officers of the commission shall have the right to vote on all matters before the commission, just as any other commissioner.

(9) Minutes. Minutes shall be kept of the proceedings of all commission meetings.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-08-040 Commission meetings—Public participation.** Any person or organization is encouraged to offer its points of view to the commission.

(1) Any person or organization wishing to make a formal presentation at a scheduled meeting of the commission shall notify the executive director in writing at least ten days prior to the time of the meeting. The commission or executive director may waive the ten-day notice period in the event the proposed presentation is of critical importance to the operation of the commission.

(a) Such notification shall contain the name of the person or organization that desires to make a presentation; the address and phone number of the person or organization; and the topic to be presented or discussed.

(b) Permission to make a presentation to the commission shall be granted by the executive director in consultation with the chairperson, as authorized by the commission.

(c) Confirmation of permission to make a presentation to the commission shall be made if at all possible, by the staff prior to the meeting of the commission, and shall include the date and time of the meeting, and the time set for the formal presentation.

(2) The chairperson shall have the discretion to recognize anyone in the audience who indicates at the time of the meeting a desire to speak at such meeting. Depending on the number of individuals wishing to speak or the commission's sense of the business it must conduct, the chairperson may limit the time for comment to a reasonable period ~~((, but not less than five minutes))~~.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-010 Purpose.** The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply generally to all commission programs and services, specifically, those that involve competitive application for support, awards or contracts for artistic services. In addition, each commission program ~~((or service))~~ has additional rules that apply which are contained in this chapter. ~~((Those specific program rules are contained in chapters 30-16 through 30-52 WAC.))~~

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-030 ~~((Advisors and))~~ Panels.** (1) ~~((Advisory and selection))~~ Panels are ~~((generally))~~ comprised of ~~((three to seven))~~ individuals whose expertise can address specific issues and program needs.

(2) ~~((Advisors and))~~ Panel members are authorized to serve by the executive director, and may be reimbursed for their services and/or their travel expenses.

PROPOSED

(3) ~~((Advisors and))~~ Panels may refrain from making a recommendation, if, in their opinion, there is insufficient information or merit in the material under review.

(4) All ~~((advisor and))~~ panel recommendations are subject to the review and approval of the commission.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-050 Support of ~~((primary))~~ arts institutions.** The commission recognizes ~~((certain))~~ arts institutions as primary components of the state's cultural life ~~((deserving first consideration for financial support. The commission will provide general operations support))~~. This assistance will contribute to the continued economic stability of the ~~((primary))~~ arts institutions and therefore full service to the general public.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-060 Support of Washington artists and organizations.** The commission may give~~((s))~~ priority to projects involving resident artists and arts organizations; this does not preclude the use of outside artists/arts organizations capable of providing programs or services to Washington residents that are not available within Washington state or those that supplement the artists/arts organizations available in the state.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-080 Special ~~((audiences))~~ populations.** The commission encourages projects designed to reach special ~~((audiences or citizens))~~ populations who are not regularly served by arts events. ~~((Whenever possible, the commission favors opportunities for these citizens to be served in the same manner as the general public, emphasizing mainstreaming versus special or exceptional treatment. These audiencess may include the handicapped, institutionalized, elderly, or lower income groups.))~~

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-090 Native American arts.** The commission encourages the maintenance, continuance and promotion of Native American cultural art forms whether traditional or contemporary, existing or new creations. Preference will be given to Native American artists in projects involving their culture. ~~((Native American projects (visual arts, music, legends, dances, etc.) must clearly represent or be influenced by the Native American culture and heritage to be considered for support. Development of a project should include determination of proper ownership of any work involved, and written permission from the artist must precede any reproduction of works.))~~

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-100 Ethnic ~~((minorities))~~ communities.** The commission encourages projects by ethnic ~~((minorities))~~ communities who have been under~~((-))~~served by traditional funding sources. The commission is particularly supportive of projects that promote ethnic cultures through their traditional art forms and those that promote cross-cultural exposure within the community.

AMENDATORY SECTION (Amending Order 1, Resolution No. 86-1, filed 4/1/86)

**WAC 30-12-160 Credits and endorsements of local programs.** The commission recognizes its potential for serving its constituents by the inclusion of credits in promotional information or documentation, to encourage funding from other sources. These credits shall not be considered an endorsement of the organization or individual but will constitute a factual accounting of past and/or present support to the organization or individual by the commission.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 30-12-020 Definitions.
- WAC 30-12-070 Commissioning or purchase—  
Works of art.
- WAC 30-12-120 School, college and university activities.
- WAC 30-12-140 Conflict of interest—  
Subcontractor's board members.

#### **Chapter 30-14 WAC AWARDS PROGRAM**

#### NEW SECTION

**WAC 30-14-010 Scope of chapter.** This chapter contains general rules affecting the awards program including eligibility, application requirements, application review criteria, and the review process for awards funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

#### NEW SECTION

**WAC 30-14-020 Purpose.** The commission provides awards to develop, sponsor, and promote the growth and development of the arts in the state of Washington. These awards may include but are not limited to operating support; specific arts projects; artist fellowships; technical assistance services; staff support; conference travel; or services coordinated at a regional, statewide, multistate, or national level for a targeted audience or public benefit.

NEW SECTION

**WAC 30-14-030 Eligibility.** Nonprofit arts or community organizations, units of government, or artists may be eligible to apply for an award from the commission. Eligibility for specific awards varies and is published in the program guidelines. The commission establishes and publishes guidelines on an annual or biennial basis.

NEW SECTION

**WAC 30-14-040 Application form.** The general public is notified of competitions by announcement to the media and notices in other regular publications. All applications must be completed and submitted in the format prescribed by the commission. The forms are available from the commission at the agency's official address and are included with the published guidelines. Printed copies of the guidelines will be distributed by direct mail to award applicants for the last three fiscal years and those who request an application.

NEW SECTION

**WAC 30-14-050 Application deadlines.** Applications must be filed by the deadlines determined by the commission and published in the guidelines.

NEW SECTION

**WAC 30-14-060 Application review process.** The evaluation and review of applications is based on the written response and support materials provided with the application. Applications are reviewed initially by staff for eligibility. Once eligibility is determined, applications are then reviewed by a panel that makes funding recommendations. The panel's recommendations are presented to a commission committee, which makes recommendations to the commission for final review, approval, and funding amounts. The executive director may make decisions on award contracts which do not exceed two thousand dollars without a specific delegation, with those actions to be reviewed and ratified at the next regular meeting of the commission. The commission may make specific delegations to the executive director which exceed two thousand dollars, at their discretion.

NEW SECTION

**WAC 30-14-070 Application review criteria.** Applications will be reviewed according to the current guideline criteria for the type of award sought. Criteria may include but not be limited to state residency; type of nonprofit status; length of history of arts programming; type of organization; type of proposal; timing of the proposal; artistic discipline; artistic excellence, quality, and merit; artistic credentials and professional work experience; prevailing wages; public benefit; benefit to state residents; public or community involvement; operating budget size; management practices; long-range planning; compliance with previous award contracts; financial stability; community support; access to other sources of financial and technical assistance; geographic isolation; distribution of cultural and artistic opportunities state-wide; opportunities for culturally diverse presentations or events; preservation of culturally

specific artistic traditions; arts education opportunities; social relevance or other nonpolitical considerations.

NEW SECTION

**WAC 30-14-080 Appeals procedure.** Award appeals will be conducted in accordance with chapter 30-08 WAC.

NEW SECTION

**WAC 30-14-090 Contracting.** Applicants who have been approved for funding will be issued contracts based on a fiscal year beginning July 1 and ending June 30, or within the biennium. The commission may establish a matching component in the award contract.

NEW SECTION

**WAC 30-14-100 Disbursement of funds.** Applicants should be prepared to finance their projects until reimbursed by the commission. The award contract will contain a payment schedule attachment. All requests for payment(s) must be made on the state of Washington invoice voucher provided by the commission with the contract.

NEW SECTION

**WAC 30-14-110 Evaluation methods.** Award recipients will be required to submit a written final report in the format prescribed by the commission, no later than forty-five days following completion of the award contract. Future funding is contingent upon receipt and acceptance of the final report by the commission. Failure to provide an acceptable final report will result in the ineligibility of the award recipient for a length of time to be determined by the commission. Each award recipient must be prepared to provide access to events for members of the commission, agency staff, or independent reviewers, if an on-site evaluation is requested by the commission.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-16-010 Purpose.
- WAC 30-16-020 Definitions.
- WAC 30-16-030 Description—Program purpose and goals.
- WAC 30-16-040 Applicant eligibility.
- WAC 30-16-050 Project eligibility.
- WAC 30-16-060 Project limitations and exclusions.
- WAC 30-16-070 Funding categories, deadlines and application procedures.
- WAC 30-16-080 Financial responsibility of applicants and subapplicants.
- WAC 30-16-090 Review procedures.
- WAC 30-16-100 Special conditions.
- WAC 30-16-110 Payment procedures.
- WAC 30-16-120 Evaluation methods.

**Chapter 30-18 WAC  
ARTS IN EDUCATION**

**NEW SECTION**

**WAC 30-18-010 Scope of chapter.** This chapter contains general rules affecting arts in education program eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

**NEW SECTION**

**WAC 30-18-020 Program purpose.** Arts in education (AIE) program supports the unique contributions to arts education made by artists and arts organizations, offers arts curriculum grants to public schools, and supports other activities that promote the arts as basic to the education of all Washington citizens. The major emphasis is K-12 education.

**NEW SECTION**

**WAC 30-18-030 Eligibility for artists in residence.** All professional artists and art scholars residing in Washington state or within a fifty-mile radius of a Washington state city are eligible to apply to be rostered as artists in residence. Once rostered, artists in residence may select folk artists to work with them during the residency.

**NEW SECTION**

**WAC 30-18-040 Eligibility for grantees.** (1) Residency sponsors are any Washington school, school district, private nonparochial school, preschool, college, or university. In addition, any Section 501(c)(3) of the IRS Code (nonprofit) or government agency may apply as a sponsor. This includes local arts councils and commissions, retirement homes, hospitals, correctional facilities, libraries, museums, and agencies serving special populations.

(2) Arts curriculum grantees are Washington state public school districts and schools. Government and other nonprofit agencies working in collaboration with their local schools, incorporated as not-for-profit in the state of Washington, and having federal IRS tax-exempt status, also are eligible to apply.

(3) Arts education project grantees are Washington arts organizations and may apply to fund arts education projects developed in partnership with schools.

(4) Performing artists and arts organizations are professional performing artists residing in Washington state and arts organizations located in Washington state and they may apply to perform in schools and to serve one-week, rural residencies that combine performances and workshops. Professional performing arts organizations with facilities in Washington state may apply to provide mainstage performances for students.

(5) Applications are competitive on a state-wide basis and grants are subject to the level of funds available to the commission.

**NEW SECTION**

**WAC 30-18-050 Application form.** (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who have requested placement on the AIE mailing list or to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

**NEW SECTION**

**WAC 30-18-060 Application review process.** Applications will be reviewed by a panel. The recommendations of the panel are presented to the commission's education committee which makes recommendations to the commission for final approval.

**NEW SECTION**

**WAC 30-18-070 Application review criteria.** Applications will be reviewed according to the current guideline criteria to ensure that the applicant(s) will promote a comprehensive and sequential arts education program at the site(s) of service.

**NEW SECTION**

**WAC 30-18-080 Contracting of artists.** Artists who have been selected for inclusion in the roster may be contracted by the commission or directly by grantees within a fiscal year beginning July 1 and ending June 30 or within the biennium.

**NEW SECTION**

**WAC 30-18-090 Contracting of grantees.** Grantees that have been selected based on panel recommendations and approved by the commission may be contracted within a fiscal year beginning July 1 and ending June 30 or within the biennium. The commission may establish a matching component in the contract.

**NEW SECTION**

**WAC 30-18-100 Disbursement of funds.** Reimbursement must be requested on state of Washington invoice voucher forms and must include all final documentation as required in the contract.

**NEW SECTION**

**WAC 30-18-110 Evaluation methods.** Evaluation forms provided by the commission are required to be completed and returned by each grantee, artist, and school. Also, on-site monitoring of events will be conducted by the commission and/or staff. When appropriate, outside professional evaluators may be hired, advise staff, and prepare evaluation reports.



REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-20-010 Purpose.
- WAC 30-20-020 Definitions.
- WAC 30-20-030 Description—Program purpose and goals.
- WAC 30-20-040 Applicant eligibility.
- WAC 30-20-050 Funding intent—Limitations and exclusions.
- WAC 30-20-060 Funding formula.
- WAC 30-20-070 Application procedures.
- WAC 30-20-080 Financial responsibility of institutions.
- WAC 30-20-090 Review procedures.
- WAC 30-20-100 Special conditions.
- WAC 30-20-110 Payment procedures.
- WAC 30-20-120 Evaluation methods.

**Chapter 30-22 WAC  
FOLK ARTS**

NEW SECTION

**WAC 30-22-010 Scope of chapter.** This chapter contains general rules affecting folk arts program eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

NEW SECTION

**WAC 30-22-020 Program purpose.** The folk arts (FA) program supports and preserves a variety of diverse traditional artists and cultures in the state of Washington.

NEW SECTION

**WAC 30-22-030 Eligibility.** All traditional artists are eligible to apply to participate.

NEW SECTION

**WAC 30-22-040 Application form.** (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who have requested placement on the FA mailing list or to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

NEW SECTION

**WAC 30-22-050 Application review process.** Artist applications are reviewed by a panel. The recommendations of the panel are presented to the commission's underserved committee which makes recommendations to the commission for final approval.

NEW SECTION

**WAC 30-22-060 Application review criteria.** Applications will be reviewed according to the current guideline criteria to ensure that the applicant(s) fosters the preservation of traditional folk arts.

NEW SECTION

**WAC 30-22-070 Contracting.** Artists who have been approved by the commission for funding will be issued contracts based on available funding. Partners who collaborate on specific projects with the approval of the executive director will be issued contracts based on available funding. Contracts will be issued within a fiscal year beginning July 1 and ending June 30 or within the biennium.

NEW SECTION

**WAC 30-22-080 Disbursement of funds.** Reimbursement must be requested on state of Washington invoice voucher forms and must include all documentation as required in the contract. The commission may establish a matching component in the contract.

NEW SECTION

**WAC 30-22-090 Evaluation methods.** Final reports will be required by the commission and must be completed and returned by each contractor by the ending date of the contract. Also, on-site monitoring of events will be conducted by the commission and/or its staff.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-24-010 Purpose.
- WAC 30-24-020 Definitions.
- WAC 30-24-030 Program purpose and goals.
- WAC 30-24-040 Eligibility.
- WAC 30-24-050 Selection criteria.
- WAC 30-24-060 Program procedures.
- WAC 30-24-070 Ownership of work.
- WAC 30-24-080 Commission liability.
- WAC 30-24-090 Responsibilities—Recipients.
- WAC 30-24-100 Evaluation methods.

**Chapter 30-26 WAC  
COMMUNITY ARTS DEVELOPMENT PROGRAMS**

NEW SECTION

**WAC 30-26-010 Scope of chapter.** This chapter contains general rules affecting community arts development programs eligibility, review criteria, and application requirements for projects funded by or through the commission. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

NEW SECTION

**WAC 30-26-020 Program purpose.** The community arts development (CAD) programs assist the citizens of Washington, in the communities where they live, in enhancing their individual and community sense of well-being, and in making their lives more meaningful through the arts. The CAD program works to fulfill this mission by providing leadership, financial support, technical assistance, information and general guidance and encouragement to the varied constituencies, and by forming working community development partnerships with other local, regional, state and national organizations.

NEW SECTION

**WAC 30-26-030 Eligibility.** All citizens of the state of Washington including but not limited to local arts councils and commissions, arts producing and presenting organizations, and artists are eligible for assistance under these programs. New and emerging organizations are the first priority of the programs, along with those which are rural, inner-city or serve other underserved communities. Eligibility for specific funded programs varies and is published in the program guidelines.

NEW SECTION

**WAC 30-26-040 Application form.** (1) Public notice of competitions will be made through the media and in other agency publications. Application forms are available from the commission and published with the program guidelines.

(2) Applications shall be sent by direct mail to those who request an application.

(3) All applications must be completed and submitted in the format prescribed by the commission. Applications must be submitted by the deadline determined by the commission.

NEW SECTION

**WAC 30-26-050 Application review process.** Applications are reviewed by a panel. The recommendations of the panel are presented to the commission's underserved committee which makes recommendations to the commission for final approval.

NEW SECTION

**WAC 30-26-060 Application review criteria.** Applications will be reviewed according to the current guideline criteria to ensure that the stated CAD purposes are accomplished.

NEW SECTION

**WAC 30-26-070 Contracting.** Applicants which have been approved by the commission for funding will be issued contracts based on available funding. Contracts will be issued within a fiscal year beginning July 1 and ending June 30 or within the biennium. The commission may establish a matching component in the contract.

NEW SECTION

**WAC 30-26-080 Disbursement of funds.** Reimbursement must be requested on state of Washington invoice voucher forms and must include all documentation as required in the contract.

NEW SECTION

**WAC 30-26-090 Evaluation methods.** Final reports will be required by the commission and must be completed and returned by each contractor by the date specified in the contract. On-site monitoring of events may be conducted by the commission, its staff, and/or outside professional evaluators.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-28-010 Purpose.
- WAC 30-28-020 Program purpose and goals.
- WAC 30-28-030 Criteria.
- WAC 30-28-040 Evaluation methods.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-32-010 Purpose.
- WAC 30-32-020 Definitions.
- WAC 30-32-030 Program purpose and goals.
- WAC 30-32-040 Eligibility and delivery of program services—Schools.
- WAC 30-32-050 Eligibility—Artists.
- WAC 30-32-060 Application review process—Artists.
- WAC 30-32-070 Contracting of artists.
- WAC 30-32-080 Evaluation methods.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-36-010 Purpose.
- WAC 30-36-020 Definitions.
- WAC 30-36-030 Program purpose and goals.
- WAC 30-36-040 Eligibility—Sponsors.
- WAC 30-36-050 Eligibility—Artists.
- WAC 30-36-060 Application review process—Sponsors.
- WAC 30-36-070 Application review process—Artists.
- WAC 30-36-080 Responsibilities—Sponsors.
- WAC 30-36-090 Matching requirements.
- WAC 30-36-100 Residency requirements.
- WAC 30-36-110 Evaluation methods.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-40-020 Authority.** The Washington state arts commission is authorized by RCW 43.46.040 to adopt rules and is authorized under RCW 43.46.090 to administer the art in public places program. Under this authority, the commission develops, inventories, maintains and presents to the public the state art collection. The specific statutes these rules are intended to implement are: RCW 43.46.090, 43.46.095, 43.17.200, 43.17.205, 43.17.210, 43.19.455, ~~((28A.58.055))~~ 28A.335.210, 28B.10.025, and 28B.10.027.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-40-050 Fiscal procedures/eligibility.** (1) Construction eligibility. Funding for works of art are generated through the capital budget under the following statutes:

(a) RCW 43.17.200 (state agencies) - applies to construction of any new building and/or additions to an existing building (structure). ~~((Excludes))~~ Excluded are highway construction sheds, warehouses ~~((and))~~ or other buildings of a temporary nature.

(b) RCW ~~((28A.58.055))~~ 28A.335.210 (common schools) - applies to construction of any new building and/or additions to an existing building (structure). Excluded are sheds, warehouses, or other buildings of a temporary nature.

(c) RCW 28B.10.027 (universities, colleges and community colleges) - applies to construction of any new building and/or additions to an existing building (structure). Renovation and remodel work exceeding two hundred thousand dollars are included. Excluded are sheds, warehouses and other buildings of a temporary nature.

(2) Calculation of funds. The amount to be made available for works of art is to be calculated as follows:

(a) (RCW 43.17.200 and 28B.10.027) For each eligible appropriation, the one-half of one percent formula is to be applied to architecture and engineering fees, total building cost and equipment costs.

(b) (RCW ~~((28A.58.055))~~ 28A.335.210) For each eligible appropriation, the one-half of one percent formula is to be applied to the total moneys appropriated for state ~~((matching funds))~~ assistance to school districts.

(3) Determination of funds. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, shall determine the funds to be made available for art under RCW 43.17.210, 43.19.455, ~~((28A.58.055))~~ 28A.335.210, and 28B.10.025.

(4) Supplementing funds for art. The one-half of one percent expenditure is a required minimum for works of art. State agencies, universities, colleges and community colleges, and common schools may designate more than this amount in planning for a project. Other private and public funding sources may provide supplemental grants and matching funds.

(5) Transfer of funds. The commission maintains the fiscal system for all one-half of one percent funds for art. After project funds for art have been determined, the

commission requests transfer of the funds for art to the commission. The transaction is made through an ~~((invoice voucher))~~ appropriate billing from the commission to the agency, and the agency transfers the funds to the commission ~~((through a journal voucher)).~~

The funds are transferable to the commission at the time the law providing for the appropriation becomes effective. In the case of projects governed by the sale of bonds, the funds for art shall be eligible for transfer thirty days after the sale of the bond(s).

(6) Reappropriation of funds. Upon timely notification by the commission, the agency shall request reappropriation of the unspent funds for art in the coming biennium. ~~((The reappropriation of funds is made by the commission transferring the funds back to the agency through a journal voucher, and upon reappropriation, requesting the return transfer of funds for art to the commission.))~~

(7) Use of funds for art. The one-half of one percent funds for art may be used for expenses incurred in the design, fabrication and installation of works of art, artists' expenses and the commission's administrative expenses.

Funds for art may not be used for administrative expenses of the agency or architect; expenses of the agency as agreed upon for the preparation and installation of the work, dedication, and insurance, or for the maintenance of the works of art.

(8) Determination of projects and sites. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, shall determine the projects and sites to be designated for works of art under RCW 43.17.210, 43.19.455, ~~((28A.58.055))~~ 28A.335.210, and 28B.10.025.

(9) Contracting and expenditure.

(a) The commission is responsible for contracting and expending the one-half of one percent funds for art.

(b) The artists enter into a contract with the commission to create a new work or transfer title of an existing work according to the terms of the contract.

(c) The agency will comply with the terms of the interagency agreement as negotiated with the commission.

(10) Waiver of funds. School districts under the superintendent of public instruction may elect to waive their use of art funds. Waiver of funds for art will not cause loss of or otherwise endanger state construction funds. These funds ~~((are subsequently not available to the school district but))~~ shall be applied to works of art according to RCW ~~((28A.58.055))~~ 28A.335.210 at the discretion of the commission.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-40-060 Maintenance/deaccessioning.** (1) Maintenance responsibilities. The agency is responsible for all routine maintenance operations required on a periodic basis as specified by the artist in his/her maintenance specifications report. The commission is responsible as funded for any extraordinary repair or unscheduled mainte-

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nance required to restore a structurally or aesthetically diminished artwork to its original intent and function.

(2) Deaccessioning. Works of art will be removed and disposed of according to the process established in the commission's deaccession policy from the state art collection if it has been determined by the commission that the work:

- (a) Has been lost or stolen;
- (b) Presents a safety hazard in its present condition; or that
- (c) The restoration of the work's structural or aesthetic integrity is:

- (i) Technically (~~(infeasible)~~) unfeasible;
- (ii) Disproportionate to the value of the work.

(d) The environment/architectural support (on which a site-specific work depends) is to be destroyed or modified as to distort the artist's initial intent.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-40-070 Program procedures.** (1) Placement of works of art/projects and sites. Artwork may be placed on public lands; integral to or attached to a public building or structure; detached within or outside a public building or structure; part of a portable exhibition or collection; part of a temporary exhibition; or loaned or exhibited in other public facilities. Funds are designated for projects and sites as follows:

(a) State agencies - funds may be used within the jurisdiction of the agency or on any public land, building or structure (~~(of any state agency)~~), including new and existing buildings, (~~(state)~~) park lands, and structures which may include bridges and waterways.

(b) Common schools - funds may be used within the jurisdiction of the school district or at any common school facility within the state. Funds under this section may not be designated to projects and sites outside of the common schools system.

(c) Universities, colleges and community colleges - funds may be used within the jurisdiction of the university, college or community college which generated the funds for art, and with the permission of the board of regents or trustees, designated to other projects and sites at other institutions of higher education. Funds under this section may not be designated to projects and sites at other state agencies or within the common school system.

(d) Any temporary relocation of an artwork initiated by the agency must be registered with the commission. Placement of works of art outside the agency must be processed through the loan procedures of the commission.

(2) Project specifications. The commission works with the agency project committee to develop the project specifications considering the available budget, sites and project approach.

The commission will determine whether a project is to be a commission or purchase of art. Design fees will be paid according to the commission's fee structure for design proposals and may vary according to the number of artist finalists and scope of design work as agreed upon by the commission, artist(s) and agency.

(3) Method of selection of artists. The commission, in consultation with the director of general administration and/

or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, is responsible for the selection of artists and determines the method of selection which may be:

(a) Open competition - participation is open to any qualified professional artist.

(b) Limited competition - the art selection panel and members of the agency and the commission will recommend ~~((to the commission))~~ a list of artists who will be invited to submit.

(c) Direct selection - the artist will be recommended as the artist(s) by the art selection panel.

(d) Artist resource bank - the agency project committee will select the artist or works of art from a resource bank of available artists and works of art screened by art selection panels and approved by the commission. The artist is responsible for submitting slides, materials, and/or proposals in accordance with specifications set forth by the commission.

(4) Selection criteria. The highest priority is given to quality, the artistic (~~(excellence)~~) merit of the artist and proposed artwork, and evidence of the artist's ability to execute the work. Consideration will also be given to the structural and aesthetic integrity of any existing or proposed work.

In order to achieve ~~((diversity in the))~~ a diverse state art collection, which represents the varied means of contemporary art-making processes, priority consideration may be given to artists who are not currently under contract, have not recently had work purchased or commissioned, or who are not represented in the state art collection. ~~((Diversity of individual artists may be represented by scale, style or geographic placement.))~~

(a) Special considerations for selection of projects under the superintendent of public instruction - the school district board of directors may appoint a representative to the agency project committee in order to participate in the selection of artists through the commission's artist resource bank selection process. ~~((In some cases, a separate art selection panel will be established by the commission to which the school district board of directors may appoint a representative.))~~

(5) Reviewing of design, execution, placement and acceptance. The commission, in consultation with the director of general administration and/or the directors of state agencies, the superintendent of public instruction, and school district boards of directors, and the boards of regents or trustees of universities, colleges and community colleges, is responsible for reviewing the design, execution, placement and acceptance of the works of art under the art in public places program.

(6) Artist responsibilities. The artists enter into a contract with the commission to create a new work of art or transfer title of an existing work according to the terms of the contract.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-40-080 Rejection of art.** (1) Selections by school districts. The school district board of directors and the superintendent of public instruction may reject the results

of the selection process or reject the placement of a work of art if the work is portable. Works that are integrated into the structure of the building, commissioned for a specific site where the aesthetic integrity of the work is dependent upon the site and/or works that physically cannot be moved without incurring a large expense are not considered portable. The determination as to whether a work of art is portable or not shall be made by the commission in consultation with the school district and artist. If the selection process or a work of art is rejected, the unspent art funds are subsequently not available to the school district for uses other than art. The funds for art and/or works of art ~~((will))~~ may be used in other school districts at the discretion of the commission in consultation with the office of the superintendent of public instruction.

(2) Selections by state agencies and universities, colleges and community colleges. The commission may request the commission to reconsider the selection of an artist or work of art based on the original project ~~((specifications))~~ proposal. On receipt of such a request, the commission will review the project and may meet with the artist, agency representative, member(s) of the art selection panel and commission staff. These participants may elect to reschedule the unspent project, request an alternative design from the artist, or reassign project funds to another artist, or the selected work to an alternative site.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-40-090 Evaluation methods.** The commission ~~((will))~~ may review the art in public places program through reports of the state agencies, common schools, universities, colleges and community colleges on a form provided by the commission, reports submitted by artists and program staff, and by periodic reviews by the commission's visual arts committee.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 30-40-030 Definitions.

### **Chapter 30-44 WAC GOVERNOR'S ARTS AND HERITAGE AWARDS**

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-44-010 ~~((Purpose-))~~ Scope of chapter.** ~~((The purpose of this chapter is to provide the public and the commission's constituents with those rules that apply to the governor's arts awards.))~~ This chapter contains general rules affecting the governor's arts and heritage awards (GAHA) program eligibility, review criteria, and nomination requirements. Further rules are in chapter 30-01 WAC (Washington state arts commission), chapter 30-08 WAC (practice and procedure), and chapter 30-12 WAC (general rules).

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-44-020 Program purpose ~~((and goals)).~~** ~~The governor's arts awards ((is a program sponsored and administered by the commission. The commission recommends the award recipients to the governor who has final approval authority. The governor's arts awards recognize those individuals and organizations who have contributed significantly to the arts and cultural development))~~ recognizes those individuals and organizations who have contributed significantly to the arts and cultural development of the state of Washington. The governor's heritage awards recognizes those individuals and organizations who have contributed significantly to the cultural heritage and traditional arts of the state of Washington.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-44-030 Eligibility.** In order for the commission to consider an individual or organization for a governor's arts or heritage award, the nominee must:

(1) Be a current resident of the state of Washington, or have been a resident of the state of Washington during the time the contributions were made and/or achievements accomplished;

(2) Not have been a previous recipient.

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-44-040 Nomination ~~((procedures))~~ form.** ~~((Nominations will be made on a form provided by the commission. In addition to the form, nominations should include information outlining the significant achievements and/or contributions of the nominee. The nomination form is available at the commission office.))~~ (1) Public notice of nominations will be made through the media and in other agency publications. Nomination forms are available from the commission and published with the program guidelines.

(2) Nomination forms shall be sent by direct mail to every Washington address on the agency mailing list, and to those who request a nomination form.

(3) All nomination forms must be completed and submitted in the format prescribed by the commission. Nominations must be submitted by the deadline determined by the commission.

(4) The commission may recommend individuals or organizations not nominated in a current year, but who have been nominated in past years. ~~((The commission may recommend as many recipients as it deems appropriate.))~~

AMENDATORY SECTION (Amending Order 2, Resolution No. 87-1, filed 5/7/87)

**WAC 30-44-050 ~~((Program procedures.))~~ Nomination review process.** ~~((The commission will generally use the following procedures for notification and selection of recipients:~~

(1) The commission will notify the public that nominations are open, including the deadline and a sample of the form. The notification will be made through the use of the commission's mailing lists and notice to the general media.

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~~(2))~~ (1) An ad hoc committee of commissioners and/or panel advisors will review the nominations and ~~((make))~~ will present their recommendations to the commission.

~~((3))~~ (2) The commission will review the committee's recommendations for nominations and advise the governor of its decisions. The governor has final approval authority.

~~((4))~~ (3) Following the governor's ~~((acceptance))~~ approval of the award recipients, the staff will make arrangements for the presentation of the awards and notify the recipients of the time and place.

~~((5))~~ (4) Each year the commission will ~~((select one or more works of art to))~~ present to the recipients a certificate, medallion, or work of art in token of their achievement.

~~((6))~~ (5) The governor's arts awards may be suspended for a period of time due to circumstances beyond the commission's control.

**NEW SECTION**

**WAC 30-44-060 Nomination review criteria.** Nominations will be reviewed according to the current guideline criteria to ensure that significant contributions, and/or artistic accomplishments, and/or preservational and promotional achievements are demonstrated.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 30-48-010 Purpose.
- WAC 30-48-020 Definitions.
- WAC 30-48-030 Program purpose and goals.
- WAC 30-48-040 Eligibility.
- WAC 30-48-050 Application review process—  
Technical assistance.
- WAC 30-48-060 Application—Community challenge  
award.
- WAC 30-48-070 Evaluation methods.

**WSR 95-12-099**  
**PROPOSED RULES**  
**OFFICE OF THE**  
**SECRETARY OF STATE**  
[Filed June 7, 1995, 11:42 a.m.]

Original Notice.

Title of Rule: Corporation filing procedures and special fees.

Purpose: Make fees and hours of service consistent for all filings. Update expedited counter services offered.

Other Identifying Information: WAC 434-55-065 and 434-110-065.

Statutory Authority for Adoption: RCW 43.07.120.

Statute Being Implemented: RCW 43.07.120(2).

Summary: Make fees, service and hours of service consistent for all filings.

Name of Agency Personnel Responsible for Drafting: Karen Dick, Corporations, 505 East Union, Floor 2, Olympia, (360) 586-6782; Implementation and Enforcement: Linda Mackintosh, 505 East Union, Floor 2, Olympia, (360) 753-2896.

Name of Proponent: [Secretary of State], governmental. Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-55-065 describes types of expedited counter service and hours available; and WAC 434-110-075 lists miscellaneous fees charged for listed services.

Proposal Changes the Following Existing Rules: WAC 434-55-065, same day expedited service will be available at the counter until 3:30 p.m. instead of 4:30 p.m.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable. No impact on small business.

Hearing Location: John L. O'Brien Building, Room C, 2nd Floor, on July 11, 1995, at 12:30 - 2:00.

Assistance for Persons with Disabilities: Contact Barbara Siemion by July 7, 1995, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Karen Dick, P.O. Box 40234, Olympia, WA 98504-0234, FAX (360) 664-8781, by July 7, 1995.

Date of Intended Adoption: July 12, 1995.

June 6, 1995  
Donald F. Whiting  
Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 94-19-003, filed 9/8/94, effective 10/9/94)

**WAC 434-55-065 In-person or expedited counter service—Special fees.** (1) The corporations division counter is open to in-person requests from 8:00 a.m. to ~~((5:00))~~ 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to ~~((4:30))~~ 3:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings;
- (f) Service of process;
- (g) International student exchange agency registration.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited partnership file or each new or existing limited liability partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Reinstatements;
- (b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;
- (c) Documents left at the counter for processing with mail-in documents received the same day; or
- (d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

**AMENDATORY SECTION** (Amending WSR 94-19-004, filed 9/8/94, effective 10/9/94)

**WAC 434-110-075 Miscellaneous fees.** (1) For photocopies, fees are as follows:

- (a) Each annual report, five(-)dollars;
- (b) ~~((Articles of incorporation))~~ Application for registration or any single document, ten dollars;
- (c) ~~((Amendments to articles and mergers))~~ Application and amended notices, twenty dollars;
- (d) ~~((All charter documents, thirty dollars;~~
- ~~(e) All trademark registrations, assignments or cancellations, fifty cents per page;~~
- ~~(f))~~ Copy of annual notice, five dollars;
- (e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);
- (2) For certificates of existence fees are as follows:
  - (a) With complete historical data, under embossed seal, thirty-dollars;
  - (b) Computer generated, under embossed seal, twenty-dollars;
  - (c) Duplicate certificate, under gold or embossed seal, twenty dollars.
- (3) ~~((For verifying the signature of a notary or public official for an apostil or certification authenticating a sworn document, the fee is ten dollars in addition to the fee for the apostil or certificate under RCW 43.07.120 (1)(b)).~~
- ~~(4))~~ For each certified copy of any document the fee is ten-dollars plus ~~((the))~~ a ten-dollar copy fee per document.
- ~~((5))~~ (4) For any service of process the fee is fifty dollars.

~~((6))~~ (5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the

transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

**WSR 95-12-101**  
**PROPOSED RULES**  
**OFFICE OF THE**  
**SECRETARY OF STATE**  
[Filed June 7, 1995, 11:43 a.m.]

Original Notice.

Title of Rule: Limited liability partnerships.

Purpose: Implementation of chapter 337, Laws of 1995.

Statutory Authority for Adoption: RCW 43.07.120.

Statute Being Implemented: Chapter 337, Laws of 1995.

Summary: Provide administrative procedures for filings required from limited liability partnerships that are consistent with those for other partnerships and for corporations.

Name of Agency Personnel Responsible for Drafting: Karen Dick, Corporations, 505 East Union, Floor 2, Olympia, (360) 586-6782; Implementation and Enforcement: Linda Mackintosh, 505 East Union, Floor 2, Olympia, (360) 753-2896.

Name of Proponent: [Secretary of State], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules are to establish filing procedures necessary to implement this chapter. The proposed rules are consistent with procedural requirements currently in place as to similar chapters.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable. No impact on small business.

Hearing Location: John L. O'Brien Building, Room C, 2nd Floor, on July 11, 1995, at 12:30 - 2:00.

Assistance for Persons with Disabilities: Contact Barbara Siemion by July 7, 1995, TDD (360) 586-1485, or (360) 586-0393.

Submit Written Comments to: Karen Dick, P.O. Box 40234, Olympia, WA 98504-0234, FAX (360) 664-8781, by July 7, 1995.

Date of Intended Adoption: July 12, 1995.

June 6, 1995  
Donald F. Whiting  
Assistant Secretary of State

**Chapter 434-135 WAC**  
**LIMITED LIABILITY PARTNERSHIPS**

NEW SECTION

**WAC 434-135-010 Purpose and authority.** These rules are adopted under authority of chapter 25.04 RCW, the Washington Limited Liability Partnership Act.

PROPOSED

NEW SECTION

**WAC 434-135-020 Official address and telephone number.** (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 East Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu of five prerecorded messages. For direct access to an information officer press number five at the beginning of the recorded message.

NEW SECTION

**WAC 434-135-030 Office hours.** (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:00 pm. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

NEW SECTION

**WAC 434-135-040 Telephone services.** (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability partnerships and on filing a document relating to new limited liability partnership which is available at this number includes the following:

- (a) Exact name of limited liability partnership on file in the secretary of state's records;
- (b) Unified business identifier (UBI) number;
- (c) Date registered on the secretary of state's records;
- (d) Expiration date of registration;
- (e) Name and address of registered agent if any;
- (f) Scheduled dissolution date (if any);
- (g) Principal office address;
- (h) Status of limited liability partnership;
- (i) Filing date of most recent annual notice;
- (j) Number of partners;
- (k) State of registration;
- (l) Requirements for filing documents with the secretary of state's office.

(2) Customers may also request that forms be mailed to them by using the menu system and pressing one (1).

NEW SECTION

**WAC 434-135-050 Filing requirements.** (1) Duplicate copies of any documents to be filed under this chapter shall be submitted to the secretary of state. One copy must bear an original signature. The second copy may be signed with an original signature, photocopied, or be a conformed copy.

(2) Document must contain the requirements of this chapter. It may contain other information as well.

(3) All documents shall be of no larger size than standard legal paper (8 1/2 x 14). The documents shall be submitted in form and quality which is suitable for photocopying, microfilming, or reproduction by a similar photographic process. Documents must be typed or printed in ink legibly.

NEW SECTION

**WAC 434-135-060 Execution of document.** Documents submitted for filing to the secretary of state must be executed by:

- (1) A majority in interest of the partners; or
- (2) One or more partners authorized to execute the document.

The person(s) executing the documents shall print or type beneath or beside their signature their name and title indicating in what capacity they are signing.

NEW SECTION

**WAC 434-135-070 Filing duty of secretary of state.** (1) If the secretary of state determines that the documents conform to the filing provisions of this chapter and all required filing fees have been paid, he or she shall:

- (a) Endorse each signed original and duplicate copy the word "filed" and the date of its acceptance.
- (b) Retain the signed original as the official copy in the secretary of state's files.
- (c) Return the duplicate original to the person who filed it or the person's representative.

(2) If the secretary of state refuses to file a document under this chapter the secretary of state shall return it to the domestic or foreign limited liability partnership or its representative stating the reason(s).

(3) The duties of the secretary of state in filing documents under this chapter are ministerial in duty.

NEW SECTION

**WAC 434-135-080 Filed date.** Documents received that conform to the requirements of this chapter shall be filed as of the date of receipt in the secretary of state's office. If the secretary of state is unable to process the documents immediately upon receipt, the documents shall be dated as of the date of receipt when processed.

NEW SECTION

**WAC 434-135-090 Annual notice—Due date—Whom notified.** Each limited liability partnership shall file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division shall notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the partnership at its principal office or, if its principal office is not in this state, to its registered agent in care of the registered office address, in either case, as listed on the records of the secretary of state and provide the annual notice form. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.



NEW SECTION

**WAC 434-135-120 Limited liability partnership name.** The name of a limited liability partnership shall contain the words "limited liability partnership," "L.L.P.," or "LLP."

NEW SECTION

**WAC 434-135-150 Initial registration—Form of content.** (1) Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on the form provided by the secretary of state. The information that shall be provided is:

- (a) The name of the limited liability partnership;
  - (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of the registered agent for service of process in this state;
  - (c) Number of partners of the limited liability partnership;
  - (d) Brief statement of the business in which the partnership engages;
  - (e) That the partnership thereby applies for status as a limited liability partnership; and
  - (f) Any other matters the partnership determines to include.
- (2) Application shall be executed by a majority in interest of the partners or one or more authorized partners.

NEW SECTION

**WAC 434-135-160 Annual notice—Form of content.** Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state. The information that shall be filed on the annual notice is as follows:

## Section 1.

- (a) Limited liability partnership name;
- (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of registered agent for service of process in this state;
- (c) Unified business identification number;
- (d) Internal account number;
- (e) Date registered in Washington;

## Section 2.

- (a) If there has been a change in the address of principal place of business in Washington or, if the limited liability partnership's principal place of business is not located in this state, the address of the registered office and name and address of the registered agent, the correct address and name;
- (b) Any other material changes in the information included in limited liability, partnership application or subsequent annual notices;
- (c) Number of partners; and

Section 3. Signature of either a majority in interest of the partners or one or more authorized partners. The registration application shall include beneath or beside the signature the name and title of the person(s) signing the document.

NEW SECTION

**WAC 434-135-170 Amended notice—Form of content.** (1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice. These changes may include the following:

- (a) Change of limited liability partnership name;
- (b) Change of principal office address;
- (c) Change of registered agent or registered office address;
- (d) Change in the number of partners;
- (e) Change in the type of business the partnership engages; or
- (f) The addition of any information the partnership determines to include.

(2) The amended notice must be signed by a majority of interest of the partners or by one or more authorized partners. The amended notice shall include beneath or beside the signature the printed name and title of the person(s) signing the document.

NEW SECTION

**WAC 434-135-190 Filing fees.** For Washington registered domestic and foreign limited liability partnerships, fees are as follows:

- (1) Application for registration, both domestic and foreign, one hundred seventy-five dollars;
- (2) Amended notice, both domestic and foreign, thirty dollars;
- (3) Annual notice with required information, fifty dollars;
- (4) Annual notice with required information filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the notice fee of fifty dollars;
- (5) Resignation of registered agent, twenty dollars;
- (6) Registered agent's consent to appointment to act as agent or agent's resignation if appointed without consent, no fee;
- (7) Voluntary withdrawal, administrative dissolution or dissolution by judicial decree, no fee;
- (8) Service of process, per defendant, fifty dollars;
- (9) Reservation of name, thirty dollars; and
- (10) Any other statement or form, ten dollars.

**WSR 95-12-102  
PROPOSED RULES  
PIERCE COLLEGE**

[Filed June 7, 1995, 11:44 a.m.]

Original Notice.

Title of Rule: Tuition and fee waivers.

Purpose: Establish rule that Pierce College board of trustees shall periodically establish tuition and fee waivers as authorized by state law under regular fiscal processes.

Statutory Authority for Adoption: Chapter 34.05 RCW.  
Statute Being Implemented: RCW 28B.15.910.

Summary: Describes authority under which Pierce College board of trustees will periodically establish categories of waivers for all or a portion of tuition and fees.

PROPOSED

Reasons Supporting Proposal: WAC is required according to Attorney General's Office.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mr. Alan R. Spence, Pierce College, (206) 964-6506.

Name of Proponent: Pierce College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule establishes that Pierce College board of trustees has authority, under its regular fiscal processes, to set the amounts of tuition waivers within the parameters established by state law and by the State Board for Community and Technical Colleges. Previously the state board maintained this authority should have no significant effect.

Proposal Changes the Following Existing Rules: Under previous rules, all waivers were set by the State Board for Community and Technical Colleges. Under new rules, individual college board of trustees members have authority to set waivers for certain categories of students.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Pierce College at Puyallup, 1601 39th Avenue S.E., Room 162, Puyallup, WA 98374-2222, on July 12, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Owens-Ewing by July 10, 1995, TDD (206) 840-8443.

Submit Written Comments to: Mr. Alan R. Spence, FAX (206) 964-6599, by July 10, 1995.

Date of Intended Adoption: July 12, 1995.

June 6, 1995  
George A. Delaney  
President

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Thelma White, Pierce College, (206) 964-6584.

Name of Proponent: Pierce College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal rule and reformulate as board policy.

Proposal Changes the Following Existing Rules: Repeal WAC.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Pierce College at Puyallup, 1601 39th Avenue S.E., Room 162, Puyallup, WA 98374-2222, on July 12, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Owens-Ewing by July 10, 1995, TDD (206) 840-8443.

Submit Written Comments to: Dr. Thelma White, FAX (206) 964-6599, by July 10, 1995.

Date of Intended Adoption: July 12, 1995.

June 6, 1995  
George A. Delaney  
President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 132K-120 WAC Student publications code of the associated students of Pierce College

NEW SECTION

**WAC 132K-130-010 Tuition and fee waivers.** (a) Pierce College may periodically establish tuition and fee waivers as authorized by State law and by the State Board for Community and Technical Colleges. This will be done in accordance with Chapter 131-28 WAC and under regular college fiscal processes;

(b) Upon an applicant's request, individual determination on tuition and fee waivers will be reviewed by the college registrar in a brief adjudicative proceeding under RCW 34.05.482 - 34.05.494.

**WSR 95-12-103  
PROPOSED RULES  
PIERCE COLLEGE**

[Filed June 7, 1995, 11:45 a.m.]

Original Notice.

Title of Rule: Chapter 132K-120 WAC, Student publications code of the associated students of Pierce College.

Purpose: Repeal of rule to change to internal policy.

Statutory Authority for Adoption: RCW 28B.50.140.

Reasons Supporting Proposal: On advice of council the subject matter in the student publication code is not appropriate for rule and should be in policy form, not rule form.

PROPOSED

**WSR 95-11-127**  
**PERMANENT RULES**  
**NORTHWEST AIR**  
**POLLUTION AUTHORITY**  
 [Filed May 24, 1995, 10:50 a.m.]

May 23, 1995  
 James Randles  
 for Terry L. Nyman  
 Air Pollution Control Officer

Date of Adoption: May 11, 1995.

Purpose: To amend, add, and delete subsections of the NWAPA regulation to reflect changes in the state and federal rules and to clarify requirements that will promote effective air pollution control.

Citation of Existing Rules Affected by this Order: Amending sections 102, 104, 322, 324, 341, 342, 451, 455, and 520.

Statutory Authority for Adoption: Chapter 70.94 RCW. Pursuant to notice filed as WSR 95-07-116 on March 21, 1995.

Changes Other than Editing from Proposed to Adopted Version: Subsection 102.7, this section allows the control officer to approve alternate compliance strategies if the safety of the individuals involved in carrying compliance requirements is compromised; subsection 104.2, recently promulgated federal rules will be adopted by reference; subsection 322.9, new wording exempts portable sources operating in the NWAPA jurisdiction for less than ninety days from registration/new source review as long as we are notified in advance; subsection 322.21, portable sandblasting operations are exempt from registration/new source review provided that the NWAPA is notified in advance; subsection 322.22, portable asphalt plants, portable soil treatment units, and portable rock crushers operating for less than ninety days in a calendar year in the NWAPA jurisdiction and possessing a valid Order of Approval to Operate from another Washington state air permitting agency are exempt from registration/new source review; subsection 322.23, wording is modified to give the control officer some discretion in determining the registration classification of intermittent sources operating in the NWAPA jurisdiction; subsection 324.115, Class "C" registered sources will be exempt from all registration fees; subsection 324.225, new source review fees of \$100 are now established for autobody spray coaters and commercial dry cleaners; subsection 324.26, new source review fees may be reduced for existing sources undertaking pollution prevention or voluntary emission reduction projects; subsection 341.1, wording changed to acknowledge that there are both registered and air operating permit sources within the NWAPA jurisdiction; 341.2, sources will now be required to notify the NWAPA within a ten day period prior to a scheduled shutdown or start-up; subsection 342.1, the word "registered" is deleted to acknowledge that other types of source classifications are recognized by the NWAPA; subsection 451.12, section for exemption from opacity standard for soot blowing or grate cleaning is reworded for clarity; subsection 455.15, new subsection allows the control officer to approve an alternate oxygen correction factor if it can be demonstrated that another correction factor is more representative of normal operations and the emissions will not cause a violation of any ambient air quality standard. The source must request the alternate correction factor; and subsection 520, delete the thirty days in a calendar year when sulfur content in fuel can exceed the standard.

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

AMENDATORY SECTION

SECTION 102 - POLICY

- 102.1 It shall be the policy of the NWAPA to secure and maintain such levels of air quality as will protect human health and safety, prevent injury to plant and animal life and to property, and foster the comfort and convenience of the inhabitants of this area in order to facilitate their enjoyment of the area's natural beauty and thus promote economic and social well being.
- 102.2 In order to carry out the requirements of the Washington Clean Air Act and to provide uniform administration and enforcement, the NWAPA adopts the following policies, procedures, standards, prohibitions, and ambient air quality objectives.

The establishment of control procedures, compliance schedules, emission and ambient air standards, and prohibitions are the administrative means of achieving this goal.

102.3 Guidelines

In carrying out its responsibilities for air pollution control the Authority is concerned with the interrelationship of land use, activities of people, and industries since each of these contribute to the overall air pollution problem. The ongoing program carried out by the Authority attempts to seek solutions to existing problems and to develop strategies for prevention of problems as the area of jurisdiction experiences growth and change. To accomplish this best, it is necessary for the Authority to enter into the planning stages of domestic and industrial development and to participate with other agencies in decisions on location of population and industrial centers considering the kinds of air contaminants these may emit in relation to those from surrounding areas. Coordination with air pollution authorization and other agencies in contiguous areas is necessary.

In the development of strategies, it is necessary to consider three very interrelated areas and develop appropriate guidelines for:

- (a) Minimal degradation of air quality.
- (b) Implementation of land use and zoning.
- (c) Population density control.

102.4 Minimal Degradation Guidelines

It shall be the policy of the Authority not to allow the atmosphere to degrade below the levels set out by appropriate air quality objectives. These are the points where the health, comfort, and convenience of the individual is assured and the effects of air pollution are known not to occur. To achieve this objective, it shall be necessary, when growth or change occurs, to:

- 102.41 Require the best practical technology for those who locate here or are required to upgrade their facilities.
- 102.42 Allow expansion of an area only if the probable emissions of the newcomers, when added to those from presently existing facilities, are not likely to cause violations of existing ambient air standards.

102.5 Land Use Planning and Zoning

Zoning is the most effective way to regulate land use. The practice in land use planning to allocate certain districts for particular uses can create a problem.

By locating too many units which emit similar types of pollutants in one area, a problem may be created which would ordinarily not exist or be of minimal consequence if the units were more scattered.

Air pollution control authorities have a responsibility to minimize the impact of air contaminants and to keep the air basins within the authority's jurisdiction below the air quality objectives even under the most adverse meteorological conditions. The Authority thus has a planning responsibility in terms of warning and insuring that incompatible land uses do not occur. It is the policy of the Authority to work with other agencies to assure that:

- 102.51 Incompatible land uses are discouraged.
- 102.52 Zones are intermixed in such a way that air pollution problems may be minimized.
- 102.53 Zones are not made so large that air pollution problems are created by locating too many units with similar emissions. In industrial zones, the industries should be dissimilar in nature to minimize the concentration of a single contaminant.

102.6 Population Density Control

In land use planning the density of use is an important factor to consider along with the type of zone degradation. In problem areas, often times the type of zone is not at fault but too many units of a given type are allowed.

It shall be the policy of the Authority, in order to minimize the population density problem to recommend that:

- 102.61 Zones should be intermixed in such a way that high density zones are intermixed with low density zones so as to reduce air contaminant output.
- 102.62 As the density of zones becomes greater, consideration must be given to restricting the number of units a given zone can accommodate.
- 102.63 Concentrations of population or industries be allowed only up to the point where there is reason to believe that the air quality objectives

in a given air basin are not likely to be exceeded.

102.7 Where the safety of individuals may be compromised by carrying out the requirements of the Authority, alternative methods of meeting emission standards or other requirements of this Regulation may be approved by the Control Officer.

Passed: January 8, 1969  
Amended: February 14, 1973, August 9, 1978, February 10, 1993, May 11, 1995

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

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of State Law as it now exists or may be hereafter amended, which is pertinent to the operation the Authority is hereby adopted by reference and made part of the Regulation of the Authority as of October 13, 1994. Specifically, there is adopted by reference the Washington State Clean Air Act (RCW 70.94), the Administrative Procedures Act (RCW 34.04) and RCW 43.21A and 43.21B and the following state rules: WAC 173-400, WAC 173-401, WAC-405, WAC 173-410, WAC 173-415, WAC-420, WAC-421, WAC-422, WAC 173-425, WAC 173-430, WAC 173-433, WAC 173-434, WAC-435, WAC-450, WAC 173-460, WAC 173-470, WAC 173-474, WAC 173-475, WAC 173-480, WAC 173-481, WAC 173-490, WAC 173-491, WAC-492, WAC-495, and WAC 173-802.

104.2 All provisions of the following federal rules are hereby adopted by reference and made part of the Regulation of the Authority as of October 13, 1994: 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, B, C, Ca, Cb, D, Da, Db, Dc, E, Ea, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV; and 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB, FF and 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, ((and))Q, R, T, and EE.

Amended: September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995

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.

PERMANENT

AMENDATORY SECTION

## SECTION 322 - EXEMPTIONS FROM REGISTRATION

the Control Officer, Section 535 may be violated.

- Exclusion from registration does not absolve the owner, lessee, or his registered agent from all other requirements of the Regulation of this Authority. Exemption from registration does not apply to any control facility or device required to be installed in order to meet the emission and/or ambient standards of this Regulation.
- 322.1 Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.
- 322.2 Asphalt laying equipment.
- 322.3 Atmosphere generators used in connection with metal heat treating processes.
- 322.4 Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- 322.5 Fuel burning equipment, other than smoke house generators, which:
- 322.51 Is used solely for a private dwelling serving less than five families;
- 322.52 Has a BTU input of not more than 400,000 BTU/hour, provided that equipment burning natural gas or liquified petroleum gas (LPG) exclusively may be excluded up to 2,500,000 BTU/hour.
- 322.53 If used oil is burned the maximum heat input shall be less than 0.4 million BTU per hour (0.5 GJ/hr) provided that:
- The used oil burned is either generated on site or received from do-it-yourself oil changers; and
  - The used oil burned is not contaminated with added dangerous wastes.
- 322.6 Insecticide spray equipment, noncommercial.
- 322.7 Laboratory equipment used exclusively for chemical or physical analyses.
- 322.8 Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.
- 322.9 Portable equipment which is used within the jurisdiction of the Authority for less than ~~((thirty (30) days, except asphalt plants, rock crushers, and sand blasting operations.))~~ ninety (90) days, provided that the operator notifies the NWAPA at least (10) days prior to start-up.
- 322.10 Sewing equipment.
- 322.11 Surface coating by use of aqueous solution or suspension.
- 322.12 Steam cleaning equipment used exclusively for that purpose.
- 322.13 Storage tanks, reservoirs, or containers:
- 322.131 Of a capacity of 6,000 gallons or less used for organic substances unless, in the opinion of
- 322.132 Of a capacity of 40,000 gallons or less used for liquid fuels including gasoline and lubricating oils.
- 322.133 Containing organic liquid mixtures whose True Vapor Pressure is equal to or less than 1.5 psia under actual storage conditions.
- 322.134 Containing liquids which are not vented to the atmosphere.
- 322.14 Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminants from one to another source.
- 322.15 Vents used exclusively for:
- 322.151 Sanitary or storm drainage systems.
- 322.152 Safety valves.
- 322.153 Storage tanks.
- 322.16 Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- 322.17 Welding, brazing and soldering equipment unless the person operating such equipment otherwise qualifies for registration.
- 322.18 Restaurants and other retail food preparing establishments.
- 322.19 Piping modifications on existing process units that result in increases in fugitive hydrocarbon emissions of less than 2.0 tons per year.
- 322.20 New emission units or activities with potential emissions below the following threshold levels:
- 5 tons per year of carbon monoxide;
  - 2 tons per year of nitrogen oxides;
  - 2 tons per year of sulfur oxides;
  - 2 tons per year of volatile organic compounds (VOC);
  - 0.75 tons per year of PM<sub>10</sub> (as defined in WAC Chapter 173-400-030(53))
  - 0.03 tons per year of lead;
  - Threshold levels for Hazardous Air Pollutants as defined in WAC Chapter 173-401-531.
- 322.21 Portable sandblasting operations provided that the operator notifies the NWAPA at least ten (10) days prior to start-up.
- 322.22 Portable asphalt plants, portable soil treaters, and portable rock crushing plants that operate in the NWAPA jurisdiction for less than ninety (90) days in a calendar year and have a valid "Notice of Construction" approval order from another air quality permitting authority within the State of Washington and are not subject to review under 40 CFR 60 Standards of Performance for New Stationary Sources. The operator is required to notify the NWAPA at least ten (10) days prior to start-up.

Amended - October 13, 1982, November 14, 1984, April 14, 1993, October 13, 1994, May 11, 1995

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

### AMENDATORY SECTION

#### SECTION 323 - CLASSES OF REGISTRATION

323.1 All air contaminant sources registered by this Authority shall be classified in one of the following classes based upon uncontrolled emissions of air contaminants to the atmosphere.

323.11 CLASS A - All air contaminant sources with potential uncontrolled annual emissions usually in excess of 50 tons/year shall be classified as CLASS A sources. The registration of all CLASS A sources is subject to review annually.

323.12 CLASS B - All air contaminant sources with potential uncontrolled annual emissions usually between 10 and 50 tons/year shall be classified as CLASS B sources. The registration of all CLASS B sources will be subject to review at the discretion of the Control Officer.

323.13 CLASS C - All air contaminant sources with potential uncontrolled annual emissions usually less than 10 tons/year shall be classified as CLASS C sources. The registration of all CLASS C sources will be subject to review at the discretion of the Control Officer.

323.14 SPECIAL CLASS D - All sources which in and of themselves are not air contaminant sources per se, but distribute, sell or make available for sale to the general public or other dealers within the jurisdiction of the Authority, solid, liquid, or gaseous fuel (which create emission to the atmosphere) shall be classified as CLASS D sources. ALL CLASS D sources may be required to submit an annual report of the type and quantity of fuel sold on forms provided by the Control Officer at a time selected by the Control Officer.

323.15 CLASS G - All gasoline stations installed or reconstructed after January 1, 1990 and all gasoline stations with a total annual gasoline throughput greater than one million three hundred twenty-five thousand liters (350,000 gallons).

323.16 SPECIAL CLASS I - All incinerators approved by the Authority under Section 510 and not classified in CLASS A or B herein shall be classified as a CLASS I source. This class also includes wood waste burners under Section 458 and other incinerators which may come under the Regulation of this Authority. ALL CLASS I sources will be subject to review at the discretion of the Control Officer.

323.17 SPECIAL CLASS O - All air contaminant sources whether or not they would be otherwise classified under this Regulation which have an actual or potential odor problem associated with their operation may be classified as a CLASS O source. ALL CLASS O sources will be subject to review at the discretion of the Control Officer.

323.18 SPECIAL CLASS S - All air contaminant sources which are unique and because of special circumstances cannot be adequately classified elsewhere shall be classified as CLASS S sources. ALL CLASS S sources are subject to review at the discretion of the Control Officer.

323.19 CLASS T - All air contaminant sources with potential uncontrolled annual emissions usually less than 10 tons/year of any compound listed in WAC 173-460 Sections 150 and 160, or CAA Section 112(b), shall be classified as T sources. The registration of all Class T sources will be subject to review at the discretion of the Control Officer.

323.2 Any registered source which is classified in CLASS A, B, or C under this Regulation may petition the Control Officer for a change in registration classification to a lower class under the following conditions:

323.21 The registrants shall show that the lower classification is more applicable to their particular situation and that they consistently meet the emission and ambient air standards and any other prohibitions and requirements for their new class.

323.22 The registrants shall control their emissions in accordance with this regulation.

323.3 Intermittent sources which vary in total emissions proportionately according to the amount of time they operate annually (~~shall~~) may be extrapolated and their classification determined on their estimated rate of annual emissions as if they were operating on a full time basis throughout the year.

Passed: September 13, 1972

Amended: February 14, 1973, August 9, 1978, April 14, 1993, May 11, 1995

### AMENDATORY SECTION

#### SECTION 324 - FEES

324.1 Annual Registration Fees. Before the Control Officer may register any article, machine, equipment, facility, control facility, or other contrivance, the use of which is likely to cause the emission of air contaminants or a variance be granted and under the jurisdiction of this Authority, an annual registration fee shall be paid to the Authority at a time and in such a manner as herein set forth and as may be determined by the Board.

324.11 Sources classified as class "A", Class "B", Class "G", Class "I", Class "O" and Class "T" as defined in Section 323, and holders of each Variance issued by NWAPA, shall, upon notification by the Control Officer, pay the Authority an annual registration fee on or before January 1 of each year in accordance with the following schedule except that any new source which has paid a Notice of Construction filing fee and plan, examination and inspection fee shall not be required to pay an additional registration fee during that same calendar year.

324.111 All Class "A" Registered Sources

Standard Industrial Classification Number (SIC)	Type	Annual Registration Fee
2911	Petroleum Refinery	\$6,000
2999	Petroleum Coke Calciner	3,000
3241	Cement Manufacturing	3,000
3334	Primary Production of Aluminum	3,000
2611	Pulp & Paper Mills	3,000
2819	Sulfuric Acid Manufacturing	2,750
2812	Alkalies & Chlorine Manufacturing	2,200
2430	Veneer Plywood Manufacturing	1,500
3323	Iron & Steel Foundries	4,000
3295	Olivine Rock Processing	1,500
4953	Refuse Incineration Facilities	3,000
2818	Chemical Processing Plants	2,500
9711	National Security Establishments	2,500
4911	Coal Fired Power Plants	6,000
	Cogeneration Plants	
4911	Peak Load	2,000
4911	Base Load	4,000
4923	Pipeline Compressors	1,500
—	Any Other Type Not Listed	1,500

324.112 All Class "B" Registered Sources 400

324.113 All Class "O" Registered Sources 400

324.114 All Class "I" Registered Sources with combustion rate in lbs/hour:

324.1141	50 or less lbs/hour of any waste materials	150
324.1142	51 to 100 lbs/hour of any waste materials	250
324.1143	101 - 999 lbs/hour of any waste materials	500

324.115 All (~~other classes of~~) registered sources (~~shall pay a one time registration fee at the time of registration~~) designated as "Class C" are exempt from a registration fee. ((+00))

324.116 Holders of each Variance issued by the Authority under Section 350 of this Regulation (Annual Fee) 500

324.117 The annual registration fee of a facility that includes more than one air contaminant source classified as Class "A", Class "B", Class "C", Class "G", Class "I", or Class "T" at the same general location and under the same manager, shall pay the full fee for the primary source, as determined by the Control Officer, and fifty percent (50%) of the fee for each of the other sources subject to an annual registration fee.

324.118 All Class "G" Registered Sources \$100.00.

324.119 All Class "T" registered sources \$100.00.

324.120 The Authority shall collect interim fees to cover operating permit program development costs. The fees will be assessed to all sources in the jurisdiction that emit one hundred tons or more of a regulated pollutant. A regulated pollutant is defined in Section 502(b) of the Federal Clean Air Act Amendments of 1990. Fees shall be based on emissions determined in the most recent emissions inventory. The costs shall be determined by a workload analysis done by the Authority and approved by the Board. The fees shall be collected beginning fiscal year 1994.

324.121 Commencing with the effective date of the operating permit program the Authority shall assess and collect annual air operating permit fees in its jurisdiction for any source specified in section 7661(a) of Title V of the Federal Clean Air Act (FCAA) or WAC 173-401-300 (excluding sources regulated by the Washington State Department of Ecology Industrial Section). The total fees required by the NWAPA to administer the program shall be determined by a workload analysis conducted by the staff and approved annually by resolution by the Board of Directors in a public hearing. Allocation of the fees to individual affected sources shall be based on the following:

- a. Twenty percent of the total fees shall be allocated equally among all affected sources.
- b. Eighty percent of the total fees shall be allocated based on actual emissions of regulated pollutants identified in the most recent annual emission inventory, or potential emissions if actual data are unavailable. A Regulated pollutant for fee calculation shall include:

Nitrogen oxides  
Volatile organic compounds

PERMANENT

PERMANENT

Particulate matter with an aerodynamic particle diameter less than or equal to 10  $\mu$  (PM<sub>10</sub>)  
Sulfur dioxide

5,000 or more but less than 20,000	400
20,001 or more but less than 50,000	1000
50,001 or more but less than 100,000	2000
100,001 or more	5000

Lead

Any pollutant subject to the requirements under section 112(b) of the FCAA not included in any of the above categories.

324.223 Incinerators - Combustion rate in lbs/hour (Design)

Refuse Incinerator - lbs/hour

500 lb/hr or less	\$1000
500 or more but less than 1,000	3000

Solid Waste Combustion - tons/day

250 or less	\$20,000
greater than 250	40,000

324.224 Storage Tanks - Gallons

6,000 or more but less than 40,000	\$200
40,000 or more but less than 100,000	400
100,000 or more but less than 500,000	750
500,000 or more	1,200

324.225 Other -

<u>Autobody Spray Coating</u>	\$100
<u>Commercial Dry Cleaning</u>	100
Gasoline Stations	(((\$))100
Odor Source	500
Not Classified above	200

324.122 Upon assessment by the Authority, fees are due and payable and shall be deemed delinquent if not fully paid within 90 days. Any source that fails to pay a fee imposed under Section 324 within 90 days of the due date shall be assessed a late penalty in the amount of 50 percent of the fee. This late penalty shall be in addition to the fee assessed under Section 324.

324.2 Notice of Construction, Variance Filing, plan examination, evaluation and/or inspection fee. The following fees shall be paid by an applicant for processing a Notice of Construction and Application for Approval, pursuant to Section 300.1 or a Variance pursuant to Section 350, before the Board will take any action approving or denying said application.

324.21 A \$100.00 filing fee and in addition, the plan examination and inspection fee set forth in Section 324.22. One filing fee and plan examination, evaluation and inspection fee shall be paid for identical units, except when a separate examination, evaluation or inspection is required for each identical unit.

324.22 ITEM—PLAN, EXAMINATION, EVALUATION, AND INSPECTION FEE

324.221 Fuel burning equipment in million BTU/HR Input Heat Capacity

Less than 5	\$150 (Installation) 50 (Fuel Change)
5 or more but less than 10	400 (Installation) 100 (Fuel Change)
10 or more but less than 20	750 (Installation) 200 (Fuel Change)
20 or more but less than 50	1500 (Installation) 400 (Fuel Change)
50 or more but less than 100	4000 (Installation) 750 (Fuel Change)
100 or more but less than 250	10,000 (Installation) 1000 (Fuel Change)
250 or more but less than 500	15,000 (Installation) 3000 (Fuel Change)
More than 500	20,000 (Installation) 5000 (Fuel Change)

324.222 Other in Cubic Feet Per Minute (CFM-Design) from equipment, such as, but not limited to, cyclones, bag filters, electrostatic precipitators and wet scrubber.

Less than 5,000 \$ 200

324.226 Air Toxics Screening \$200

324.227 Order of Approval Modification 25% of original permit fee

324.228 Public Hearing for Order of Approval \$500

324.229 Voluntary Emission Reduction (WAC 173-400-091) \$100

324.23 Environmental Policy Guidelines

324.231 Threshold Determination. For every environmental checklist the NWAPA reviews when it is Lead Agency, the applicant shall first pay NWAPA a fee of \$100.00 prior to undertaking the Threshold Determination by the responsible official of NWAPA.

324.232 If the Authority decides it must prepare an Environmental Impact Statement (EIS) in order to comply with the State Environmental Policy Act of 1971 before taking any action on a Notice of Construction, the cost of preparing, publishing, and distributing an EIS at a cost per hour rate for Authority staff time based upon actual cost as determined by the Control Officer and such other expenses as mutually agreed upon by the applicant and the Control Officer including consulting services, testing, reproduction, distributing, etc., shall be paid by the applicant.



324.24 Should a public hearing or public notice be required or deemed necessary by the Board on any proposed action by an applicant, said applicant shall reimburse the Authority for the actual publication cost of any required legal notice of such public hearing.

324.25 "Bubble" and "Emission Reduction Credit"

A \$250.00 application and processing fee shall be paid for each application for a "Bubble" made pursuant to RCW 70.94.155 and WAC 173-403-060, and an "Emission Reduction Credit" (ERC) made pursuant to WAC 173-403-070.

324.26 Plan and examination, filing, SEPA review, and emission reduction credit fees may be reduced at the discretion of the Control Officer by up to 75 percent for existing sources implementing pollution prevention or undertaking voluntary and enforceable emission reduction projects.

Amended: October 14, 1987, November 15, 1988, February 14, 1990, April 14, 1993, September 8, 1993, October 13, 1994, May 11, 1995

#### AMENDATORY SECTION

##### SECTION 341 - SCHEDULE REPORT OF SHUTDOWN OR STARTUP

341.1 ~~((If the operator of any air contaminant source registered or operating under a Certificate of Approval to Operate,))~~ If the operator of any air contaminant source registered in the NWAPA jurisdiction or operating under a Title V air operating permit issued by the Authority, schedules a total or partial shutdown or startup of control or process equipment which may result in emissions or any additional emissions to the atmosphere which may temporarily exceed the emission standards of this Regulation; the operator or owner of the source shall notify the Authority prior to the shutdown or startup.

341.2 ~~((Prompt))~~ Notification shall be made ~~((and in no event less than twenty-four (24) hours before the))~~ within the ten (10) day period prior to a scheduled shutdown or startup. The operator or owner of the source shall submit a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.

341.3 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with the requirements of this Regulation nor from the resulting liabilities for failure to comply.

Amended: November 14, 1984, April 14, 1993, September 8, 1993, May 11, 1995

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

#### AMENDATORY SECTION

##### SECTION 342 - OPERATION AND MAINTENANCE

342.1 All ~~((registered))~~ air contaminant sources are required to keep any process and/or air pollution control equipment in good operating condition and repair. If a breakdown or upset condition occurs and it is determined by the Control Officer to be due to poor operating and maintenance procedures, the Control Officer may take any legal steps necessary to prevent a recurrence of the breakdown or upset condition.

342.2 Operation and maintenance instructions and schedules for process and/or control equipment must be available and may be required to be posted on the site. This section is specifically applicable to the operation of equipment where untrained personnel may operate or otherwise have access to or use the equipment.

342.3 If a breakdown or violation occurs and is due to the improper operation or maintenance of equipment, the owner or operator of the source will, in addition to filing a report of breakdown under Section 340, submit a report on what measures will be taken in training or re-orienting personnel to prevent a recurrence of the breakdown.

Amended: April 14, 1993, September 8, 1993, May 11, 1995

#### AMENDATORY SECTION

##### SECTION 451 - EMISSION OF AIR CONTAMINANT - VISUAL STANDARD

451.1 No person shall cause or permit the emission, for any period aggregating more than 3 minutes in any 1 hour, of an air contaminant from any source which, at the point of emission, or within a reasonable distance of the point of emission, exceeds 20% opacity except as follows:

451.11 When the owner or operator of a source supplies valid data to show that the opacity is in excess of 20% as a result of the presence of condensed water droplets, and that the concentration of the particulate matter, as shown by a source test approved by the Control Officer, is less than 0.10 (0.23 g/m<sub>3</sub>) grain/dscf.

451.12 Excess emissions as a result of soot blowing or grate cleaning shall not occur for more than fifteen minutes in any eight hour period or another schedule approved by the Control Officer provided that the owner or operator can demonstrate to the satisfaction of the Control Officer that the time limitations of this subsection are not being exceeded.

~~((451.12) When an emission occurs due to soot blowing and/or grate cleaning for not more than 15 minutes in any 8 hour period provided a continuous opacity measuring system and recorder is installed, and operated as required and approved by the Control Officer to record said emissions, or the owner or operator of the source can demonstrate to the satisfaction of the Control Officer, by some other means of record, that the limitations of this Section will not be exceeded.))~~

451.13 Emissions from a wood waste burner during:

451.131 One startup period not to exceed 30 consecutive minutes in any consecutive 24 hour period.

451.132 Thirty consecutive minutes in any 8 hour period during break and lunch periods, provided that the emissions do not exceed 60% opacity for a period of more than 6 consecutive minutes. Provided further, that the operator takes immediate action to correct the condition.

451.14 Emissions from existing petroleum catalytic cracking units shall not exceed 40% opacity for more than an aggregate of ~~((6))~~ 3 minutes in any 1 hour.

Amended: April 14, 1993, October 13, 1994, May 11, 1995

AMENDATORY SECTION

SECTION 455 - EMISSION OF PARTICULATE MATTER

455.1 No person shall cause or permit emission of particulate matter in excess of 0.10 grain/dry standard cubic foot (dscf) (0.23 g/m<sup>3</sup>) (combustion emissions shall be corrected to 7% O<sub>2</sub>) except:

455.11 From all gaseous and distillate fuel burning equipment, emissions shall not exceed 0.05 grain/dscf (0.11 g/m<sup>3</sup>) corrected to 7% oxygen.

455.12 From existing sources utilizing combustion of wood for the production of steam, no person shall allow or permit emission of particulate matter in excess of 0.20 grain/dscf (0.46 g/m<sup>3</sup>) corrected to 7% oxygen, as measured by procedures specified by the Control Officer.

455.13 From all existing petroleum catalytic cracking units emissions shall not exceed 0.20 grain/dscf (0.46 g/m<sup>3</sup>) of exhaust gas as corrected to 7% oxygen.

455.14 Wood waste burners shall meet the provisions of Section 458.2.

455.15 Upon request by a source, the Control Officer may approve an alternate correction factor that is determined to be more representative of normal operations if it can be demonstrated

that there will be no violations of any ambient air quality standard.

455.2 Information regarding particulate size distribution may be required at the discretion of the Control Officer.

Passed: January 8, 1969

Amended: February 4, 1970, February 14, 1973, January 9, 1974, August 9, 1978, April 14, 1993, May 11, 1995

AMENDATORY SECTION

SECTION 520 - SULFUR COMPOUNDS IN FUEL

520.1 It shall be unlawful for any person to burn, sell, or make available for sale for burning in fuel burning equipment, or refuse burning equipment, within the jurisdiction of this Authority, any fuel containing a weight of sulfur in excess of that allowed by Subsection 520.11, 520.12, 520.13, 520.14 and 520.15 (~~(, hereof, for a time period not to exceed an aggregate of thirty (30) days in any twelve (12) month period).~~).

520.11 Distillate fuel oil classified as Grade No. 1 (ASTM designation: D396-69) shall contain three tenths percent (0.3%) or less sulfur by weight.

520.12 Distillate fuel oil classified as Grade No. 2 (ASTM Designation: D396-69) shall contain five-tenths percent (0.5%) or less sulfur by weight.

520.13 All other grades or kinds of fuel oil intended for use in fuel oil burning equipment including ASTM Designation: D396-69 Grades No. 4, 5, and 6 shall contain two percent (2.0%) or less sulfur by weight.

520.14 Gaseous fuel shall contain 50 grains (412 ppm @ standard conditions) or less sulfur per 100 standard cubic feet except that this subsection shall not apply to those sources subject to Section 460.

520.15 Solid fuel (such as, but not limited to, coal, coke, and refuse) shall contain two percent (2.0%) or less sulfur by weight.

Amended: April 14, 1993, May 11, 1995

**WSR 95-12-001  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3854—Filed May 24, 1995, 1:58 p.m.]

Date of Adoption: May 24, 1995.

Purpose: Simplifies household composition by deleting the description of different types of households.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-49-190 Household concept.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Pursuant to notice filed as WSR 95-09-033 on April 13, 1995.

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

May 24, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3838, filed 2/22/95, effective 4/1/95)

**WAC 388-49-190 Household concept.** (1) The department shall consider the following as households:

- (a) A person living alone;
- (b) ~~((A group of))~~ Persons living together and purchasing or preparing meals together; or
- (c) ~~((A person living with others and purchasing and preparing meals separate from the others;~~
- (d)) A permanently disabled and elderly person unable to prepare meals provided the:
  - (i) Person's spouse shall be included in the household; and
  - (ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

~~((c) A person and child living with the person's parent when the person and child purchase and prepare meals separate from the parent;~~

~~(f) A person and spouse living with the person's parent when the person and spouse purchase and prepare meals separate from the parent;~~

~~(g) A person twenty-two years of age or older living with a parent when the person purchases and prepares meals separate from the parent; or~~

~~(h) A person, living with a sibling, who purchases and prepares meals separate from the sibling when the sibling is not under parental control of the person.))~~

(2) The department shall consider the following as households regardless of the purchase and prepare arrangements:

(a) ~~((A))~~ Parents and ~~((the parent's))~~ their natural, adoptive, or ~~((stepchild))~~ stepchildren twenty-one years of age or younger except for the children who:

(i) Purchase and prepare meals separate from the parents; and

(ii) Live with a spouse; or

(iii) Live with their own child.

(b) ~~((A))~~ Person seventeen years of age or younger under parental control of ~~((any))~~ an adult other than their parent, and the adult who is maintaining the control; or

(c) ~~((A person and the person's spouse))~~ Spouses who live together.

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household ~~((except ineligible students)):~~

(a) Roomers;

(b) Live-in attendants; or

(c) ~~((Ineligible students; or~~

~~(d))~~ Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.

(4) The department shall consider the following persons, living with the household as ineligible household members:

(a) Persons disqualified for intentional program violation;

(b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;

(c) Persons who are ineligible aliens;

(d) Persons disqualified for failure to apply for or provide a Social Security number; or

(e) Persons who fail to sign the application attesting to their citizenship or alien status.

### WSR 95-12-002

#### PERMANENT RULES

#### DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

(Community Development)

[Filed May 24, 1995, 4:43 p.m., effective July 1, 1995]

Date of Adoption: May 9, 1995.

Purpose: Changes in the emergency food assistance program. To update and clarify some terminology, and to allow for a reorganization of the program.

Citation of Existing Rules Affected by this Order: Amending WAC 365-140-030, 365-140-040, 365-140-050 and 365-140-060; and repealing WAC 365-140-045.

Statutory Authority for Adoption: RCW 43.63A.060. Pursuant to notice filed as WSR 95-07-100 on March 17, 1995.

Effective Date of Rule: July 1, 1995.

May 23, 1995

Andrew Lofton

Deputy Director

AMENDATORY SECTION (Amending WSR 94-18-073, filed 9/2/94, effective 10/3/94)

**WAC 365-140-030 Definitions.** (1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Food bank" means an emergency food program that distributes unprepared food ~~((and other products))~~ on a regular basis without a charge.

(4) "Food distributor" means a food distribution agency that collects, warehouses, and distributes food ~~((and other products))~~ to emergency food programs and other charities on a county, regional, or state-wide basis.

(5) "Commodity program" means a program that primarily distributes USDA surplus commodities to clients (TEFAP).

(6) "Emergency food assistance program" means the ~~((multifaceted))~~ state-wide ~~((administrative))~~ activities ~~((carried out within))~~ of the department ~~((to allocate, award, and monitor state funds appropriated))~~ to assist local ~~((food banks and food distributors, tribes or tribal organizations,~~

~~and other food programs~~) emergency food programs by allocating and awarding state funds.

(7) "Applicant" means a public or private nonprofit organization, tribe or tribal organization which applies for state emergency food assistance.

(8) "Contractor" means an applicant which has been awarded state funds under the emergency food assistance program, and which has entered into a contract with the department of community, trade, and economic development to provide emergency food assistance to individuals.

(9) "Lead agency contractor" means a contractor which may subcontract with one or more local ~~((organizations))~~ food banks to provide emergency food assistance to individuals, and with food distributors to provide food to food banks.

(10) "Tribal food voucher program" means the statewide ~~((administrative))~~ activities ((carried out within)) of the department ((to)) which allocate((;)) and award((, and monitor)) state funds ((appropriated)) to ((assist)) tribes ((or)) and tribal organizations ((in issuing)) that issue food vouchers to clients.

(11) "Religious service" means any sectarian or non-denominational service, rite, or meeting that involves worship of a higher being.

(12) "Participating ~~((agency))~~ food bank" means a local public or private nonprofit ~~((organization))~~ food bank which enters into a subcontract with a lead agency contractor to provide emergency food ~~((program services))~~ assistance to individuals.

(13) "Emergency food" means food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

(14) "Special dietary needs" mean funds to purchase food that meets the nutritional needs of special needs population.

(15) "In-kind" means the value of volunteer services or donated goods such as staff time, rent, food, supplies and transportation.

(16) "Administrative costs" mean management and general expenses, including membership dues, that cannot be readily identified with a particular program or direct services.

(17) "Operational expenses" mean those costs clearly identifiable with providing direct services to eligible clients, or distribution services to food banks such as staff time, transportation costs, and equipment rental.

AMENDATORY SECTION (Amending Order 93-06, filed 8/25/93, effective 9/25/93)

**WAC 365-140-040 Contractor funding allocation and award of contracts.** At least ~~((sixty-five))~~ seventy percent of the total allocation appropriated by the legislature shall be contracted ((for food banks and food distributors)) to lead agency contractors. These funds shall be for the purpose of funding the activities of food banks and food distributors, the purchase of special dietary needs foods, and providing special dietary needs training. The specific appropriation for ((timber dependent)) timber and salmon dependent communities shall be contracted to food banks in those communities. Of the remainder of the total allocation, not including department ((administration)) administrative

costs, allocations shall be contracted to a discretionary program if the department elects to award such contracts, the tribal food voucher program, ((special dietary needs foods,)) and additional special dietary needs training ((and a discretionary program)). Allocations for each county shall be contracted to ((food banks and food distributors)) lead agency contractors on the following basis:

~~(1) ((Sixty percent of funds allocated for food banks and food distributors shall be provided by county to a public or private nonprofit organization for food banks.~~

~~(2) Forty percent of funds allocated for food banks and food distributors shall be provided by county to a public or private nonprofit organization for food distribution centers.~~

~~(3))~~ A formula for distributing the funds in proportion to need shall be established by the department in consultation with a committee appointed by the director or the director's designee. The formula shall address the following:

(a) Poverty population in each county; and

(b) Unemployed population in each county.

~~((4))~~ (2) The department shall award the lead agency contract to an eligible contractor as defined by the department, that is supported by a least two-thirds of the participating food banks in a county.

(3) The department may award the combined allocation for two or more counties to a single applicant.

~~((5))~~ (4) The department shall award a contract to no more than one ((food bank)) lead agency contractor in each county, with the exception of ((Pierce County, where there may be two food bank lead agency contractors, and)) King County, where there may be ((five food bank)) three lead agency contractors, to administer subcontracts with one or more ((local providers of emergency)) participating food banks ((services)) and food distributors.

~~((6) The department shall award contracts to food distributors which are designated jointly by the emergency food assistance program and the food bank lead agency contractors.~~

~~((7))~~ (5) Tribes that have signed the Centennial Accord may apply to the department directly for the food bank program without having to subcontract with the lead agency. They must meet all the same criteria and requirements as lead agencies.

(6) Within each lead agency service area, except for the additional funds specifically allocated for food banks in timber and salmon dependent communities, funds shall be allocated between food distributors, food banks, and special dietary needs foods and training based on a two-thirds vote of all participating food banks and the lead agency.

(7) The additional funds specifically allocated for food banks in timber and salmon dependent communities shall remain in the amounts identified by the legislature.

(8) If participating food banks designate funds for food distribution, they shall elect with a two-thirds vote of the participating food banks and the lead agency, an eligible distributor as defined by the department. They may choose more than one distributor with which to subcontract. The lead agency contractor shall be responsible for subcontracting with the food distributor(s).

(9) A formula for distributing the funds to each tribe and tribal organization participating in the tribal food voucher program in proportion to need shall be established by the department in consultation with a committee appoint-

ed by the director or the director's designee. The formula shall address the following:

- (a) Poverty population in each tribe; and
- (b) Unemployment population in each tribe.

(10) The department shall pay for services provided under the emergency food assistance program after the contractor submits a monthly report of expenditures incurred and a request for reimbursement.

~~((8))~~ (11) Tribes may apply for either food bank funds or tribal food voucher funds, but not for both. A tribe's allocation for either the tribal food voucher program or the food bank program shall be the amount that the tribe would receive as a participant in the tribal voucher program. (E.g., should a tribe participate in the food bank program, its allocation will not be computed from the county's total food bank funds available, but from the tribal food voucher program's total funds available.)

(12) In the event that funds are not claimed by an eligible organization in a county or that a portion of the funds allocated to a county remains unspent, the lead agency contractor may request authorization from the department to reallocate funds, within its service area, to an area of unmet need.

(13) In the event that a portion of the funds allocated to a subcontracting tribe within a tribal contractor's contract remains unspent or unclaimed, the tribal contractor may request authorization from the department to reallocate funds to one of its other subcontracting tribes with unmet needs.

**AMENDATORY SECTION** (Amending WSR 94-18-073, filed 9/2/94, effective 10/3/94)

**WAC 365-140-050 Applicant eligibility criteria.** (1) The applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, or be a public nonprofit agency, be a recognized tribe, a tribal organization with 501(c)3 status, or an unrecognized tribe with 501(c)3 status.

(2) The applicant ~~((must not require participation in a religious service as a condition of receiving emergency food or a food voucher.~~

(3) ~~The applicant must provide food or food vouchers to individuals in an emergency, regardless of residency.~~

(4) ~~The applicant must practice nondiscrimination in providing services and employment.~~

(5) ~~The applicant must not deny food or food vouchers to an individual because of his or her inability to pay.~~

(6) ~~Applicants for funding as participating agency or food distributor must have had a food bank program or food distribution center in operation for one year prior to the beginning date of the contract year.~~

(7) ~~The applicant for food bank lead agency contractor may or may not actually provide emergency food program services)) for funding as lead agency must have been operating as a public nonprofit or private nonprofit with 501(c)3 status for one year prior to the beginning date of the contract.~~

(3) The applicant for funding as a participating food bank must have been operating as a public nonprofit or private nonprofit with 501(c)3 status food bank for one year prior to the beginning date of the subcontract. Participating private nonprofit food banks without 501(c)3 status may also

be sponsored by a local public nonprofit agency or private nonprofit agency with 501(c)3 status.

(4) The applicant for funding as a food distributor must have been operating as a public nonprofit or a private nonprofit with 501(c)3 status food distributor for one year prior to the beginning date of the contract.

(5) The applicant for lead agency or tribal contractor may or may not actually provide emergency food program services.

(6) The applicant must practice nondiscrimination in providing services and employment.

(7) The applicant must not require participation in a religious service as a condition of receiving emergency food or a food voucher.

(8) Applicants within a county or multicounty region, or tribes with established parameters for service, may define their service area boundaries for the purpose of equitably allocating resources. The department encourages the provider to serve the client no matter what service areas the client resides in. If appropriate, the provider may then refer the client to the agency servicing the area in which the client resides, or to the tribe which has established jurisdiction over the individual, for further assistance. Providers must practice nondiscrimination when applying their service area policies.

(9) The applicant may not charge for food or food vouchers given to a client.

**AMENDATORY SECTION** (Amending Order 93-06, filed 8/25/93, effective 9/25/93)

**WAC 365-140-060 Financial support application process.** (1) Potential applicants will be notified by the department that in order to be considered for state emergency food financial assistance, an application must be submitted to the department.

(2) An applicant must make formal application using forms issued and procedures established by the department. Such application shall be for the period indicated on the contract face sheet. Failure of an applicant to make application in a timely manner, as specified by the department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) ~~((The total funds received by a food bank or food distributor contractor from the department for the emergency food assistance program must be equally matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions; other emergency food assistance contractors are not required to meet such a match.~~

(5) ~~Administrative costs for food bank and food distributor contractors under this program are limited to ten percent of the total contract award. Administrative costs for food bank lead agency contractors who also provide direct emergency food assistance services are limited to ten percent of the contractor's allocation for providing direct services as a participating food bank, and ten percent of the total contract award as food bank lead agency contractor; total administrative costs, however, may not exceed fifteen percent of the total contract award.~~

(6) ~~Of their total contract award, tribal contractors may not spend more than ten percent on administrative costs and~~

~~five percent on operational expenditures. The balance of funds is to be used for food vouchers issued to clients.~~

~~(7)) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.~~

(5) The department shall notify successful applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the applicant and must be returned to the department prior to the award of any funds under this program.

~~((8) Department funds may not be used to defray costs of distributing USDA commodities under the commodity program.)~~ (6) Applicants that receive food bank or food distribution funds are subject to the following fiscal requirements:

(a) The total funds from the department received by a lead agency contractor, participating food bank or food distributor subcontractor for the emergency food assistance program must be equally matched by funds from other sources during the fiscal year. No more than fifty percent of that match may be documented in-kind contributions.

(b) Administrative costs for food bank and food distributor subcontractors under this program are limited to ten percent of their total contract award. Administrative costs for lead agency contractors who also provide direct emergency food assistance services are limited to ten percent of the contractor's allocation for providing direct services as a participating food bank, and ten percent of the total contract award as food bank lead agency contractor; total administrative costs, however, may not exceed fifteen percent of the total contract award. Administrative costs for agencies who are lead agency contractors only are limited to ten percent of their total contract award.

(7) Applicants that receive tribal food voucher funds are subject to the following fiscal requirements:

(a) Tribal contractors and subcontractors must match thirty-five percent of the funds received by the department for the emergency food assistance program. No more than fifty percent of that match may be documented in-kind contributions.

(b) Of their total contract award, tribal contractors may not spend more than ten percent on administrative costs, and five percent on operational expenditures. The balance of funds is to be used for food vouchers issued to clients.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 365-140-045 Pilot project for consolidated emergency food assistance program.

**WSR 95-12-003**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(Securities Division)  
[Filed May 24, 1995, 4:48 p.m.]

Date of Adoption: May 12, 1995.

Purpose: To update WAC 460-52A-010 to include securities of certain fraternal organizations within the scope of the registration exemption available to nonprofit organizations.

Citation of Existing Rules Affected by this Order: Amending WAC 460-52A-010.

Statutory Authority for Adoption: RCW 21.20.450.

Pursuant to notice filed as WSR 95-08-016 on March 24, 1995.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

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

May 23, 1995

John L. Bley

Director

**AMENDATORY SECTION** (Amending Order SD-131-77, filed 11/23/77)

**WAC 460-52A-010 Definitions.** Nonprofit organization means any person organized and operated as a nonprofit organization as defined in RCW 84.36.800(4) exclusively for religious, educational, fraternal, or charitable purposes and which nonprofit organization also possesses a current tax exempt status under the laws of the United States.

**WSR 95-12-004**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
[Filed May 25, 1995, 8:59 a.m.]

Date of Adoption: May 12, 1995.

Purpose: To revise fees in chapter 246-254 WAC to ensure sufficient revenue is received to cover the radioactive materials and x-ray program costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-254-053, 246-254-070, 246-254-080, 246-254-090, 246-254-100, and 246-254-120.

Statutory Authority for Adoption: Chapter 70.98 RCW, RCW 43.70.110 and [43.70.]250.

Pursuant to notice filed as WSR 95-08-066 on April 4, 1995.

Changes Other than Editing from Proposed to Adopted Version: The proposed fees for two unique radioactive materials fee categories were reduced in response to comments received. Public comments on the proposed x-ray fees resulted in the following changes: Fees for additional x-ray tubes for hospitals and medical or chiropractic facilities were reduced, the additional tube charges for mammographic x-ray machines and airport baggage cabinet x-ray systems were eliminated, the maximum total fee for any facility was reinstated but the amount of the cap was raised.

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

May 23, 1995

Bruce Miyahara

Secretary

PERMANENT

**AMENDATORY SECTION** (Amending WSR 94-11-010, filed 5/5/94, effective 6/5/94)

**WAC 246-254-053 Radiation machine facility registration fees.** (1) Persons owning and/or leasing and using radiation-producing machines shall submit an eighty-five dollar registration fee to the department at the time of application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

(i) Ninety dollars for the first tube; and

(ii) ~~((Thirty-seven))~~ Forty dollars for each additional tube.

(b) For hospitals and medical or chiropractic facilities, add:

(i) Two hundred ~~((forty-four))~~ fifty dollars for the first tube; and

(ii) One hundred ~~((six))~~ fifteen dollars for each additional tube.

(c) For industrial, research, and other uses, add:

(i) One hundred ~~((thirty-eight))~~ forty dollars for the first tube; and

(ii) ~~((Thirty-seven))~~ Forty dollars for each additional tube.

(2) The department shall charge a maximum total fee of five thousand ~~((three))~~ five hundred dollars for any facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

~~(3) ((For any facility with a mammographic x-ray machine, add a biennial surcharge of two hundred fifty dollars.~~

~~(4))~~ A penalty fee of eighty-five dollars shall be charged for late registration or late reregistration.

(4) A fee of eighty-five dollars shall be charged for review of medical x-ray shielding calculations and floor plans submitted under WAC 246-225-030. This fee shall be added to the registration fee described above.

(5) A penalty fee of eighty-five dollars shall be charged to a facility where submittal of medical x-ray shielding calculations and floor plans is not made before x-ray machine installation as required under WAC 246-225-030. This penalty fee shall be added to the registration fee described above.

(6) Facilities electing to consolidate x-ray machine registrations into a single registration shall be able to demonstrate and document that their businesses are under one business license.

(7) No additional tube fee shall be charged for electron microscopes, mammographic x-ray machines or airport baggage cabinet x-ray systems. Only the base registration fee described above is applicable.

**AMENDATORY SECTION** (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

**WAC 246-254-070 Fees for specialized radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Four thousand ~~((sixty))~~ two hundred forty dollars for operation of a single nuclear pharmacy.

(b) ~~((Six))~~ Seven thousand ~~((nine))~~ two hundred ~~((fifty-five))~~ seventy dollars for operation of a single nuclear laundry.

(c) ~~((Six))~~ Seven thousand ~~((nine))~~ two hundred ~~((fifty-five))~~ seventy dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Two thousand ~~((four))~~ five hundred ~~((forty))~~ fifty dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) Six hundred ~~((thirty-five))~~ sixty-five dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Four thousand ~~((six))~~ eight hundred ~~((forty))~~ fifty dollars for a license authorizing decontamination services operating from a single facility.

(g) Two thousand ~~((two))~~ three hundred ~~((five))~~ dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and overpacking only of radioactive waste.

(h) ~~((Nine hundred eighty-five))~~ One thousand thirty dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) One thousand ~~((eight))~~ nine hundred ~~((fifty-five))~~ forty dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand ~~((one))~~ two hundred ~~((fifty-five))~~ ten dollars for a civil defense license.

(k) Three hundred ~~((fifty))~~ sixty-five dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) ~~((Thirteen))~~ Fourteen thousand ~~((nine))~~ five hundred ~~((twenty))~~ forty-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Six thousand ~~((three))~~ six hundred ~~((eighty))~~ sixty-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Five thousand ~~((two))~~ four hundred ~~((fifteen))~~ fifty dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;  
 (b) Billing at the rate of ~~((eighty-five))~~ ninety dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise nonrefundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

**AMENDATORY SECTION** (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

**WAC 246-254-080 Fees for medical and veterinary radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Three thousand ~~((seven))~~ six hundred ten dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand ~~((five))~~ six hundred ~~((fifty-five))~~ seventy dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand ~~((two))~~ three hundred five dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand ~~((four))~~ six hundred ~~((seventy-five))~~ thirty dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) One thousand ~~((eight))~~ nine hundred ~~((fifty-five))~~ forty dollars for a license authorizing group(s) VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand ~~((one))~~ two hundred ~~((fifty-five))~~ five dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) One thousand ~~((seven))~~ eight hundred ~~((forty))~~ twenty dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand ~~((three))~~ four hundred ~~((ninety))~~ fifty-five dollars for a license authorizing medical or veterinary

possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand ~~((forty))~~ eighty-five dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) Nine hundred ~~((twenty))~~ sixty dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) ~~((Five))~~ Six hundred ~~((eighty-five))~~ ten dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

**AMENDATORY SECTION** (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

**WAC 246-254-090 Fees for industrial radioactive material licenses.** (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Four thousand two hundred ninety-five dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Five thousand ~~((four))~~ seven hundred ~~((sixty))~~ five dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Two thousand ~~((six))~~ seven hundred ~~((seventy))~~ ninety dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) ~~((Five))~~ Six hundred ~~((eighty-five))~~ ten dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) Six hundred ~~((thirty-five))~~ sixty-five dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Four hundred ~~((five))~~ twenty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand one hundred fifty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) ~~((Five))~~ Six thousand ~~((eight-hundred-thirty))~~ ninety dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Five thousand ~~((one))~~ three hundred ~~((ten))~~ forty dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand six hundred ~~((twenty))~~ ninety dollars for a license authorizing possession of less than or equal to



one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Two hundred (~~(sixty-five)~~) eighty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of (~~(fifty-eight)~~) sixty dollars to the department.

**AMENDATORY SECTION** (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

**WAC 246-254-100 Fees for laboratory radioactive material licenses.** (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Two thousand (~~(seven)~~) nine hundred (~~(ninety)~~) fifteen dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

- (i) One millicurie of I-125 or I-131; or
- (ii) One hundred millicuries of H-3 or C-14; or
- (iii) Ten millicuries of any single isotope.

(b) One thousand (~~(three)~~) four hundred (~~(ninety)~~) fifty dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or
- (ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or
- (iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand (~~(one)~~) two hundred (~~(fifty-five)~~) five dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

- (i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or
- (ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or
- (iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Four hundred (~~(five)~~) twenty dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

- (i) Less than or equal to 0.01 millicurie of I-125 or I-131; or
- (ii) Less than or equal to one millicurie of H-3 or C-14; or
- (iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Five hundred (~~(thirty)~~) fifty-five dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie(s) per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of (~~(fifty-eight)~~) sixty dollars to the department.

**AMENDATORY SECTION** (Amending WSR 94-11-011, filed 5/5/94, effective 6/5/94)

**WAC 246-254-120 Fees for licensing and compliance actions.** (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of (~~(eighty-five)~~) ninety dollars per hour of direct staff time associated with the follow-up inspection, not to exceed (~~(eight)~~) nine hundred (~~(fifty)~~) dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of (~~(eighty-five)~~) ninety dollars per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand (~~(one)~~) two hundred (~~(twenty-five)~~) fifty dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred fifty dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of (~~(eighty-five)~~) ninety dollars per hour of direct staff time associated with each sealed source and device evaluation, not to exceed two thousand (~~(five)~~) seven hundred (~~(fifty)~~) dollars per evaluation.

(e) For review of air emission and environmental programs and data collection and analysis of samples, and review of decommissioning activities by qualified staff in those work units, a fee of (~~(eighty-five)~~) ninety dollars per hour of direct staff time associated with the review. The fee does not apply to reviews conducted by the radioactive materials section staff and does not apply unless the review time would result in a special service charge exceeding ten percent of the licensee's annual fee.

(f) For expedited licensing review, a fee of (~~(eighty-five)~~) ninety dollars per hour of direct staff time associated with the review. This fee only applies when, by the mutual consent of licensee and affected staff, a licensing request is taken out of date order and processed by staff during nonwork hours and for which staff is paid overtime.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

**WSR 95-12-007**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**

[Filed May 25, 1995, 12:00 noon]

Date of Adoption: May 10, 1995.

Purpose: WAC 67-35-030, 67-35-210, 67-35-220, 67-35-230, 67-35-360, and 67-35-430 are amended due to changes in the vendor-agency relationship, per conditions under which vendors in the business enterprise program are to participate. WAC 67-35-215 is a new WAC. WAC 67-35-350 is repealed.

Citation of Existing Rules Affected by this Order: Amending WAC 67-35-030, 67-35-210, 67-35-220, 67-35-230, 67-35-360 and 67-35-430; and repealing WAC 67-35-350.

Statutory Authority for Adoption: Chapter 74.18 RCW. Pursuant to notice filed as WSR 95-05-040 on February 9, 1995.

Effective Date of Rule: Thirty-one days after filing.  
 May 25, 1995  
 Bonnie Jindra  
 Assistant Director

**AMENDATORY SECTION** (Amending WSR 94-11-054, filed 5/10/94, effective 6/10/94)

**WAC 67-35-030 Terms defined.** The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

(6) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, Social Security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

(7) "Department" means the Washington department of services for the blind.

(8) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

(9) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the Department of Defense and the United States Postal Service, or any other instrumentality wholly owned by the United States.

(10) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

(11) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

(12) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

(13) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors).

(14) "Other property" means property which is not federal property.

(15) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.

(16) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building: *Provided*, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.

(17) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

(18) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 34 CFR, section 395.8 (a), (b), and (c).

(19) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods

and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.

(b) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.

(i) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(ii) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(iii) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

(c) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

(20) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

(21) "Primary location" means any location that is acquired through the bid process pursuant to the provisions of WAC 67-35-070.

(22) "Nonprimary location" means any location that is bid per WAC 67-35-070 and is awarded for a temporary period of time not to exceed one year from the date of award.

(23) "Essential equipment" means those individual pieces of equipment, furnishings, and machinery which the department deems as basic and crucial to the operation of each particular vending facility.

(24) "Smallwares" means all other equipment, furnishings, and machinery not specifically listed by the department as "essential equipment" for each particular vending facility.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

**WAC 67-35-210 Department responsibility—**~~(Initial equipment—Initial stock and supplies)~~ **Essential equipment and smallwares.** The department will provide

~~(suitable initial)~~ essential equipment ~~((necessary))~~ and initial smallwares the department deems appropriate for the efficient operation of the vending facility. ~~((The department will provide funds for the initial stock and supplies, necessary business licenses, fees and deposits, and minimum operating cash required to commence operation of the facility, as determined by the vending facility program.))~~ The right, title to, and interest in all initial equipment and smallwares will be vested in the department.

#### NEW SECTION

##### **WAC 67-35-215 Vendor responsibility—Smallwares.**

The vendor is required to maintain all smallwares in good condition as established by the department at the time the vendor assumes operation of the facility. In the event that any smallwares must be replaced, the vendor will pay the cost of replacement.

In the event that a vendor should discontinue to operate the vending facility, the vendor or the vendor's heirs will furnish to the department an amount of smallwares equal to those initially provided for the vending facility, in suitable condition as determined by departmental policy.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

**WAC 67-35-220** ~~((Title to initial equipment—Right to))~~ Department and vendor responsibility—Initial consumable stocks and cash. ~~((The right, title to and interest in initial equipment as provided for in WAC 67-35-210 will be vested in the department. The right to and interest in the initial stock, and minimum operating cash provided under WAC 67-35-210 shall continue with the department to the extent that should the vendor discontinue to operate the vending facility, the vendor or vendor's heirs will furnish to the department an equal monetary amount of saleable stock and cash which may be transferred to the next vendor.))~~ The department will provide funds for the initial consumable stocks and supplies, and minimum operating cash required to commence operation of the facility, as determined by departmental policy.

The vendor will be required to repay the department for the initial consumable stocks and supplies and operating cash according to a set repayment plan as outlined in departmental policy.

The right to and interest in the initial consumable stock and operating cash will remain with the department until the vendor has repaid the department in full. In the event that a vendor should discontinue to operate the vending facility, the vendor or the vendor's heirs will furnish to the department an amount of saleable stock as determined by departmental policy, and/or cash equal in monetary value to the amount currently owed to the department under the conditions of the repayment plan.

AMENDATORY SECTION (Amending WSR 94-15-052, filed 7/15/94, effective 8/15/94)

**WAC 67-35-230 Department and vendor responsibility—Maintained facility and equipment.** (1) The department will, within program resources, maintain or cause to be maintained each facility in good repair and

attractive condition. The department will, within program resources, or in accordance with terms and conditions of the permit or contract, replace, or cause to be replaced obsolete or worn-out equipment((-

~~(2) Vendors shall pay repair charges for each separate repair job on vending facility equipment of two hundred dollars or ten percent of the cost of repair, whichever is greater. For purposes of this subsection, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.~~

~~(3) When a vendor takes over the operation of a vending facility, the department will within program resources, pay for all repair charges during the first six months and the two hundred dollars or ten percent deduction will not apply.~~

~~(4) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (2) and (3) of this section shall be paid for from set-aside funds. If set-aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.~~

~~(5)) which has been deemed essential for the operation of the vending facility.~~

(2) When a vendor takes over the operation of a vending facility, the department will, within program resources, pay for all repair charges during the first six months of operation. After the first six months of operation, the vendor will be required to pay the cost of all repairs and maintenance on all facility equipment. Failure to promptly repair essential equipment will be grounds for immediate suspension of a vendor's operating agreement prior to an evidentiary hearing (WAC 67-35-430).

(3) The vendor will be responsible to exercise proper care of and maintain all equipment and furnishings assigned to the vending facility. This includes, but is not limited to, proper and regular cleaning and sanitation practices. A regular maintenance schedule will be provided by the vendor to the department for approval.

(4) For purposes of this section, vending facility equipment shall include equipment provided by the department and equipment furnished as a part of the contract or permit for which the department and operator assumes the responsibility of maintenance.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

**WAC 67-35-360 Vendor responsibility—**~~(Miscellaneous equipment—Initial stock and supplies—Minimum operating cash))~~ **Termination of agreement.** ~~((It is the vendor's responsibility to maintain miscellaneous equipment, initial stock and supplies, and minimum operating cash originally furnished by the department, unless otherwise specified by the terms and conditions of a permit or contract.))~~ Any vendor whose agreement with the department has been terminated for any reason is responsible to return to the department miscellaneous equipment, smallwares, initial stock and supplies, and minimum operating cash equal in monetary value as determined by departmental policy to those originally furnished by the vending facility program.

Any vendor refusing to comply with the responsibilities in this section shall have their license terminated subject to the opportunity for a full evidentiary hearing.

AMENDATORY SECTION (Amending WSR 89-21-046, filed 10/13/89, effective 11/13/89)

**WAC 67-35-430 Reasons for suspension of ((license)) operating agreement prior to evidentiary hearing.** If the department determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the department may suspend the ((license)) operating agreement of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. The department may suspend a vendor or licensee for the following reasons:

(1) Failure to provide the department with vendor financial reports, and to provide them within the established time frame.

(2) Failure to purchase vendor liability insurance for his/her vending facility as required in WAC 67-35-310 and/or failure to provide the department with proof of said insurance.

(3) The vendor ceases to meet any of the requirements to qualify as a licensee or vendor as required in chapter 67-35 WAC.

(4) The vendor or licensee abandons the vending facility. The vending facility shall be considered abandoned when no services are provided for three or more consecutive working days and/or when there is no designated employee in charge of the operation.

(5) When the department decides that the vending facility is not being operated in accordance with the law, applicable regulations, terms and conditions of the permit, and/or contract or the vendor agreement governing such vending facilities.

(6) Any willful or malicious destruction of, theft of, or any failure to exercise necessary care for the equipment furnished by the department or agency named in the permit and/or contract, inclusive of all repairs and maintenance as outlined in WAC 67-35-215 and 67-35-230.

(7) When the conduct of the vendor seriously interferes with any aspect of the operation of the vending facility. Such conduct includes, but is not limited to, the following:

- (a) Fraud.
- (b) Consumption of controlled substances and/or alcohol on the job.
- (c) Inexcusable neglect of duties as a vendor.
- (d) Embezzlement.
- (e) Falsifying reports.
- (f) Failure to submit to a medical eye examination when requested by the department.
- (g) Any other actions or behavior which would seriously jeopardize the vending facility.
- (h) Failure to pay taxes, fees, and/or debts arising from the operation of the vending facility.

PERMANENT

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 67-35-350 Vendor responsibility—Maintaining equipment.

**WSR 95-12-010**  
**PERMANENT RULES**  
**HEALTH CARE AUTHORITY**

[Filed May 26, 1995, 1:02 p.m.]

Date of Adoption: May 23, 1995.

Purpose: Establishes procedures for determining eligibility and distribution of funds for medical, dental, and migrant services to community health clinics under section 214(3), chapter 19, Laws of 1989 1st ex. sess., including other state general fund appropriations for medical, dental, and migrant services in community health clinics since 1985.

Statutory Authority for Adoption: RCW 43.70.040.

Pursuant to notice filed as WSR 95-08-060 on April 3, 1995.

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

May 26, 1995

Elin S. Meyer

Rules Coordinator

**Chapter 182-20 WAC**  
**STANDARDS FOR COMMUNITY**  
**HEALTH CLINICS**

**NEW SECTION**

**WAC 182-20-001 Purpose.** The purpose of this chapter is to establish procedures for determining eligibility and distribution of funds for medical, dental, and migrant services to community health clinics under section 214(3), chapter 19, Laws of 1989 1st ex. sess., including other state general fund appropriations for medical, dental, and migrant services in community health clinics since 1985.

**NEW SECTION**

**WAC 182-20-010 Definitions.** For the purposes of these rules, the following words and phrases shall have these meanings unless the context clearly indicates otherwise.

(1) "Community health clinic" means a public or private nonprofit tax exempt corporation with the mission of providing primary health care to low income individuals at a charge based upon ability to pay.

(2) "Authority" means the Washington state health care authority.

(3) "Encounter" means a face-to-face contact between a patient and a health care provider exercising independent judgment, providing primary health care, and documenting the care in the individual's health record.

(4) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care including:

- (a) Physicians under chapters 18.57 and 18.71 RCW;
- (b) Dentists under chapter 18.32 RCW;

(c) Advanced registered nurse practitioner under chapter 18.88 RCW;

(d) Physician's assistant under chapters 18.71A and 18.57A RCW;

(e) Dental hygienist under chapter 18.29 RCW;

(f) Licensed midwife under chapter 18.50 RCW;

(g) Federal uniformed service personnel lawfully providing health care within Washington state.

(5) "Low-income individual" means a person with income at or below two hundred percent of federal poverty level. The poverty level has been established by Public Law 97-35 § 652 (codified at 42 USC 9847), § 673(2) (codified at 42 USC 9902 (2)) as amended; and the *Poverty Income Guideline* updated annually in the *Federal Register*.

(6) "Primary health care" means a basic level of preventive and therapeutic medical and/or dental care, usually delivered in an outpatient setting, and focused on improving and maintaining the individual's general health.

(7) "Relative value unit" means a standard measure of performance based upon time to complete a clinical procedure. The formula is one unit equals ten minutes. A table is available from the authority stating the actual values.

(8) "Administrator" means the administrator of the health care authority or the administrator's designee.

(9) "User" means an individual having one or more primary health care encounters and counted only once during a calendar year.

**NEW SECTION**

**WAC 182-20-100 Administration.** The authority shall contract with community health clinics to provide primary health care in the state of Washington by:

(1) Developing criteria for the selection of community health clinics to receive funding;

(2) Establishing statewide standards governing the granting of awards and assistance to community health clinics;

(3) Disbursing funds appropriated for community health clinics only to those clinics meeting the criteria in WAC 182-20-160;

(4) Distributing available state funds to community health clinics according to the following priority in the order listed:

(a) First, to community health clinics that are private, nonprofit corporations classified exempt under Internal Revenue Service Rule 501 (c)(3) when governed by a board of directors including representatives from the populations served;

(b) Second, to local health jurisdictions with an organized primary health clinic or division;

(c) Third, to private nonprofit or public hospitals with an organized primary health clinic or department.

(5) Reviewing records and conducting on-site visits of contractors as necessary to assure compliance with these rules; and

(6) Withholding funding from a contractor until such time as satisfactory evidence of corrective action is received and approved by the authority, if the authority determines:

- (a) Noncompliance with applicable state law or rule; or
- (b) Noncompliance with the contract; or

(c) Failure to provide such records and data required by the authority to establish compliance with section 214(3), chapter 19, Laws of 1989 1st ex. sess., this chapter, and the contract; or

(d) The contractor or applicant provided inaccurate information in the application.

#### NEW SECTION

**WAC 182-20-130 Application for funds.** (1) The authority shall, upon request, supply a prospective applicant with an application kit for a contract requesting information as follows:

(a) Include in the application a request for information as follows:

(i) The applicant's name, address, and telephone number;

(ii) A description of the primary health care provided;

(iii) A brief statement of intent to apply for funds;

(iv) The signature of the agency's authorized representative;

(v) Description of the nature and scope of services provided or planned;

(vi) Evidence of a current financial audit establishing financial accountability; and

(vii) A description of how the applicant meets eligibility requirements under WAC 182-20-160;

(b) Notify existing contractors at least ninety days in advance of the date a new contract application is due to the authority;

(c) Review completed application kits for evidence of compliance with this section;

(d) Develop procedures for:

(i) Awarding of funds for new contractors, special projects, and emergency needs of existing contractors; and

(ii) Notifying existing and prospective contractors of procedures and application process.

(2) The applicant shall:

(a) Complete the application on standard forms provided or approved by the authority; and

(b) Return the completed application kit to the authority by the specified due date.

#### NEW SECTION

**WAC 182-20-160 Eligibility.** Applicants shall:

(1) Demonstrate private, nonprofit, tax exempt status incorporated in Washington state or public agency status under the jurisdiction of a local or county government;

(2) Receive other funds from at least one of the following sources:

(a) Section 329 of the Public Health Services Act;

(b) Section 330 of the Public Health Services Act;

(c) Community development block grant funds;

(d) Title V Urban Indian Health Service funds; or

(e) Other public or private funds providing the clinic demonstrates:

(i) Fifty-one percent of total clinic population are low income;

(ii) Fifty-one percent or greater of funds come from sources other than programs under WAC 182-20-160;

(3) Operate as a community health clinic providing primary health care for at least eighteen months prior to applying for funding;

(4) Provide primary health care services with:

(a) Twenty-four-hour coverage of the clinic including provision or arrangement for medical and/or dental services after clinic hours;

(b) Direct clinical services provided by one or more of the following:

(i) Physician licensed under chapters 18.57 and 18.71 RCW;

(ii) Physician's assistant licensed under chapters 18.71A and 18.57A RCW;

(iii) Advanced registered nurse practitioner under chapter 18.88 RCW;

(iv) Dentist under chapter 18.32 RCW;

(c) Provision or arrangement for services as follows:

(i) Preventive health services on-site or elsewhere including:

(A) Eye and ear examinations for children;

(B) Perinatal services;

(C) Well-child services; and

(D) Family planning services;

(ii) Diagnostic and treatment services of physicians and where feasible a physician's assistant and/or advanced registered nurse practitioner, on-site;

(iii) Services of a dental professional licensed under Title 18 RCW on-site or elsewhere;

(iv) Diagnostic laboratory and radiological services on-site or elsewhere;

(v) Emergency medical services on-site or elsewhere;

(vi) Arrangements for transportation services;

(vii) Preventive dental services on-site or elsewhere; and

(viii) Pharmaceutical services, as appropriate, on-site or elsewhere;

(5) Demonstrate eligibility to receive and receipt of reimbursement from:

(a) Public insurance programs; and

(b) Public assistant programs, where feasible and possible;

(6) Have established a sliding scale fee schedule for adjustment of charges, based upon the individual's ability to pay for low-income individuals;

(7) Provide health care regardless of the individual's ability to pay; and

(8) Establish policies and procedures reflecting sensitivity to cultural and linguistic differences of individuals served and provide sufficient staff with the ability to communicate with the individuals.

#### NEW SECTION

**WAC 182-20-200 Allocation of state funds.** The authority shall allocate available funds to medical, dental and migrant contractors providing primary health care based on the following criteria:

(1) **Medical.**

(a) The authority may withhold appropriated funds as follows:

(i) As specified under law or up to ten percent to provide funding for new contractors, special projects, and emergency needs;

(A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;

(B) Prorated according to the percentage of total medical contract funds distributed to each contractor;

(i) Up to ten percent for administration.

(b) The remainder of the appropriated funds is referred to as the "medical base." The medical base means the total amount of money appropriated by the legislature for the medical program minus the amounts specified in (a)(i) and (ii) of this subsection. The medical base is distributed to medical contractors based upon the following formulas:

(i) The medical base is distributed to medical contractors based upon the following formula until June 30, 1995:

(A) Forty percent of the medical base is distributed equally among all medical contractors;

(B) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical users divided by the total medical sliding fee users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's medical users}}{\text{total of all contractors' medical users}} \times 30\% \text{ medical base}$$

(C) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical encounters by the total number of medical encounters reported by all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's medical encounters}}{\text{total of all contractors' medical encounters}} \times 30\% \text{ medical base}$$

(ii) Starting July 1, 1995, the medical base is distributed to medical contractors based upon the following formula:

(A) Forty percent of the medical base is distributed equally among all medical contractors;

(B) Sixty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical sliding fee users divided by the total medical sliding fee users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's medical sliding fee users}}{\text{total of all contractors' medical sliding fee users}} \times 60\% \text{ medical base}$$

(iii) Starting July 1, 1996, the medical base is distributed to medical contractors based upon the following formula:

(A) Forty percent of the medical base is distributed equally among all medical contractors;

(B) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical sliding fee users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's medical sliding fee users}}{\text{total of all contractors' medical sliding fee users}} \times 30\% \text{ medical base}$$

(C) Thirty percent of the medical base is distributed by the ratio of the contractor's primary health care (PHC) medical sliding fee encounters by the total number of medical sliding fee encounters reported by all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's medical sliding fee encounters}}{\text{total of all contractors' medical sliding fee encounters}} \times 30\% \text{ medical base}$$

(2) **Dental.**

(a) The authority may withhold appropriated funds as follows:

(i) As specified under law or up to ten percent of appropriated funds to provide funding for new contractors, special projects, and emergency needs:

(A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;

(B) Prorated according to the percentage of total dental contract funds distributed to each contractor.

(ii) Up to ten percent for administration.

(b) The remainder of the funds is referred to as the dental base. The dental base means the total amounts appropriated by the legislature for dental programs minus the amounts specified in (a)(i) and (ii) of this subsection and as follows:

(i) The dental base is distributed to dental contractors based upon the following formula until June 30, 1995:

(A) Forty percent of the dental base distributed equally among all dental contractors;

(B) Thirty percent of the dental base distributed by the ratio of contractor primary health care (PHC) medical users divided by the total medical users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's medical users}}{\text{total of all contractors' users}} \times 30\% \text{ dental base}$$

(C) Thirty percent of the dental base is distributed by the ratio of the contractor's relative value units (RVU) divided by the total relative value units of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's RVU}}{\text{total of all contractors' RVU}} \times 30\% \text{ dental base}$$

(ii) Starting July 1, 1995, the dental base is distributed to dental contractors based upon the following formula:

(A) Forty percent of the dental base is distributed equally among all dental contractors;

(B) Sixty percent of the dental base is distributed by the ratio of the contractor's primary health care (PHC) dental sliding fee users divided by the total dental sliding fee users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's dental sliding fee users}}{\text{total of all contractors' dental sliding fee users}} \times 60\% \text{ dental base}$$

(iii) Starting July 1, 1996, the dental base is distributed to dental contractors based upon the following formula:

(A) Forty percent of the dental base is distributed equally among all dental contractors;

(B) Thirty percent of the dental base is distributed by the ratio of the contractor's primary health care (PHC) dental sliding fee users divided by the total dental sliding fee users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's dental sliding fee users}}{\text{total of all contractors' dental sliding fee users}} \times 30\% \text{ dental base}$$

PERMANENT

(C) Thirty percent of the dental base is distributed by the ratio of the contractor's primary health care (PHC) dental sliding fee relative value units (RVU) divided by the total number of dental sliding fee relative value units (RVU) reported by all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's dental sliding fee RVUs}}{\text{total of all contractors' dental sliding fee RVUs}} \times 30\% \text{ dental base}$$

### (3) Migrant.

(a) The authority may withhold appropriated funds as follows:

(i) As specified under law or up to ten percent to provide funding for new contractors, special projects, and emergency needs:

(A) With distribution of any remaining portion of this ten percent among contractors by April 1 of each year;

(B) Prorated according to the percentage of total migrant contract funds distributed to each contractor.

(ii) Up to ten percent for administration.

(b) The remainder of the appropriated funds is referred to as the "migrant base." The migrant base means the total amount of money appropriated by the legislature for the migrant program minus the amounts specified in (a)(i) and (ii) of this subsection. The migrant base is distributed to migrant contractors based upon the following formula:

The migrant base is distributed to migrant contractors based upon the following formula starting July 1, 1995: One hundred percent of the migrant base is distributed by the ratio of the contractor's primary health care (PHC) migrant users divided by the total migrant users of all contractors as reported in the prior calendar year annual reports.

$$\frac{\text{individual contractor's migrant users}}{\text{total of all contractors' migrant users}} \times 100\% \text{ migrant base}$$

### NEW SECTION

#### **WAC 182-20-300 Dispute resolution procedures.**

The authority shall define dispute resolution procedures in the contract which shall be the exclusive remedy and shall be binding and final to all parties.

### NEW SECTION

#### **WAC 182-20-320 Audit review.** Contractors shall:

(1) Maintain books, records, documents, and other materials relevant to the provision of goods or services adequate to document the scope and nature of the goods or services provided;

(2) Make the materials in subsection (1) of this section available at all reasonable times with prior notice for inspection by the authority;

(3) Retain these materials for at least three years after the initial contract with the authority;

(4) Provide access to the facilities at all reasonable times with prior notice for on-site inspection by the authority; and

(5) Submit annual reports consistent with the instructions of the authority.

### NEW SECTION

**WAC 182-20-400 Limitations on awards.** Specific to the medical, dental, and migrant base as referenced in WAC 182-20-200 (1)(b), (2)(b), and (3)(b):

(1) Until June 30, 1995:

(a) Any approved contractor shall initially receive no more than one hundred ten percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than ninety percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide ninety percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

(2) Between July 1, 1995, and June 30, 1996:

(a) Any approved contractor shall initially receive no more than one hundred twenty-five percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than eighty-five percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide eighty-five percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

(3) Between July 1, 1996, and June 30, 1997:

(a) Any approved contractor shall initially receive no more than one hundred twenty-five percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than eighty percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide eighty percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

(4) Starting July 1, 1997:

(a) Any approved contractor shall initially receive no more than one hundred twenty-five percent of that contractor's previous year's initial allotment.

(b) Any approved contractor shall initially receive no less than seventy-five percent of that contractor's previous year's initial allotment. In the event that funding is inadequate to provide seventy-five percent, criteria shall be established to equitably allocate the available funds.

(c) Funds in excess of the initial allocation shall be distributed in a supplemental allotment pursuant to WAC 182-20-200.

**WSR 95-12-014**  
PERMANENT RULES

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 30, 1995, 8:44 a.m.]

Date of Adoption: May 30, 1995.



Purpose: Federal and state law have been amended to require participation in reemployment services by individuals identified pursuant to a worker profiling system as likely to exhaust benefits and to need reemployment services. The regulation establishes parameters governing a directive to an individual to participate in such services.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 95-08-077 on April 5, 1995.

Effective Date of Rule: Thirty-one days after filing.  
 May 30, 1995  
 Vernon E. Stoner  
 Commissioner

**NEW SECTION**

**WAC 192-23-019 Directive to report for reemployment services.** The commissioner may direct a claimant in writing to report in person for reemployment services as provided in RCW 50.20.010(5).

(1) **Exceptions.** An individual will not be required to participate in reemployment services if the individual:

(a) Is a member in good standing of a full referral union;

(b) Is partially unemployed or on standby as defined by WAC 192-12-150; or

(c) Within the previous year has completed, or is currently scheduled for or participating in, similar services.

(2) **Minimum Services.** The services will consist of one or more sessions which include, but are not limited to:

(a) Information about the local labor market;

(b) Information about available reemployment and retraining services;

(c) Successful job search attitudes;

(d) Self assessment of job skills and interests;

(e) Job interview techniques;

(f) The development of a resume or fact sheet; and

(g) The development of a plan for reemployment.

(3) **Sanctions.** An individual who has received a directive, and fails to participate in reemployment services during a week, will be disqualified from benefits for that week unless justifiable cause is demonstrated.

(4) **Justifiable Cause.** Justifiable cause for failure to participate in reemployment services as directed will include factors specific to the individual which would cause a reasonable person in similar circumstances to fail to participate. Justifiable cause includes, but is not limited to:

(a) Illness or disability of the individual or the individual's immediate family;

(b) The individual's presence at a job interview scheduled with an employer; or

(c) Severe weather conditions precluding safe travel.

Reasons for absence will be subject to verification. In all such cases, the individual's ability or availability for work is an issue.

**WSR 95-12-018  
 PERMANENT RULES  
 BOARD OF**

**PILOTAGE COMMISSIONERS**

[Filed May 30, 1995, 1:30 p.m., effective July 1, 1995]

Date of Adoption: May 18, 1995.

Purpose: To establish a Puget Sound pilotage district annual tariff.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to notice filed as WSR 95-08-065 on April 4, 1995.

Changes Other than Editing from Proposed to Adopted Version: The proponents sought to increase the 1994 tariff by 5.93% in all categories excluding transportation. The adopted version represents an increase of .404% less than what was proposed. The "delinquent payment charge" period remains at forty-five days and was not reduced to thirty days as proposed. The "sailing delay" rate was not doubled after the first three hours as proposed. The "super ships" category was not retitled nor was the proposed new classification, "0 to 20,000 gross tons," adopted. The adopted 1995 Puget Sound pilotage district tariff reflects an increase of 5.526% over the 1994 tariff in all categories except transportation which remains unchanged.

Effective Date of Rule: July 1, 1995.

May 30, 1995

Larry L. Vognild  
 Chair

**AMENDATORY SECTION** (Amending WSR 94-12-044, filed 5/27/94, effective 7/1/94)

**WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district.** Effective 0001 hours July 1, ((1994)) 1995, through 2400 hours June 30, ((1995)) 1996.

**CLASSIFICATION RATE**

Ship length overall (LOA)	
Charges:	per LOA rate schedule in this section
Boarding fee:	(( <del>\$ 33.00</del> )) \$ 35.00

Per each boarding/deboarding at the Port Angeles pilot station.

Harbor shift - Live ship (Seattle Port) LOA Zone I  
 Harbor shift - Live ship (other than Seattle Port) LOA Zone I

Harbor shift - Dead ship Double LOA Zone I

Dead ship towing charge: Double LOA Zone

LOA of tug + LOA of tow + beam of tow  
 Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

**Waterway and bridge charges:**

Ships up to 90' beam:  
 A charge of ((~~\$177.00~~)) \$187.00 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 water-

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ways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of (~~(\$84.00)~~) \$89.00 per bridge.

**Ships 90' beam and/or over:**

A charge of (~~(\$238.00)~~) \$251.00 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 (~~(\$167.00)~~) \$176.00 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	( <del>(\$237.00)</del> ) <u>\$250.00</u>
Radio direction finder calibration	( <del>(\$237.00)</del> ) <u>\$250.00</u>
Launching vessels	( <del>(\$357.00)</del> ) <u>377.00</u>
Trial trips, 6 hours or less (Minimum ( <del>(\$672.00)</del> ) <u>\$708.00</u> )	( <del>(\$112.00)</del> ) <u>\$118.00</u> per hr.
Trial trips, over 6 hours (two pilots)	( <del>(\$224.00)</del> ) <u>\$236.00</u> per hr.
Shilshole Bay — Salmon Bay	( <del>(\$139.00)</del> ) <u>\$147.00</u>
Salmon Bay — Lake Union	( <del>(\$109.00)</del> ) <u>\$115.00</u>
Lake Union — Lake Washington (plus LOA zone from Webster Point)	( <del>(\$139.00)</del> ) <u>\$147.00</u>
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:	( <del>(\$112.00)</del> ) <u>\$118.00</u> per hr.
Applicable harbor shift rate to apply, plus ( <del>(\$112.00)</del> ) <u>\$118.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ( <del>(\$112.00)</del> ) <u>\$118.00</u> for every hour or fraction thereof.	
Sailing delay:	( <del>(\$112.00)</del> ) <u>\$118.00</u> per hour
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ( <del>(\$112.00)</del> ) <u>\$118.00</u> for every hour or fraction thereof.	
Slowdown:	( <del>(\$112.00)</del> ) <u>\$118.00</u> per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of (~~(\$112.00)~~) \$118.00 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 mileage of (~~(\$0.0576)~~) \$0.0608 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)~~) \$0.0727 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:**

(~~(\$112.00)~~)  
\$118.00  
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 (~~(\$112.00)~~) \$118.00 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:**

March Point or Anacortes	\$144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

- (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 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.

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License renewal	35.00	Consumable Debris		Fee schedule
Late renewal penalty	100.00	100	-	500 tons
Inactive renewal	10.00	501	-	1,000 tons
Inactive late renewal penalty	5.00	1,001	-	1,500 tons
Endorsement - reciprocity	40.00	1,501	-	2,000 tons
Duplicate license	20.00	2,001	-	2,500 tons
Examination retake	40.00	2,501	-	3,000 tons
Verification of licensure/education (written)	25.00	3,001	-	3,500 tons
(3) Advanced registered nurse fees:		3,501	-	4,000 tons
<b>Title of Fee</b>	<b>Fee</b>	4,001	-	4,500 tons
ARNP application	\$25.00	4,501	-	5,000 tons
ARNP renewal	30.00	5,001	-	5,500 tons
ARNP late renewal penalty	100.00	5,501	-	6,000 tons
ARNP with prescriptive authorization application	45.00	6,001	-	6,500 tons
ARNP with prescriptive authorization renewal	50.00	6,501	-	7,000 tons
ARNP with prescriptive late renewal penalty	100.00	7,001	-	7,500 tons
		7,501	-	8,000 tons
		8,001	-	8,500 tons
		8,501	-	9,000 tons
		9,001	-	9,500 tons
		9,501	-	10,000 tons
		10,001	+	tons

The following WACs are repealed:

- WAC 246-838-990
- WAC 246-839-990

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.

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**WSR 95-12-023**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Order 629—Filed May 31, 1995, 9:00 a.m.]

Date of Adoption: May 31, 1995.

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.

Pursuant to notice filed as WSR 95-08-056 on April 3, 1995.

Changes Other than Editing from Proposed to Adopted Version: Only change is to raise fee schedule by 5.13 percent.

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

May 31, 1995

Kaleen Cottingham  
 Supervisor

AMENDATORY SECTION (Amending Order 619, filed 7/1/94, effective 8/1/94)

**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-one))~~ twenty-two dollars for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

**WSR 95-12-026**  
**PERMANENT RULES**  
**DEPARTMENT OF ECOLOGY**

[Order 94-42—Filed May 31, 1995, 11:00 a.m.]

Date of Adoption: May 30, 1995.

Purpose: To adopt an amendment to the Skagit County shoreline master program.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-370.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Pursuant to notice filed as WSR 94-23-099 on November 18, 1994.

Changes Other than Editing from Proposed to Adopted Version: Changes were made to clarify sections of the amendment dealing with mitigation of adverse impacts; setbacks for support structures; identification of areas where aquaculture activities are restricted or prohibited; and the applicability of the amendments to existing aquaculture operations.

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

May 30, 1995

Mary Riveland

Director

**AMENDATORY SECTION** (Amending Order DE 87-39, filed 11/4/87)

**WAC 173-19-370 Skagit County.** Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981. Revision approved August 19, 1982. Revision approved February 24, 1983. Revision approved March 22, 1984. Revision approved October 27, 1987. Revision approved May 30, 1995.

**WSR 95-12-027**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 95-46—Filed May 31, 1995, 4:50 p.m.]

Date of Adoption: April 28, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-56-124, 220-56-126, 220-56-128, 220-56-190, 220-56-191, 220-56-195, 220-56-196, 220-56-199, 220-56-245, 220-56-255, 220-56-285, 220-56-305, 220-56-350, 220-56-380, 220-57-001, 220-57-120, 220-57-130, 220-57-135, 220-57-137, 220-57-138, 220-57-140, 220-57-155, 220-57-160, 220-57-165, 220-57-170, 220-57-175, 220-57-181, 220-57-190, 220-57-200, 220-57-205, 220-57-210, 220-57-220, 220-57-230, 220-57-235, 220-57-240, 220-57-250, 220-57-255, 220-57-260, 220-57-270, 220-57-280, 220-57-285, 220-57-290, 220-57-295, 220-57-300, 220-57-305, 220-57-310, 220-57-313, 220-57-315, 220-57-319, 220-57-326, 220-57-327, 220-57-335, 220-57-340, 220-57-342, 220-57-345, 220-57-350, 220-57-355, 220-57-365, 220-57-370, 220-57-385, 220-57-390, 220-57-395, 220-57-400, 220-57-405, 220-57-410, 220-57-415, 220-57-425, 220-57-427, 220-57-430, 220-57-435, 220-57-440, 220-57-450, 220-57-455, 220-57-460, 220-57-465, 220-57-473, 220-57-480, 220-57-495, 220-57-497, 220-57-502, 220-57-505, 220-57-510, 220-57-515, 220-57-520, 220-57-525, 220-57A-001, 220-57A-015, 220-57A-017, 220-57A-030, 220-57A-035, 220-57A-037, 220-57A-040, 220-57A-045, 220-57A-110, 220-57A-112, 220-57A-120, 220-57A-125, 220-57A-140, 220-57A-145, 220-57A-175, 220-57A-180, 220-57A-183, 220-57A-185 and 220-57A-190; and new sections WAC 220-56-134 and 220-57-321.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 94-23-149 on November 23, 1994; and WSR 95-04-064 on January 28 [30], 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 220-56-124, special daily limit of three chum salmon restored; WAC 220-56-126, nonbuoyant lures and night fishing restrictions for saltwater areas consolidated; WAC 220-56-128, extraneous verbiage concerning Lake Washington Ship Canal removed; WAC 220-56-190, coastal salmon seasons set in accordance with recommendations from the Pacific Fisheries Management Council; WAC 220-56-191, Puget Sound salmon seasons set in accordance with recommendations from the Pacific Fisheries Management Council; WAC 220-56-195, Port Susan closure modified to allow for Tulalip special area fishery; WAC 220-56-245, halibut possession limit changed in accordance with recommendations of the International Pacific Halibut Commission; WAC 220-56-255, halibut seasons changed in accordance with recommendations of the International Pacific Halibut Commission; WAC 220-56-285, delete seasonal closure options in favor of a catch and release; WAC 220-56-305, add a catch and release from McNary Dam to Bonneville Dam; WAC 220-56-330, proposal withdrawn; WAC 220-56-350, delete Belfair State Park closure, add Cama Beach State Park closure and change open dates at Penrose Point State Park; WAC 220-56-380, delete Belfair State Park, Rendsland Creek and Twanoh State Park closures, add Scenic Beach State Park open dates; chapter 220-57 WAC, changes in river seasons and daily limits are made based on recommendations of the Pacific Fisheries Management Council. Proposed changes to the following sections are withdrawn: WAC 220-57-215, 220-57-265, 220-57-380, and 220-57-470; and chapter 220-57A WAC, closures in Lakes Sammamish, Washington, Wenatchee and the Lake Washington Ship Canal are based on recommendations of the Pacific Fisheries Management Council.

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

May 31, 1995

Morris W. Barker

for Robert Turner

Director

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-124 Unlawful provisions—Hoodspport Hatchery.** During the period October 16 through December 15, those waters of Catch Record Card Area 12 within a 1,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) ~~((If the surrounding waters are open to salmon angling, the bag and possession limit are the same as in the surrounding waters. If the surrounding waters are closed, there is a))~~ Special daily ~~((bag))~~ limit of three chum salmon.

(3) During the period October 16 through December 15 it is unlawful to fish for or possess salmon taken from these waters from 8:00 p.m. to 6:00 a.m.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

~~WAC 220-56-126 ((Unlawful provisions—Duwamish Waterway.)) **Nonbuoyant lures and night closures—Saltwater.** ((During the period July 1 through November 30, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island:~~

~~(1) It is unlawful to take, fish for or possess salmon using any gear other than that gear that meets the requirements of this subsection:~~

~~(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.~~

~~(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.~~

~~(c)) It is unlawful to fish for or possess salmon taken for personal use from the following saltwater areas unless the hooks meet the requirements of this section.~~

~~(1) Nonbuoyant lure restriction: In the following waters during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:~~

<u>Area</u>	<u>Time Period</u>
<u>Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island parallel to SW Spokane Street where it crosses Harbor Island</u>	<u>July 1 - November 30</u>
<u>Budd Inlet - waters south of a line true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128</u>	<u>July 16 - October 31</u>
<u>Westport Boat Basin</u>	<u>July 1 - January 31</u>

~~(2) During the gear restricted periods provided for in this section it is unlawful to fish for food fish or shellfish from one hour after official sunset to one hour before official sunrise.~~

~~(3) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.~~

~~((d)) (4) All hooks must be attached within 3 inches of the bait or lure.~~

~~((2) It is unlawful to take, fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.~~

~~(3)) (5) It is unlawful to use baitfish jigger gear.~~

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-128 Food fish fishing—Closed areas.** It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within ((one mile)) 400 feet below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times, and all contiguous waters lying between the Fourth Avenue Bridge and a line from the northwesterly corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building are closed during the period July 16 through October 31.

(3) The waters of Percival Cove are closed at all times.

(4) Those waters of Hood Canal inshore from yellow marker buoys to the mouth of Finch Creek are closed the entire year.

(5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.

(6) Those waters of Sinclair Inlet inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.

(7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.

(8) In Shilshole Bay waters east of a line 175 feet west of the Burlington Northern Railroad Bridge are closed to ((salmon angling. For food fish other than salmon, those waters easterly of the Burlington Northern Railroad Bridge are closed June 1 through September 30. During the period October 1 through May 31 it is lawful to fish for food fish other than salmon up to the mouth of the Lake Washington Ship Canal)) fishing.

(9) Those waters of the Chinook River upstream from tide gate at the Highway 101 Bridge are closed at all times.

(10) Those waters of the Columbia River between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) are closed October 23 through June 15.

(11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.

(12) Waters of the Lake Washington Ship Canal west of a north-south line 400 feet east of the eastern end of the north wing wall of Chittenden Locks to the mouth of the Lake Washington Ship Canal are closed to food fish angling at all times.

(13) Waters of Catch Record Card Area 10 west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point are closed to food fish angling from January 1 through March 31.

(14) Waters within 200 yards of the salmon net pens located near Sund Rock in Hood Canal are closed to the taking of food fish other than salmon at all times.

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(15) Waters of the Titlow Beach Marine Preserve Area are closed to the taking of food fish at all times except that it is lawful to fish for salmon with artificial lures only from shore or a nonmotorized vessel.

#### NEW SECTION

**WAC 220-56-134 Edmonds public fishing pier.** (1) It is unlawful to fish for or possess food fish or shellfish taken from the following waters except while fishing from the Edmonds public fishing pier: Waters inside a line from a boundary marker on the north breakwater to the southernmost marker buoy then to the north end of the city of Edmonds public beach.

(2) It shall be unlawful to take, fish for or possess food fish or shellfish taken by any means from within the boundaries of the underwater artificial reef surrounding the Edmonds public fishing pier as described in this subsection, except while fishing from the Edmonds public fishing pier.

Underwater artificial reef area: Those waters lying northerly and easterly of the north breakwater of the port of Edmonds marina inside of a line from a boundary marker on the north breakwater, northwesterly 275 feet to a marker buoy thence northeasterly 1350 feet to a marker buoy thence southeasterly to the northeastern end of the city of Edmonds public beach.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-190 Coastal salmon—Saltwater seasons and ~~(bag)~~ daily limits.** It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the ~~(bag)~~ daily limit codes in WAC 220-56-180:

(1) Catch Record Card Areas 1 ~~(7)~~ and 2 ~~(3, 4)~~ - Open July 24 through September 28 - Daily Limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore. Cumulative limit of no more than four salmon in any seven consecutive days.

(2) Catch Record Card Area 3 - Open August 1 through September 28 - Daily Limit F except release chinook salmon. Open Sunday through Thursday only. Closed within three miles of shore.

(3) Catch Record Card Area 4 and those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River - ~~(Closed to salmon angling through December 31, 1994)~~ Open August 1 through September 28 - Daily Limit F except release chinook salmon. Area 4 is closed within three miles of shore in those waters south of Skagway Rock.

~~((2))~~ (4) Grays Harbor (Catch Record Card Area 2-2) ~~((Open to salmon angling coincidentally with the season, daily and weekly bag limits, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2). Lawful to fish from the bank only of the north and south jetties 7 days per week when the recreational season is in progress in adjacent ocean waters. (b) Bag)) Daily Limit A - ((December 1)) August 16 through January 31 in the Westport ((and Ocean Shores)) boat basin((s)) only. ((There are additional restrictions at the Westport Boat Basin as provided for in WAC 220-56-123, (e) Bag)) (b) Daily~~

Limit A - ~~((December 1))~~ September 16 through January 31: Waters of Catch Record Card Area 2-2 east of the Channel Marker 13 Line.

~~((3))~~ (5) Willapa Bay (Catch Record Card Area 2-1) ~~((a) Open to salmon angling coincidentally with the season, daily and weekly bag limits, size, and gear restrictions in adjacent waters of the Pacific Ocean (Catch Record Card Area 2), (b) Bag)) Daily Limit A - August 16 through January 31.~~

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-191 Puget Sound salmon—Saltwater seasons and ~~(bag)~~ daily limits.** It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, sizes, and for the species designated in this section and as defined in the ~~(bag)~~ daily limit codes in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 220-56-190. In all fisheries provided for in this section, chinook salmon minimum size 22 inches and no minimum size for other salmon.

(1) Catch Record Card Areas 5 and 6 - ~~((November 1 through December 31 - Daily bag limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon. During the period))~~

(a) Special daily limit of 2 salmon April 16 through June 15 except all chinook salmon greater than 30 inches in length must be released.

(b) During the period April 16 through September 10, Dungeness Bay is closed to salmon angling.

(c) August 5 through September 10 - Special daily limit of 2 salmon; release all chinook and coho salmon.

(d) October 1 through October 31 in Dungeness Bay - Special daily limit of 2 coho salmon.

(e) November 1 through November 30 - Special daily limit of 2 salmon; release all coho; Dungeness Bay closed.

(f) December 1 through April 15 - Special daily limit of 2 salmon. Dungeness Bay closed December 1 through December 31.

(2) Catch Record Card Area 7:

(a) ~~((May 1))~~ April 16 through ((September 5)) July 31 - Special daily ~~(bag)~~ limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~ During the period April 16 through June 15 all chinook salmon greater than 30 inches in length must be released.

(b) ~~((September 6))~~ August 1 through ((October 31)) September 30 - Special daily ~~(bag)~~ limit of ((+)) 4 salmon no more than 2 of which may be any combination of chinook and coho salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(c) ~~((November))~~ October 1 through ((December 31)) April 15 - Special daily ~~(bag)~~ limit of 2 salmon except that during the period October 1 through December 31 the special daily limit in Bellingham Bay is 4 salmon no more than 2 of which may be any combination of chinook and coho salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(3) Catch Record Card Area 8-1:

(a) ~~May 1 through ((October 31))~~ August 15 - Open only in those waters of Oak Harbor west of a line from Forbes Point to Blowers Bluff (Oak Harbor). Special daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(b) ~~((November 1))~~ August 16 through ((December 31)) September 15 - Special daily ((bag)) limit of ((2)) 4 pink salmon except Oak Harbor special daily limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(c) September 16 through October 31 - Open only in Oak Harbor - Special daily limit of 2 salmon.

(d) November 1 through April 30 - Special daily limit of 2 salmon.

(4) Catch Record Card Area 8-2:

(a) August 1 through ((October 31)) September 30 - Open ((only)) in those waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point (Tulalip Special Area Fishery). Daily ((bag)) limit of ((2)) 4 salmon no more than 2 of which may be any combination of chinook or coho. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(b) ~~((September 1 through October 31))~~ August 1 through September 30 - Open ((only)) in ((those)) waters ~~((at the Snohomish River mouth east of a line from Priest Point to the northernmost point of the Snohomish River entrance jetty, and waters inside of a line from the lighted buoy at the southern tip of the Snohomish River entrance jetty to the green lighted bell buoy westerly of the entrance to the Snohomish River, thence southerly to the railroad overpass tower at Pidgeon Creek.))~~ other than Tulalip Special Area Fishery - Special daily ((bag)) limit of ((2)) 4 salmon, ((except no chinook or pink salmon may be retained. No minimum size for retained salmon)) of which no more than 2 may be coho salmon. Chinook salmon must be released.

(c) ~~((November))~~ October 1 through ((December 31)) April 30 - Special daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(5) Catch Record Card Area 9:

(a) May 1 through ((June 30)) July 4 - Special daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(b) ~~((July))~~ August 1 through ((October 31)) September 4 - ~~((Open only when fishing from the Edmonds public fishing pier.))~~ Special daily ((bag)) limit of 2 pink salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(c) ~~((November 1))~~ October 16 through ((December 31)) October 31 - Special daily ((bag)) limit of 2 salmon except release coho salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(d) November 1 through April 30 - Special daily limit of 2 salmon.

(e) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-around from the Edmonds Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(f) Notwithstanding the provisions of this subsection, those waters of Port Gamble south of a line from the Point Julia Dock true west to the mainland - Open September 1 through October 31 - Special daily limit of 2 salmon.

(6) Catch Record Card Area 10:

(a) ~~((May 1))~~ October 16 through ((June 30)) July 4 - Daily ((bag)) limit of 2 salmon except waters of Shilshole Bay inside a line from Meadow Point to West Point are closed October 16 through April 30. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(b) July ((4)) 5 through August 31 - Open only ~~((when fishing from the Seacrest Park Fishing Pier))~~ in those waters west of a line from Indianola Dock to Point Monroe and northwest of a line from Beans Point to Orchard Point and those waters south of a line from Restoration Point to Alki Point except after July 31 only waters south of the Restoration Point - Alki Point line are open. Daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(c) ~~((July 1 through October 15 - Open only in those waters adjacent to and westerly of Bainbridge Island defined as all waters west of a line from the Indianola Dock to Point Monroe and waters west of a line from Beans Point to Orchard Point, and open only in those waters of Allen Bank within a line from the southeast tip of Blake Island to the east tip of the Southworth Ferry Dock, then to the buoy at the northerly tip of Vashon Island, then to the buoy at the northeasterly tip of Blake Island, then to point of origin. Daily bag limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

~~((d))~~ September 1 through October 15 - Open only in those waters ~~((of Elliott Bay east of a line from Alki Point to Fourmile Rock))~~ south of a line from Skiff Point to West Point and east of a line from Beans Point to Orchard Point, except release chinook salmon taken in those waters of Elliott Bay east of a line from Duwamish Head to Pier 91. Daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches and no minimum size for other salmon.))~~

(e) ~~((October 16 through December 31 - Daily bag limit of 2 salmon. Chinook minimum size 22 inches, and no minimum size for other salmon.))~~ Notwithstanding the provisions of this subsection, salmon fishing is permitted year-around from Piers 62, 63, 86 and Seacrest Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(7) Catch Record Card Area 11 - May 1 through ((December 31)) April 30 - Daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(8) Catch Record Card Area 12 - November 1 through ((December 31)) April 30 - Daily ((bag)) limit of 2 salmon except waters of the Hoodspout Hatchery Zone provided for in WAC 220-56-124. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(9) Catch Record Card Area 13 - May 1 through ((December 31)) April 30 - Daily ((bag)) limit of 2 salmon. ~~((Chinook minimum size 22 inches, and no minimum size for other salmon.))~~

(10) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, and Budd Inlet, and at Titlow



Beach and the Edmonds underwater park and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-195 Closed areas—Saltwater salmon angling.** The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the south end of Swinomish Slough shall be closed to salmon angling April 16 through June 15.

(2) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling April 16 through July 31.

(3) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling from April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling April 16 through September 30.

(c) Those waters of Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge shall be closed to salmon angling from April 16 through June 15.

(4) Dungeness Bay: Those waters westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulakala Point are closed to salmon angling April 16 through June 30.

(5) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(6) Port Susan: Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed to salmon angling April 16 through September 30 except waters of the Tulalip Special Area Fishery as provided for in WAC 220-56-191 (4)(a).

(7) Columbia River Mouth ~~((Conservation))~~ Control Zone 1: Washington waters within ~~((Conservation))~~ Control Zone 1, which ~~((Conservation))~~ Control Zone is described as the ocean area surrounding the Columbia River mouth west of the Buoy 10 line and bounded by a line extending for 6 nautical miles due west from North Head along 46°18'00" N. latitude to 124°13'18" W. longitude, then southerly along

a line of 167° true to 46°11'06" N. latitude and 124°11'00" W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the ~~((Conservation))~~ Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(8) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed from April 16 through June 30.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

**WAC 220-56-196 Closed areas—Pink salmon angling.** ~~((It is unlawful to take or possess))~~ Pink ~~((salmon taken for personal use from the following marine waters:))~~ only closures—None.

**AMENDATORY SECTION** (Amending Order 88-15, filed 4/26/88)

**WAC 220-56-199 Closed areas—Chinook salmon angling.** ~~((It is unlawful to take or possess))~~ Chinook ~~((salmon from those waters of Port Susan lying northerly of a line projected from Camano Head to Hermosa Point during the period April 15 through June 15))~~ only closures—None.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-245 Halibut—~~((Bag))~~ Daily and possession limits.** (1) It is unlawful to fish for or possess more than 1 halibut taken from state or United States waters in any one day.

(2) The possession limit shall not exceed ~~((one))~~ two daily ~~((bag))~~ limits of ~~((fresh))~~ halibut in any form except the possession limit aboard the fishing vessel is one daily limit.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-255 Halibut—Season.** It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Area ~~((s))~~ 1 ~~((and 2))~~: ~~((June 2 and June 9))~~ Open May 1 through September 30. Minimum size limit 32 inches in length.

(2) Catch Record Card Area 2 - Open May 1 through September 30. The following waters are closed to halibut fishing: West of 124°40'W, north of 47°10'N and south of 47°31'42"N (Queets River).

(3) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: 12:01 a.m. Tuesday through 11:59 p.m. Saturday, beginning May ~~((3))~~ 2, except that the following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a line from ~~((48°17'N, 125°10'W to 48°17'N, 125°00'W to 48°05'N, 125°10'W to 48°05'N, 125°00'W))~~ 48°18'N, 125°11'W to 48°18'N, 124°59'W to 48°04'N, 125°11'W to 48°04'N, 124°59'W to the point of origin.

~~((3))~~ (4) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May ~~((2))~~ 25 through July ~~((5))~~ 29 - Open 12:01 a.m. Thursday through 11:59 p.m. ~~((Tuesday))~~ Monday of each week during the open period (closed Tuesdays and Wednesdays).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-285 Shad and sturgeon—Areas and seasons.** It is lawful the entire year to fish for or possess sturgeon and shad taken for personal use except in the following closed waters:

(1) Waters lying ~~((one-mile))~~ 400 feet downstream below any rack, dam or other obstruction concurrent with salmon angling boundaries provided for in chapter 220-57 WAC, except as provided in subsections (2) and (3) of this section.

(2) Waters lying 400 feet downstream below any dam, rack or obstruction in the Snake River.

(3) Columbia River waters between the upstream line of Bonneville Dam and the lowermost Bonneville powerline crossing, approximately 1-1/4 mile downstream from the dam, are closed to the fishing for or possession of sturgeon, except when fishing with hand-casted hook and line gear from the mainland shore in those waters lying downstream of a line running southerly from a fishing boundary marker on the Washington shore (approximately 3/4 mile downstream from the dam) to the downstream end of Cascade Island thence to the Oregon angling boundary marker on Bradford Island (located approximately 850 feet downstream from the fish ladder entrance to the lowermost Bonneville Dam powerline crossing. Closed to angling inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-305 Sturgeon—~~((Snake River))~~ Catch and release.** ~~((It is unlawful to fish for and possess sturgeon taken for personal use from those waters of the Snake River within 400 feet down stream below any dam, rack or obstruction, and))~~ It is unlawful to retain sturgeon taken from ~~((any))~~:

(1) Those waters of the Snake River or tributaries upstream from Lower Granite Dam~~((, and those))~~;

(2) Those waters of the Columbia River and tributaries upstream from Grand Coulee Dam;

(3) Those waters of the Columbia River between the upstream line of Bonneville Dam and a line 400 feet below McNary Dam during the period July 1 through December 31. Sturgeon that are hooked must be immediately released and returned to the water.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams, cockles, borers and

mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point - DNR Beach 57-B is open April 1 through August 15.

(b) Cama Beach State Park: Closed the entire year.

(c) Camano Island State Park: Open June 1 through June 30.

~~((e))~~ (d) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

~~((d))~~ (e) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.

~~((e))~~ (f) Eagle Creek: Open January 1 through May 15.

~~((f))~~ (g) Fort Flagler State Park: Open April 1 through June 30.

~~((g))~~ (h) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

~~((h))~~ (i) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.

~~((i))~~ (j) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

~~((j))~~ (k) Illahee State Park: Open April 1 through April 30.

~~((k))~~ (l) Kayak Point County Park: All tidelands are closed except tidelands north of the county fishing pier are open April 16 through May 15 of even-numbered years and tidelands south of the county fishing pier are open April 16 through May 15 of odd-numbered years.

~~((l))~~ (m) Kitsap Memorial State Park: Open April 1 through June 30.

~~((m))~~ (n) Kopachuck State Park: Open January 1 through April 15.

~~((n))~~ (o) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

~~((o))~~ (p) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except as follows: State-owned Oyster Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet will remain open.

~~((p))~~ (q) Oak Bay County Park: Open January 1 through June 15.

~~((q))~~ (r) Oyster Reserves: Puget Sound state oyster reserves are closed the entire year except the following are open the entire year:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.

(ii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

~~((r))~~ ~~(s)~~ Penrose Point State Park: Open ~~((April 16))~~ May 1 through ((December 31)) June 30.

~~((s))~~ ~~(t)~~ Point Whitney: Open April 1 through May 31.

~~((t))~~ ~~(u)~~ Point Whitney Lagoon: Open June 1 through June 15.

~~((u))~~ ~~(v)~~ Port Townsend Ship Canal: Open January 1 through May 15.

~~((v))~~ ~~(w)~~ Saltwater State Park: Open April 1 through April 30.

~~((w))~~ ~~(x)~~ Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year.

~~((x))~~ ~~(y)~~ South Indian Island County Park: Open April 1 through December 31.

~~((y))~~ ~~(z)~~ South Lilliwaup: Open January 1 through May 31 on those tidelands marked by orange posts attached to trees at south end of Lilliwaup Bay (approximately 700 feet of beach).

~~((z))~~ ~~(aa)~~ Spencer Spit State Park: Open April 1 through June 30.

~~((aa))~~ ~~(bb)~~ Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

~~((bb))~~ ~~(cc)~~ Triton Cove State Park: Open April 1 through June 30.

~~((cc))~~ ~~(dd)~~ Twanoh State Park: Closed the entire year.

~~((dd))~~ ~~(ee)~~ West Dewatto: DNR beach 44A is closed the entire year.

~~((ee))~~ ~~Wolfe Property State Park: Open January 1 through May 15 from 7 Sisters Road north to spit connecting Hood Head to the mainland.))~~

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

**AMENDATORY SECTION** (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-56-380 Oysters—Areas and seasons.** (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: DNR Beach 57-B is closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows: State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires, and state-owned tidelands beginning

approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(c) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(d) Hoodsport: Tidelands at the Hoodsport Salmon Hatchery are closed the entire year.

(e) Illahee State Park: Open January 1 through April 30.

(f) Kitsap Memorial State Park: Open April 1 through June 30.

(g) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(h) Mystery Bay State Park: Open January 1 through August 15.

(i) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year, except as follows: State-owned Oysters Reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of the inlet will remain open.

(j) Oyster Reserves: All Puget Sound oyster reserves are closed the entire year.

(k) Point Whitney Lagoon: Closed the entire year.

(l) Potlatch State Park: Open April 1 through June 30.

(m) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed.

(n) ~~((Rendland Creek: Open April 1 through June 30.))~~ Scenic Beach State Park: Open January 1 through April 30.

(o) Triton Cove State Park: Open April 1 through June 30.

(p) ~~((Twanoh State Park: Open January 1 through July 31.~~

~~(q))~~ West Dewatto: DNR beach 44A is open April 1 through June 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

**AMENDATORY SECTION** (Amending Order 86-08, filed 4/9/86)

**WAC 220-57-001 Freshwater seasons and ((bag)) daily limits.** It shall be unlawful to take, fish for or possess salmon taken for personal use, except from the following areas during the seasons, in the quantities, sizes, and for the species designated as follows in chapters 220-57 and 220-57A WAC and for the ((bag)) daily limits as defined in WAC 220-56-180. All freshwater streams and lakes not listed as open for salmon fishing are closed.

**AMENDATORY SECTION** (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-120 Bear River.** ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the lime quarry road to Highway 101 Bridge (a distance of approximately 2 stream miles).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-130 Bogachiel River.** ((Bag)) Daily Limit A except release coho salmon - July 1 through October ((9)) 22: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-135 Calawah River.** ((Bag)) Daily Limit A except release coho salmon - July 1 through October ((9)) 22: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57-137 Carbon River.** ((Bag)) Daily Limit A - September 1 through November 30 downstream from the old bridge abutments near the east end of Bridge Street in Orting.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57-138 Chambers Creek.** ((Bag)) Daily Limit A - July 1 through November 15: Downstream from a set of markers 400 feet below the Boise-Cascade Dam (immediately upstream from the Boise-Cascade West Tacoma Mill).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-140 Chehalis River.** (1) ((Bag)) Daily Limit A - ((May)) July 1 through ((June 30)) August 31: Downstream from the Porter Bridge.

(2) ((Bag)) Daily Limit A - ((July)) September 1 through ((September 30)) October 31: Downstream from the Mellon Street Bridge in Centralia.

(3) ((Bag)) Daily Limit A - ((October)) November 1 through January 31: Downstream from the ((Highway 603)) high bridge on Weyerhaeuser Logging Road Number 17.

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

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-155 Clearwater River (Jefferson County).** ((Bag)) Daily Limit A - September 1 through November 30: Downstream from the mouth of the Snahpish River.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57-160 Columbia River.** (1) ((Bag)) Daily Limit ((D)) C - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the west end of the tailrace deck downstream 400 feet to boundary markers in Okanogan County.

(b) Wells Dam - waters between the upstream line of Wells Dam to boundary markers 400 feet below the spawning channel discharge on the Chelan County side and the fish ladder on the Douglas County side.

(2) Rocky Reach Dam to Priest Rapids Dam: ((Bag)) Daily Limit ((D)) C - June 1 through September 15; ((Bag)) Daily Limit A September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and boundary markers 400 feet downstream of the fish ladders at Rocky Reach and Rock Island Dams and boundary markers at Wanapum Dam 750 feet below the east fish ladder and 500 feet below the west fish ladder.

(3) Priest Rapids Dam to the Vernita Bridge: ((Bag)) Daily Limit ((D)) C - June 1 through August 15; ((Bag)) Daily Limit A - August 16 through October 31; ((Bag)) Daily Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and boundary markers 650 feet below the fish ladders.

(b) Jackson (Moran) Creek - All waters of the Priest Rapids hatchery system including Columbia River waters out to midstream between markers located 100 feet upstream and 400 feet downstream of the mouth of the hatchery outlet.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; ((Bag)) Daily Limit ((D)) C - June 16 through August 15; ((Bag)) Daily Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: ((Bag)) Daily Limit ((D)) C - June 1 through August 15; ((Bag)) Daily Limit A - August 16 through December 31. ((Additionally, Special Bag Limit: 2 salmon per day April 1 through July 31: Bank fishing only from the hatchery side of the Columbia River from the WDF marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a WDF boundary marker approximately 1/4 mile downstream of Ringold waterway outlet.))

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: ((Bag)) Daily Limit A - August 1 through December 31. It is unlawful to take or possess sockeye or chum salmon taken downstream of the Highway 395 Bridge.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(e) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: ~~((Bag)) Daily Limit A - ((January)) August 1 through March 31~~ ~~((; Bag Limit A - August 1 through December 31))~~. During ~~((the month of))~~ September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River ~~((extending to midstream between)) north of a line ((projected perpendicular to the stream flow)) from Abernathy Point Light to a ((line projected perpendicular to the stream flow from a)) boundary marker east of the mouth of Abernathy Creek. It is unlawful to take or possess sockeye or chum salmon taken downstream from the Interstate 5 Bridge to the Megler-Astoria Bridge.~~

(8) Megler-Astoria Bridge to the Buoy 10 Line:

(a) ~~((Bag)) Daily Limit F~~ except release chinook salmon - August 1 through Labor Day. It is unlawful to use barbed hooks in the fishery provided for in this subsection.

(b) ~~((Special)) Daily ((bag)) limit ((of 3 adult salmon))~~ F - the day after Labor Day through September 30.

(c) ~~((Special daily bag limit of 6 salmon, only 3 of which may be adult salmon - October 1 through December 31.~~

~~((d) Bag)) Daily Limit A - ((January)) October 1 through March 31.~~

~~((e))~~ (d) It is unlawful to take or possess sockeye or chum salmon taken downstream from the Megler-Astoria Bridge to the Buoy 10 Line.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only when state waters north of the ~~((conservation))~~ control zone are open to salmon angling. During such periods fishing from the north jetty is open 7 days per week and the ~~((bag))~~ daily limit shall be the same as for the ocean waters when open. Also open to angling from the bank only concurrent with the Buoy 10 fishery. ~~((Bag))~~ Daily limit and gear requirement will be identical with those in the Buoy 10 fishery. It is unlawful to take or possess sockeye or chum salmon taken from the North Jetty.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-165 Copalis River.** ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from the Carlisle Bridge.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

**WAC 220-57-170 Coweeman River.** ~~((Bag Limit C - September 1 through December 31 - downstream from the mouth of Mulholland Creek.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57-175 Cowlitz River.** (1) ~~((Special bag))~~ Daily Limit A - ((April)) June 1 through ((July 31)) April 30: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam. ((Bag limit is six salmon per day not less than 12 inches in length, only three of which may exceed 24 inches in length.))

(2) ~~((That portion of the Cowlitz River downstream from the mouth of Mill Creek is open to salmon angling 24 hours per day during the period April 1 to July 31.~~

~~((3) Bag))~~ Daily Limit A except ((that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon)) release all chinook salmon 24 inches in length and greater - August ((+)) 16 through ((March 31)) October 15: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures. During the period September 16 through October ((+ through December 31,)) 15 those waters between the Barrier Dam and the mouth of Mill Creek are closed to salmon fishing.

(3) Daily Limit A - October 16 through December 31: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures. During the fishery provided for in this subsection, chinook salmon over 28 inches in length taken upstream of the mouth of Blue Creek must be released.

(4) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(5) ~~((Bag))~~ Daily Limit A except minimum size of 8 inches - open the entire year: From the confluence of the Muddy Fork and Ohanapecosh rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-181 Dakota Creek.** ~~((Bag))~~ Daily Limit A - October 1 through December 31: Downstream from the Giles Road Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-190 Deschutes River.** ~~((Bag))~~ Daily Limit A - July 1 through November 30: Upstream from Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-200 Dickey River.** ~~((Bag))~~ Daily Limit A except release coho salmon - July 1 through October ((9)) 22: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

**WAC 220-57-205 Dosewallips River.** Special ((~~Bag~~)) Daily Limit - 2 ((~~adult~~)) chum salmon - November 1 through ((~~January 31~~)) December 15: Downstream from the Highway 101 Bridge. ((~~Coho salmon must be released immediately.~~))

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-210 Duckabush River.** Special ((~~Bag~~)) Daily Limit - 2 chum salmon - November 1 through December 15: Downstream from the Mason County Public Utility District #1 overhead electrical distribution line. ((~~All other salmon must be released immediately.~~))

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

**WAC 220-57-220 Duwamish River.** ((~~Bag~~)) Daily Limit A except release chinook salmon - ((~~July~~)) October 1 through ((~~November 30~~)) December 31: Downstream from the Highway 405 Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-230 Elk River.** ((~~Bag~~)) Daily Limit A - July 1 through January 31: Downstream from the confluence of the west and middle forks to the Highway 105 Bridge.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57-235 Elochoman River.** (1) ((~~Bag~~)) Daily Limit A except release chinook salmon 24 inches in length and greater - September 1 through ((~~September 30~~)) October 15: Downstream from the mouth of the west fork.

(2) ((~~Bag~~)) Daily Limit A - October ((+)) 16 through ((~~October 15~~)) December 31: Downstream from the mouth of the west fork to the Foster Road Bridge. All chinook salmon greater than 28 inches in length must be released immediately.

(3) ((~~Special Bag~~)) Daily Limit A - ((6 salmon not less than 12 inches in length not more than 4 of which may be adult coho salmon and all chinook salmon greater than 28 inches in length must be released: Downstream from the mouth of west fork to the Foster Road Bridge.

(4) Bag Limit A except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon -)) October ((+)) 16 through December 31: Downstream from the Foster Road Bridge.

((~~5~~)) (4) The following waters are closed to salmon angling at all times:

(a) From a point 100 feet above the upper hatchery rack to the ((~~Elochoman~~)) Elochoman Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

(b) From the department of ((~~fisheries~~)) fish and wildlife's temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

(c) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream ((~~Elochoman~~)) Elochoman Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(d) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-240 Elwha River.** (1) ((~~Bag~~)) Daily Limit A except ((that up to six coho salmon may be retained in the daily bag limit-)) release chinook ((salmon and)) pink and chum salmon ((must be released immediately)) - October 1 through ((December)) October 31.

(2) It is unlawful to fish for or possess salmon taken from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall ((~~or~~), from the slough connecting the hatchery outfall to the mainstem of the river or within 200 feet downstream of the south spillway on Aldwell Lake Dam to Aldwell Dam.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-250 Grays River.** ((~~Bag~~)) Daily Limit A except release chinook salmon 24 inches in length or greater - September 1 through October 31: Open from mouth to ((~~7000 line bridge~~)) mouth of South Fork Grays River. ((~~During the period October 1 through October 31, chinook salmon greater than 28 inches in length must be released immediately in those waters upstream from the covered bridge.~~)) West Fork Grays River closed to salmon angling.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-255 Green River (Cowlitz County).** ((~~Bag Limit A except chinook salmon greater than 28 inches in length must be released - open September 1 through November 30: Downstream from fishing boundary markers located 1500 feet below the Toutle Hatchery temporary rack. Open waters are restricted to fly fishing gear only and it is unlawful to use any gear except fly fishing gear.~~)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

**WAC 220-57-260 Green River (King County).** ((~~Bag~~)) Daily Limit A except release chinook salmon - ((July)) October 1 through October 15: Downstream from the Auburn Eighth Street N.E. Bridge to the Highway 405 Bridge. ((~~Bag~~)) Daily Limit A except release chinook salmon - October 16 through ((November 30)) December 31: Downstream from the downstream side of the Highway 18 Bridge to the Highway 405 Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-270 Hoh River.** (1) ~~((Bag))~~ Daily Limit C - May 16 through August 31: Downstream from the mouth of the south fork Hoh to the Morgan's Crossing boat launch, including Olympic National Park.

(2) ~~((Bag))~~ Daily Limit A - May 16 through August 31: Downstream from the Morgan's Crossing boat launch.

(3) ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-280 Hoquiam River.** Main Hoquiam River, west fork of Hoquiam River downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the abandoned flat car bridge below the mouth of Berryman Creek - ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-285 Humptulips River.** (1) ~~((Bag))~~ Daily Limit C - ~~((December))~~ July 1 through January 31: Downstream from confluence of east and west forks to Highway 101 Bridge.

(2) ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

**WAC 220-57-290 Icicle River.** ~~((Special Bag Limit: Two salmon per day, minimum size 12 inches - May 16 through June 30: Downstream from a point 400 feet below Leavenworth National Fish Hatchery to fishing boundary markers at the mouth of the Icicle River.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 85-33, filed 4/16/85)

**WAC 220-57-295 Joe Creek (Grays Harbor County).** ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the ~~((County Highway 101))~~ Ocean Beach Road Bridge to the State Highway 109 Bridge, except that chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-300 Johns River.** ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from Old M&B Logging Camp Bridge at upper boundary of Johns River Habitat Management Area to Highway 105 Bridge.

AMENDATORY SECTION (Amending Order 79-7, filed 1/30/79, effective 4/1/79)

**WAC 220-57-305 Kalaloch Creek.** ~~((Bag))~~ Daily Limit C - July 1 through October 31.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57-315 Klickitat River.** (1) ~~((Bag))~~ Daily Limit A - ~~((April))~~ August 1 through January 31 ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth ~~((, except open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31))~~.

(2) ~~((Bag Limit C - May 30 through July 31 - downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.~~

~~((3))~~ ~~((Bag))~~ Daily Limit A - August 1 through ~~((January 31 - except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ November 30: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-319 Lewis River.** (1) Mainstem - ~~((Bag))~~ Daily Limit A except ~~((that))~~ during the period ~~((October 16 through December 31 the daily bag limit may contain up to 4 adult coho))~~ May 1 through May 31 the daily limit is one salmon - open entire year. Downstream from east fork to mouth.

(2) East fork:

(a) ~~((Bag))~~ Daily Limit A except 20 inch minimum length - ~~((open entire year - Downstream from the LaCenter Bridge))~~ April 16 through May 31: Downstream from posted markers at top boat ramp at Lewisville Park.

(b) ~~((Bag))~~ Daily Limit A except 14 inch minimum length - June 1 through ~~((December 31))~~ August 15 and October 15 through March 15: Downstream from posted markers downstream from Lucia Falls ((to the LaCenter Bridge)). All chinook salmon over 28 inches ~~((caught after September 30))~~ must be released ~~((immediately))~~ during the period October 16 through December 31.

(3) North fork:

(a) ~~((Bag))~~ Daily Limit A except during the period May 1 through May 31 the daily limit is one salmon - January 1 through ((September 30)) December 31: Downstream from ((overhead power lines below Ariel Dam except as provided in subsection (3)(b)) Johnson Creek.

(b) ~~((Bag))~~ Daily Limit A ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ - ~~((open entire year))~~ June 1 through April 30: Downstream from the mouth of Colvin Creek (approximately 1/4 mile upstream of the salmon hatchery) to ((the mouth of the east fork)) Johnson Creek, except that at all times it is unlawful to take,

fish for or possess salmon taken for personal use from waters shoreward of the cable, buoy, and corkline located at the mouth of the Lewis River Salmon Hatchery Fishway.

(c) ~~((During the period September 1 through November 30, in those waters downstream from the mouth of))~~ Daily Limit A - June 1 through September 30 and January 1 through April 30: Downstream from the overhead powerlines downstream from Merwin Dam to Colvin Creek ~~((to the lower Cedar Creek concrete boat ramp, lawful salmon angling gear is limited to bait or lures with one single pointed hook only, which hook measures not more than 1/2 inch from point to shank)).~~

#### NEW SECTION

**WAC 220-57-321 Little White Salmon River (Drano Lake).** Daily Limit A - August 1 through December 31: Downstream from markers downstream from federal salmon hatchery.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-326 McAllister Creek.** ((Bag)) Daily Limit A - July 1 through November 30: Downstream from the downstream side of the Olympia-Steilacoom Road Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-327 McLane Creek.** ((Bag)) Daily Limit A - July 1 through November 30: Open from a line 100 feet upstream and parallel to the south bridge of Highway 101 at Mud Bay to a line 50 feet north of and parallel to the Mud Bay Road Bridge, except waters within 400 feet of the outfall of the Allison Springs chinook rearing pond are closed to salmon angling.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-335 Naselle River.** (1) ((Bag)) Daily Limit A - ~~((October 16))~~ July 1 through January 31: Downstream from the Highway 4 Bridge to Highway 101 Bridge.

(2) ((Bag)) Daily Limit A - October 16 through January 31: Downstream from the Big Hill Bridge to the Highway 4 Bridge.

(3) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

**WAC 220-57-340 Nemah River.** (1) Middle Nemah, ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the department of natural resources bridge on the Middle Nemah A Line Road.

(2) North Nemah - ((Bag)) Daily Limit A - October 1 through January 31: Downstream from lower bridge on dead end Lower-Nemah Road to the mouth.

(3) South Nemah - ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the confluence of the Middle Nemah to the mouth.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-342 Niawiakum River.** ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the South Bend-Palix Road Bridge ~~((to the Highway 101 Bridge)).~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

**WAC 220-57-345 Nisqually River.** ((Bag)) Daily Limit A except release pink salmon in odd-numbered years - July 1 through January 31: Downstream from military tank-crossing bridge located one mile upstream from the mouth of Muck Creek. ~~((Closed to the taking of pink salmon in odd-numbered years.))~~

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-350 Nooksack River.** (1) ((Bag)) Daily Limit A - September 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) North Fork - ((Bag)) Daily Limit A - October 1 through December 31: Downstream from Maple Creek to mouth of north fork.

(3) South Fork - ((Bag)) Daily Limit A - October 1 through December 31: Downstream from the Saxon Bridge to mouth of south fork.

~~(((4) Closed to the taking of pink salmon.))~~

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

**WAC 220-57-355 North River.** ((Bag)) Daily Limit A - July 1 through January 31 - downstream from the mouth of Salmon Creek.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-365 Palix River.** ((Bag)) Daily Limit A - July 1 through January 31: Downstream from the confluence of the south and middle forks to the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 93-15-011, filed 7/8/93, effective 8/8/93)

**WAC 220-57-370 Puyallup River.** ((Bag)) Daily Limit A except release pink salmon in odd-numbered years - July 16 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge.



AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-385 Quillayute River.** ~~((Bag))~~ Daily Limit A except release coho salmon - March 1 through October ((9)) 22: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

**WAC 220-57-390 Quinault River.** ~~((Bag))~~ Daily Limit C - July 1 through October 31: Downstream from the ((bridge connecting Graves Creek and North Shore roads)) national park boundary.

AMENDATORY SECTION (Amending Order 76-14, filed 3/15/76, effective 5/1/76)

**WAC 220-57-395 Salmon Creek (Clark County).** ~~((Bag Limit C - July 1 through October 31 - downstream from the Interstate 5 freeway bridge-))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-400 Salmon River (Jefferson County).** ~~((Bag))~~ Daily Limit A - September 1 through November 30: Downstream from the Q 1000 Road Bridge including waters within Olympic National Park outside the boundaries of the Quinault Indian Reservation.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

**WAC 220-57-405 Samish River.** ~~((Bag))~~ Daily Limit A - July 1 through October 15: Downstream from the Thomas Road Bridge to the Bayview-Edison Road Bridge. ((Terminal gear is limited to a single bait or lure with one single point hook measuring no more than 1/2 inch from point to shank. Bag)) Daily Limit A - October 16 through December 31: Downstream from Interstate 5 Bridge to ((markers located approximately one quarter mile downstream from Samish Island)) the Bayview-Edison Road Bridge.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-410 Sammamish River (Slough).** ~~((+)) Bag Limit A - August 16 through December 31: Downstream from the 102 Avenue NE Bridge to the Kenmore Highway Bridge. All sockeye salmon must be released.~~

~~((2))~~ Bag Limit A - October 16 through December 31: Upstream from the 102 Avenue NE Bridge to Lake Sammamish. All sockeye salmon must be released immediately-)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-415 Satsop River.** ~~((Bag))~~ Daily Limit A except release chinook salmon upstream from middle fork at all times and release chinook salmon downstream from middle fork during the period July 1 through October 31 - ((December)) July 1 through January 31: Downstream from the bridge at Schafer State Park on east fork. ((Chinook salmon must be released immediately-))

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-430 Skokomish River.** ~~((Bag))~~ (1) Daily Limit A except release coho and chum salmon - August 1 through August 31 ((except all coho salmon must be released and November 1 through December 15, except all coho salmon must be released)): Downstream from the Highway 101 Bridge. ((Terminal gear on the Skokomish River is limited to one bait or lure with one single pointed hook only, measuring no more than 1/2 inch from point to shank-))

(2) Daily Limit A except release coho salmon - November 1 through December 15: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-435 Skykomish River.** ~~((Bag))~~ (1) Special daily limit of four salmon except release chinook salmon - August 16 through October 31: Downstream from the confluence of the north and south forks.

(2) Special Daily Limit ((A)) of two salmon except release chinook salmon - ((September)) November 1 through December 31 ((except all chinook salmon must be released)): Downstream from the confluence of north and south forks.

(3) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-440 Smith Creek (Pacific County).** ~~((Bag))~~ Daily Limit A - July 1 through January 31: Downstream from Highway 101 Bridge to the mouth.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-450 Snohomish River.** ~~((Bag))~~ (1) Special daily limit of four salmon except release chinook salmon - August 16 through October 31: Downstream from the confluence of Skykomish and Snoqualmie rivers.

(2) Special daily limit ((A)) of two salmon except release chinook salmon - ((September)) November 1 through December 31 ((except all chinook salmon must be released)): Downstream from confluence of Skykomish and Snoqualmie rivers.

(3) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-455 Snoqualmie River.** ((~~Bag~~)) (1) Special daily limit of four salmon except release chinook salmon - August 16 through October 31.

(2) Special daily limit ((~~A~~)) of two salmon except release chinook salmon - ((~~September~~)) November 1 through December 31 ((~~except all chinook salmon must be released~~)).

(3) During even-numbered years it is unlawful to retain pink salmon.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57-460 Sol Duc River.** ((~~Bag~~)) Daily Limit A except release coho salmon - March 1 through ((~~November 30~~)) October 22: Downstream from the concrete pump station at the Soleduck Hatchery.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-465 Stillaguamish River.** (1) Special daily limit of four pink salmon - August 16 through September 30: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water control structure to a point 400 feet downstream.

(2) Special daily ((~~Bag~~)) limit of two chum salmon - November 1 through December 31: Downstream from confluence of north and south forks except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream. ((~~It is unlawful to take or possess chinook, coho or pink salmon.~~))

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-473 Tilton River.** (1) Mainstem - ((~~Bag~~)) Daily Limit A - June 1 through December 31: Downstream from west fork Tilton River.

(2) North fork - ((~~Bag~~)) Daily Limit A - June 1 through October 31: Downstream from markers 400 feet above the 73 Road Bridge to the Tilton River (approximately lower two miles).

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-480 Toutle River.** ((~~Bag Limit A - except chinook salmon greater than 28 inches in length must be released - September 1 through November 30.~~)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-495 Washougal River.** ((~~Bag~~)) Daily Limit A except release chinook salmon over 28 inches in length upstream from the mouth of Little Washougal River during the period October 16 through December 31 - June 1 through August 15 and October 16 through March 15 ((~~except that during the period October 16 through December~~

31 the daily bag limit may contain up to 4 adult coho salmon))): Downstream from bridge at Salmon Falls to mouth. ((~~During the period October 1 through December 31, in waters upstream from the mouth of Little Washougal River, chinook salmon over 28 inches in length must be released. From September 1 to October 31, lawful salmon angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.~~))

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

**WAC 220-57-497 Wenatchee River.** ((~~Special bag limit: 2 salmon per day, minimum size 12 inches - May 16 through June 15. Downstream from the mouth of the Icicle River to the Highway 2 Bridge at Leavenworth.~~)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-502 Whatcom Creek.** ((~~Bag~~)) Daily Limit A - August 1 through December 31: Downstream from the footbridge below Dupont Street in Bellingham.

AMENDATORY SECTION (Amending WSR 90-06-026, filed 2/28/90, effective 3/31/90)

**WAC 220-57-505 White Salmon River.** (1) ((~~Bag~~)) Daily Limit A - August 1 through September 30: Upstream from the mouth to the power house below Condit Dam.

(2) Daily Limit C - October 1 through December 31: Upstream from ((~~a set of markers approximately 1/2 mile north of Highway 14 Bridge to a line 400 feet downstream from~~)) the mouth to the power house below Condit Dam.

((~~2~~)) Bag (3) Daily Limit A - ((~~January 1 through September 30~~)) November 16 through December 31: Downstream from a line 400 feet downstream from Condit Dam ((~~, and October 1 through December 31: Downstream from a set of markers approximately 1/2 mile north of the Highway 14 Bridge~~)) to the power house.

((~~3~~)) (Little) White Salmon River (Drano Lake): Bag Limit A - August 1 through December 31: Downstream from markers on point of land downstream and across from Federal Salmon Hatchery.

(4) Daily Limit A - January 1 through April 30: Downstream from a line 400 feet downstream from Condit Dam.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57-510 Willapa River.** (1) ((~~Bag~~)) Daily Limit A - July 1 through January 31: Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the ((~~Highway 101 Bridge~~)) department boat launch in South Bend.

(2) ((~~Bag~~)) Daily Limit A - October 16 through January 31: Downstream from mouth of Fork Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

**WAC 220-57-515 Wind River.** ~~((Bag))~~ Daily Limit A - August 1 through October 31: Downstream from the Burlington Northern Railroad Bridge to the mouth.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-520 Wishkah River.** ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from the mouth of the west fork.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-525 Wynoochee River.** ~~((Bag))~~ Daily Limit A - ~~((December))~~ July 1 through January 31: Downstream from the 7400 line bridge upstream of the mouth of Schafer Creek.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-310 Kalama River.** (1) ~~((Bag))~~ Daily Limit A ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ - June 1 through December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) ~~((is open to the taking of salmon with lawful))~~ fly fishing ~~((tackle))~~ only. ~~((Legal flies are limited to single hook artificial flies measuring not more than 1/2 inches between shank and point.))~~

(2) ~~((Bag))~~ Daily Limit A ~~((except that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ - open the entire year: Downstream from the mouth of Summers Creek to the markers ~~((at))~~ approximately 1,000 feet above the Kalama Falls (Upper) Salmon Hatchery.

(3) ~~((Bag))~~ Daily Limit A except ~~((that during the period October 16 through December 31 the daily bag limit may contain up to 4 adult coho salmon))~~ release chinook salmon twenty-four inches in length or greater during the period August 16 through October 15 upstream from a point 200 feet above the temporary rack and release chinook salmon twenty-eight inches in length or greater during the period October 16 through December 31 upstream from the natural gas pipeline - ((open the entire year)) June 1 through April 30: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, with the following special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground ~~((will be open for))~~ fly fishing only ~~((and lawful salmon angling gear in those waters upstream from the fly fishing area to a point 1,000 feet below the fishway at the upper salmon hatchery and downstream from the fly fishing area to the Interstate 5 Bridge is limited to bait or lures with one single point hook only, measuring not more than 1/2 inch from point to shank)).~~

~~((October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.))~~ August 16 to October 15: Those waters downstream from the temporary rack are closed to salmon angling.

(4) During the time the department of ~~((fisheries))~~ fish and wildlife's temporary rack is installed just below the Modrow Bridge, that portion of the river from a point 200 feet above the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling.

(5) Fishing from boats with motors is prohibited at all times in waters upstream of the Modrow Bridge.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

**WAC 220-57-313 Kennedy Creek.** Special ~~((Bag))~~ daily limit - 2 adult salmon - October 1 through November 30: Downstream from the Highway 101 Bridge to mouth. Barbless hooks only.

AMENDATORY SECTION (Amending WSR 94-14-069, filed 7/1/94, effective 8/1/94)

**WAC 220-57-425 Skagit River.** (1) Special daily limit of 4 pink salmon - August 16 through September 30: Downstream from Corkindale Creek. Terminal gear is restricted to one barbless single hook. Use of bait not allowed upstream of Sauk River.

(2) Special ~~((Bag))~~ Daily Limit of 2 chum salmon ~~((per day))~~ - ~~((October 16))~~ November 1 through December 31: Downstream from the mouth of ~~((Gilligan))~~ Corkindale Creek.

(3) All waters of the Skagit River between a line projected across the thread of the river 200 feet above the east bank of the Baker River and a line projected across the thread of the river 200 feet below the west bank of the Baker River are closed.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

**WAC 220-57-427 Skamokawa Creek.** ~~((Bag Limit A - August 16 through December 31: Downstream from mouth of first west fork downstream to Highway 4 Bridge.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-001 General provisions—Lakes.** (1) It is unlawful to fish for or possess salmon taken from any lake not listed in this chapter.

(2) The daily ~~((bag))~~ limit, possession limit, opening and closing hours, and seasons of all lakes regulated under ~~((Bag))~~ Daily Limit I are identical with those limits and times as provided for gamefish, as regulated by the Washington ~~((game))~~ fish and wildlife commission under Title 77 RCW.

(3) The daily ~~((bag))~~ limit, possession limit, and seasons of all lakes regulated under ~~((Bag))~~ Daily Limit A, ~~((Bag))~~ Daily Limit C, or special ~~((bag))~~ daily limits, are in addition

to gamefish limits as regulated by the Washington ((game)) fish and wildlife commission, under Title 77 RCW.

(4) The daily ((bag)) limit, possession limit, opening and closing hours, and seasons codified by the department ((of game)) in chapter 232-24 WAC are incorporated herein and by reference made a part hereof.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-015 Banks Lake (Grant County).** ((Bag Limit I.)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-017 Big Lake (Skagit County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57A-030 Capitol Lake.** ((Bag)) Daily Limit A - July 1 through November 30: Downstream from the Interstate 5 Bridge to the shear boom at the north end of the lake. Percival Cove shall be defined as those waters of Capitol Lake lying westerly of a set of markers on the western shoreline of the south basin of Capitol Lake. Percival Cove is closed to food fish angling the entire year.

AMENDATORY SECTION (Amending Order 91-13, filed 4/2/91, effective 5/3/91)

**WAC 220-57A-035 Chelan Lake (Chelan County).** Special ((Bag)) Daily Limit 2 chinook salmon per day, minimum size 15 inches.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-037 Clear Lake (Pierce County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-040 Cushman Lake (Mason County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-045 Davisson Lake (Riffe) (Lewis County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-110 Mayfield Lake (Lewis County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-112 McMurray Lake (Skagit County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-120 Merwin Lake (Reservoir).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 78-8, filed 2/21/78, effective 4/1/78)

**WAC 220-57A-125 Ozette Lake.** ((Bag Limit C - July 1 through October 31.)) Olympic National Park rules apply.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

**WAC 220-57A-140 Roosevelt Lake (Ferry County).** ((Bag)) Daily Limit I.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

**WAC 220-57A-145 Sammamish Lake.** ((Bag Limit A - August 16 through December 31: Waters within 1/4 mile of the mouth of Issaquah Creek are closed to salmon angling at all times. Closed to the taking of sockeye salmon.)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

**WAC 220-57A-175 Lake Washington.** ((1) Waters north of the Evergreen Point Floating Bridge - Bag Limit A - August 1 through December 31. Sockeye salmon must be released immediately.

((2) Waters south of the Evergreen Point Floating Bridge - Bag Limit A - October 16 through December 31. Sockeye salmon must be released immediately.

~~Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

**WAC 220-57A-180 Washington Ship Canal, Lake (including Lake Union).** ((Bag Limit A - August 1 through December 31: West of University Bridge, to a north-south line located 400 feet east of the eastern end of the north wingwall of the Chittenden Locks. Sockeye salmon must be released immediately. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge are closed to salmon angling at all times.)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 93-20, filed 3/31/93, effective 5/1/93)

**WAC 220-57A-183 Lake Wenatchee.** (~~Special daily bag limit of two sockeye salmon not less than 16 inches in length August 1 through August 15, except closed to salmon angling within 300 feet of the mouths of the Little Wenatchee River and the White River.~~) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 86-13, filed 3/27/86)

**WAC 220-57A-185 Wilderness Lake (King County).** (~~Bag~~) Daily Limit I.

AMENDATORY SECTION (Amending Order 86-13, filed 3/27/86)

**WAC 220-57A-190 Wynoochee Reservoir (Grays Harbor County).** (~~Bag~~) Daily Limit I.

**WSR 95-12-051**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**  
[Filed June 2, 1995, 2:41 p.m.]

Date of Adoption: May 12, 1995.

Purpose: Housekeeping changes to correct typographical errors.

Citation of Existing Rules Affected by this Order:  
Amending WAC 230-04-075, 230-20-090, 230-20-170, 230-20-190, 230-20-220, 230-20-630, 230-25-070, 230-25-055, 230-25-330, and 230-46-010.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-07-111 on March 20, 1995.

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

June 2, 1995

Michael Aoki-Kramer  
Rules Coordinator

AMENDATORY SECTION (Amending Order 250, filed 3/16/94, effective 4/16/94)

**WAC 230-04-075 No license required for certain bingo, raffles, and amusement games.** Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of gambling activities, are hereby authorized to conduct the following gambling activities without obtaining a license to do so from the commission:

(1) Raffles when:

(a) Held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; and

(b) Gross revenues from all such raffles held by the organization during the calendar year do not exceed \$5000; and

(c) Tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: *Provided*, That the term members for this purpose shall mean only those persons who

have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles; and

(2) Bingo, raffles, and amusement games when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.0205 as now or hereafter amended: *Provided*, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenue to the organization from all the activities together does not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local (~~policy~~) police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(3) An organization may exceed the separate limits set forth in (1) and (2) above only if it first obtains a license to conduct the appropriate gambling activity from the commission, with the classification and fee to be computed, including but not limited to, all income from the activity or activities already conducted during that calendar year. The duration of the license issued shall be one year from the date of the first gross receipts received for the particular activity during the calendar year.

AMENDATORY SECTION (Amending Order 53, filed 5/25/76)

**WAC 230-20-090 Limits on compensation paid to members or employees.** Compensation paid to persons employed to manage, operate or otherwise work at licensed bingo games shall not be in excess of that which is reasonable under the local prevailing wage scale.

Compensation paid to any person, including but not limited to, members and regular employees, shall not be in excess of that which is reasonably based upon the local prevailing wage scale, or local salary scale for a similar position.

*Provided*, That this rule shall not be construed to allow the payment of any wages in unlicensed bingo games conducted pursuant to chapter 9.46 RCW ((9.46.030(3))).

**AMENDATORY SECTION** (Amending Order 137, filed 10/18/83)

**WAC 230-20-170 Bingo operation date limitations.**

(1) No bona fide charitable or nonprofit organization, except when operating at an authorized agricultural fair or under chapter 9.46 RCW ((9.46.030(3))), shall:

(a) Conduct or allow its premises to be used for conducting bingo on more than three occasions per week;  
 (b) Conduct bingo in any location which is used for conducting bingo on more than three occasions per week.

(2) As used herein, the word "occasion" shall mean conducting bingo games for no more than sixteen consecutive hours, which shall begin when the first number for the first game is called until the last winning number on the final winning bingo card has been verified: *Provided*, That no occasion shall be conducted between the hours of 2:00 a.m. and 6:00 a.m. Further, a "session" shall be defined as a continuous series of bingo games with no breaks other than short intermission breaks.

**AMENDATORY SECTION** (Amending Order 53, filed 5/25/76)

**WAC 230-20-190 Bingo card prices.** No person shall be allowed to play in a bingo game for free nor without first paying the licensee's normal and usual charge therefor, except that this provision shall not apply to bingo games conducted under the authority of a Class A or B license issued by the commission or games conducted without a license under chapter 9.46 RCW ((9.46.030(3))).

**AMENDATORY SECTION** (Amending Order 250, filed 3/16/94, effective 4/16/94)

**WAC 230-20-220 Operators shall not play.** No operator shall allow a person who receives any compensation, directly or indirectly, for the operation of, any bingo game conducted by the operator to play in a bingo game conducted by that operator.

No operator shall allow any person who, without payment, assists in the operation of any bingo game conducted by that operator to play in any bingo game conducted by that operator on the same bingo occasion. However, the second paragraph of this rule shall not apply to Class A, B, and C bingo licensees, or to games operating under the authority of chapter 9.46 RCW ((9.46.0324)).

**AMENDATORY SECTION** (Amending WSR 94-01-036, filed 12/6/93, effective 1/6/94)

**WAC 230-20-630 Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or ((script)) scrip—Prizes not to differ from those posted.** (1) No person shall conduct any amusement game at any location within the state of Washington unless there is posted in a conspicuous place, readily visible to persons playing the game, a sign(s) made of permanent material, such as wood, poster board, metal or plastic with

lettering at least one and one-half inches in height that contains the following information:

- (a) Fees charged for playing;
- (b) The rules by which the game is to be played;
- (c) Prizes to be won;
- (d) Any variation in the size or weight of objects utilized in the game which is not readily visible to the player;
- (e) The name of the operator and an assigned concession number; and
- (f) The group number of the game being conducted.

(2) Licensed amusement game operators shall assign each concession a number and a list of all concessions and their assigned numbers shall be kept available in the concession office.

(3) No amusement games shall be conducted wherein the price charged for playing said game is paid other than in cash, or in an amount other than that posted upon the premises of said game. The term "cash" as used herein shall include checks. In addition, the operator may accept as consideration, tokens, ((script)) scrip or tickets, but only under the following conditions:

(a) The value of each token, ticket or item of scrip, as measured by the equivalent amount of cash which a player would have to present in lieu of said token, ticket or ((script)) scrip, must be indicated on the face thereof;

(b) Said tokens, tickets or ((script)) scrip are not redeemable for cash;

(c) Said tickets or ((script)) scrip shall bear the name of the operator or sponsor.

(4) No amusement games shall be conducted within the state of Washington wherein the prize to be given to a prospective winner is other than that posted upon the premises of said game: *Provided, however*, That after an individual player has won two or more prizes, an operator may offer said player the opportunity to exchange said prizes for one or more other prizes, but only if the prize to be received by the player in exchange was on display during the play of the game. Any prize system which requires forfeiture of previously won prize(s) in exchange for another play is prohibited. Operators of amusement games may utilize a scheme for distribution of prizes wherein the winners of individual prizes receive tickets, which are subsequently redeemable in combination with other tickets won for a merchandise prize.

**AMENDATORY SECTION** (Amending Order 80, filed 12/28/77)

**WAC 230-25-055 Use of chips, ((script)) scrip or similar items at fund-raising event.** All chips, ((script)) scrip or similar items, used as a substitute for money at a fund-raising event shall be issued only during and at the fund-raising event itself.

No such chips, ((script)) scrip or similar items shall be redeemed by any licensee after the event is concluded.

**AMENDATORY SECTION** (Amending Order 111, filed 9/15/81)

**WAC 230-25-070 Fund-raising events—Central accounting system required.** Each licensee for the operation of fund-raising events shall establish and maintain a

central accounting system in a form prescribed by the commission for all activities conducted at the fund-raising event. Licensees shall obtain accounting forms from the commission, or use machine copies of such forms.

Such system shall contain, but not be limited to, the following items:

(1) There shall be adequate personnel and physical areas to provide for the following minimum separation of duties:

(a) A banker, cashier, or count room to handle the original bankroll, provide coin or chips to the games, redeem chips and cash checks for the players;

(b) A runner to transport money, chips and lock boxes between stations of the event;

(c) Pit bosses, each of whom shall supervise the operation of not more than six gambling stations and who shall supervise the transfer of lock boxes and chips/change trays to the count room;

(d) An area for the counting of money which is segregated from the area in which gambling is conducted. All money received in connection with the fund-raising event shall be brought to this area for counting. Once any such money has been brought to this area, three persons shall be assigned to the count area with a minimum of two in the counting area at all times.

(2) The beginning bankroll shall be verified by at least two persons who shall sign such verification.

(3) There shall be documentation containing verifying signatures for the transfer of money between any two stations of the event.

(a) All count/fill slips shall be used sequentially. VOIDED count/fill slips will be signed by two persons and retained with accounting records.

(b) ALL UNUSED count/fill slips shall be retained along with all other count/fill slips as part of that fund-raising event's accounting records.

(4) All games shall be numbered and provided with lock boxes and money paddles. The money paddle shall remain in the lock box slot whenever it is not in use. The money slot of the lock box shall not exceed three and one-half inches in length and one-half inch in width.

(5) The keys to all lock boxes are to be kept in the count room at all times and the lock boxes are to be opened only in the count room by the count room personnel.

(6) All games are to be played using coin or chips and all currency tendered by the players shall be exchanged for coin or chips and immediately placed in the lock box by the dealer.

(7) All money and chips shall be transferred to the count room at the end of the day or event for final tabulation, reconciliation, and verification.

(8) The final tabulation and reconciliation shall be verified by at least three count room personnel who shall sign such verification.

(9) Access to the count room and the bankers and cashier's areas shall be restricted to the persons assigned to those functions and to the runner(s) who transport money or chips to or from those stations.

(10) Records shall provide sufficient detail to determine the net receipts of each activity conducted.

(11) The records shall contain a reconciliation of the ending cash on hand to net receipts.

(12) The ending cash on hand shall be deposited intact within two banking days of the conclusion of the event, and a validated deposit slip shall be included as part of the event records. There shall be no expenditure of any kind made from the ending cash prior to deposit. However, this subsection shall not prohibit a licensee from exchanging its ending currency and coin for a check of equal value to reduce the risk and exposure of carrying or storing large amounts of money.

This section shall not apply to those licensees whose receipts from the fund-raising event are limited to an admission charge or charge for a ticket, or tickets, to a drawing and who

(a) Conduct all activities with ((script)) scrip, play money, or similar items which are redeemable only for merchandise prizes; and

(b) Who award only merchandise prizes that have been purchased by or donated to the licensee.

These licensees need only comply with WAC 230-08-010 and record their net receipts in sufficient detail to verify these amounts.

**AMENDATORY SECTION** (Amending Order 224, filed 7/17/91, effective 8/17/91)

**WAC 230-25-330 Recreational gaming activity— Rules for play.** An organization or association issued a permit shall conduct a recreational gaming activity in accordance with the following rules:

(1) Any gambling device utilized for such activity must be rented or obtained from a licensed distributor of fund-raising event equipment or a licensee authorized to conduct fund raising events (not applicable to homemade, nonprofessional devices);

(2) Gambling of any type shall be prohibited on the premises where recreational gaming activity takes place;

(3) ((Script)) Scrip or chips having no value shall be utilized for each activity;

(4) There shall be no fee charged for the opportunity to participate or enter the premises, Provided: An organization may charge a fee for an accompanying dinner, meal, or entertainment associated with the activity, as long as such a fee is only related to those additional activities and the costs incurred in renting the devices utilized in the activity;

(5) An organization may utilize a scheme whereby participants can redeem their ((script)) scrip or chips for prizes; Provided: All prizes must be donated to or provided by the sponsoring organization;

(6) The activity shall be limited to eight hours. The director may for good cause shown, grant additional time;

(7) The sponsoring organization must notify local law enforcement officials at least ten days prior to the commencement of the activity, and specify the date, time and location of the activity.

**AMENDATORY SECTION** (Amending Order 156, filed 3/20/86)

**WAC 230-46-010 Purpose.** The Washington state gambling commission deems it to be in the public interest to interpret RCW ((9.46.030(10))) 9.46.0355 so as to insure uniformity and fairness to all sponsors of said promotional contests of chance. It is further the purpose of these

regulations to notify all sponsors and their affiliates as to what types of promotional contests of chance are legal and not legal in the state of Washington.

**WSR 95-12-052**  
**PERMANENT RULES**  
**GAMBLING COMMISSION**

[Filed June 2, 1995, 2:43 p.m.]

Date of Adoption: May 12, 1995.

Purpose: Authorizes Gambling Commission director to grant special sales permits to manufacturers to sell to distributors or tribal governments, on a limited basis, authorized gambling equipment patented or otherwise restricted gambling scheme or paraphernalia.

Citation of Existing Rules Affected by this Order:  
Amending WAC 230-04-110 and 230-04-203.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to notice filed as WSR 95-07-098 on March 17, 1995.

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

June 2, 1995

Michael Aoki-Kramer  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-01-033, filed 12/6/93, effective 1/6/94)

**WAC 230-04-110 Licensing of manufacturers.**

Except as authorized by WAC 230-04-115, a license must be obtained from the commission prior to manufacturing, selling, or supplying gambling equipment to any person(s) within this state, or for use within this state. The following definitions and requirements apply to certification and licensing of manufacturers:

(1) For the purposes of this title, "gambling equipment" includes at least the following devices:

- (a) Punchboards and pull tabs;
- (b) Devices for the dispensing of pull tabs;
- (c) Bingo equipment, as defined by WAC 230-02-250;

and

(d) Any gambling equipment, patented or otherwise restricted gaming schemes, or paraphernalia for use in connection with licensed fund-raising events ((~~or a~~), recreational gaming ((~~activity~~)) activities, tribal gaming activities or class III tribal activities.

(2) The applicant shall include upon the application form supplied by the commission, the following information, as well as all other information and materials required elsewhere in these rules:

- (a) The full name and address of the applicant;
- (b) The full name and address of each location where such devices are manufactured or stored;
- (c) The name, home address, and share of ownership of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or device that an applicant seeks to manufacture or to market in this state;

(e) The brand name under which each type of gambling device or equipment is sold;

(f) If the applicant is incorporated under laws other than the laws of Washington state, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all distributors receiving gambling equipment and all businesses or organizations located within the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed manufacturer and indebtedness between the licensee and any other person, other than a regulated financial institution, in excess of five thousand dollars.

(3) An applicant must demonstrate the ability to comply with all manufacturing (~~(restrictions and)~~), quality control (~~(requirements)~~), and operational restrictions imposed on authorized gambling equipment, patented or otherwise restricted gaming schemes, or equipment that it seeks to manufacture or market for use within the state of Washington. The licensing process shall include an on-site review of the applicant's manufacturing equipment and process for each separate type of authorized gambling device, equipment, or scheme to ensure capability to comply with all regulatory requirements of this title and state/tribal compacts;

(4) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

- (i) As a sole proprietor; or
- (ii) As a partner; or
- (iii) More than fifty percent of the voting stock of a privately held or closed corporation; or
- (iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all (~~(licensed)~~) businesses or corporations licensed to conduct gambling activities or to supply gambling-related equipment, supplies, or services in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the applicant have been licensed regarding gambling-related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff. In addition to other records requested, the following shall be available:

(i) Personal financial records of all substantial interest holders;



(ii) All records related to the scope of activity, including sales of product, purchases of raw materials and parts, and any contracts, franchises, patent agreements, etc., related to sales or purchases; and

(iii) Records related to any financial or management control of or by customers and suppliers.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form; and

(6) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

**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 230-04-115 Licensing of manufacturers—Exception—Special sales permit.** The director may grant a special sales permit authorizing a manufacturer to sell to a distributor or a tribal government, on a limited basis, authorized gambling equipment, patented or otherwise restricted gaming scheme, or paraphernalia. A special sales permit may be issued when demand for a particular type of equipment, scheme, or paraphernalia is anticipated to be below the level of economic feasibility of obtaining a license or the type of product is not one for which licensing under WAC 230-04-110 is necessary to protect the public interest. Application for a special sales permit shall be processed in the following manner:

(1) An application shall be submitted on a form obtained from the commission setting forth the following information:

- (a) Description of product(s), including trade name(s);
- (b) Anticipated scope of sales, in quantity and dollar value;

(c) The name and address of the distributor(s) that will broker the equipment;

(d) All information necessary to determine the qualification of the manufacturer;

(e) A list of all jurisdictions in which the applicant business or any of the officers, directors, or substantial interest holders is currently licensed to conduct business related to gambling; and

(f) The application shall be accompanied by a nonrefundable processing fee of two hundred dollars. Applicants may be assessed additional fees after an estimate of investigation costs have been established;

(2) Upon receipt of all moneys requested by the commission, a limited investigation shall be initiated, the scope of which shall be established using the following criterion:

- (a) Anticipated demand for such equipment;
- (b) The nature of the equipment, including other sources of such equipment;
- (c) The availability of information from appropriate sources to verify the qualification of such manufacturer;
- (d) Annual sales compared to the anticipated cost of a comprehensive licensing investigation;

(e) Whether the equipment, after installation, will require an ongoing relationship with the manufacturer;

(f) Security issues related to the manufacturing, installation, and ongoing service of the equipment; and

(g) Other factors deemed relevant;

(3) At any time during the investigation process, the director may determine that a license is required under WAC 230-04-110. Upon notification of such, the applicant may withdraw their permit application without prejudice. If the applicant elects to proceed with an application for a manufacturer's license, all fees will be credited toward the appropriate license fee;

(4) A special sales permit shall be valid for a period of one year from the date of issuance: *Provided*, That the director may void a permit upon written notice and require a license be obtained under WAC 230-04-110 prior to further sales.

**AMENDATORY SECTION** (Amending WSR 95-02-003 and 94-23-007, filed 12/22/94 and 11/3/94, effective 1/22/95 and 1/1/95)

**WAC 230-04-203 Fees—Commercial stimulant and other business organizations.** All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
<b>1. CARD GAMES</b>		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mah-jongg, and/or cribbage (Fee to play charged)	\$ 155
Class C	Tournament only, no more than ten consecutive days per tournament.	\$ 155
Class D	General (No fee to play charged)	\$ 50
Class E	General (Fee to play charged)	
E-1	One table only	\$ 370
E-2	Up to two tables	\$ 635
E-3	Up to three tables	\$1,060
E-4	Up to four tables	\$2,120
E-5	Up to five tables	\$3,190
<b>2. COMMERCIAL AMUSEMENT</b> (Fee based on annual gross gambling receipts)		
* Class A	Premises only	** \$265/\$115
Class B	Up to \$ 50,000	\$ 370
Class C	Up to \$ 100,000	\$ 950
Class D	Up to \$ 250,000	\$2,120
Class E	Up to \$ 500,000	\$3,720
Class F	Up to \$1,000,000	\$6,380
Class G	Over \$1,000,000	\$7,980

\* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

\*\* Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

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<b>3. PUNCHBOARDS/ PULL TABS</b>			(Fee based on annual gross gambling receipts)	
			<b>VARIANCE*</b>	
Class A	Up to \$50,000	\$ 5,000	\$ 505	
Class B	Up to \$100,000	\$ 5,000	\$ 900	
Class C	Up to \$200,000	\$10,000	\$1,700	
Class D	Up to \$300,000	\$10,000	\$2,470	
Class E	Up to \$400,000	\$10,000	\$3,190	
Class F	Up to \$500,000	\$10,000	\$3,850	
Class G	Up to \$600,000	\$10,000	\$4,460	
Class H	Up to \$700,000	\$10,000	\$5,020	
Class I	Up to \$800,000	\$10,000	\$5,530	
Class J	Up to \$1,000,000	\$20,000	\$6,270	
Class K	Up to \$1,250,000	\$25,000	\$6,960	
Class L	Up to \$1,500,000	\$25,000	\$7,600	
Class M	Up to \$1,750,000	\$25,000	\$8,130	
Class N	Up to \$2,000,000	\$25,000	\$8,610	
Class O	Over \$2,000,000	Nonapplicable	\$9,460	

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

<b>4. DISTRIBUTOR</b>			(Fee based on annual gross sales of gambling related supplies and equipment)
(a) Class A	Nonpunchboard/pull tab only		\$ 530
Class B	Up to \$ 250,000		\$1,060
Class C	Up to \$ 500,000		\$1,590
Class D	Up to \$1,000,000		\$2,120
Class E	Up to \$2,500,000		\$2,760
Class F	Over \$2,500,000		\$3,400

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

<b>(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR</b>		
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$210
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$530

<b>5. MANUFACTURER</b>			(Fee based on annual gross sales of gambling related supplies and equipment)
Class A	Machines only		\$ 530
Class B	Up to \$ 250,000		\$1,060
Class C	Up to \$ 500,000		\$1,590
Class D	Up to \$1,000,000		\$2,120
Class E	Up to \$2,500,000		\$2,760
Class F	Over \$2,500,000		\$3,400

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

<b>6. PERMITS</b>		
AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO		
Class A	One location and event only (See WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations	\$155

RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-04-193) (See WAC 230-02-505 and 230-25-330)	\$ 50
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<b>7. CHANGES</b>		
NAME	(See WAC 230-04-310)	\$25
LOCATION	(See WAC 230-04-320)	\$25
BUSINESS	(Same owners)	\$50
CLASSIFICATION	(See WAC 230-04-340)	
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	\$25
DUPLICATE LICENSE	(See WAC 230-04-290)	\$25
OWNERSHIP OF STOCK	(See WAC 230-04-340)	\$50
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	\$50

<b>8. SPECIAL FEES</b>		
INVESTIGATION IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-04-240) (See WAC 230-08-017)	As required As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-016)	\$25
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/ OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-08-017)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required

<b>9. SIX-MONTH PAYMENT PLAN</b>	(See WAC 230-04-190)	\$25
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**WSR 95-12-055  
PERMANENT RULES  
STATE BOARD OF EDUCATION**  
[Filed June 2, 1995, 3:51 p.m.]

Date of Adoption: May 19, 1995.  
 Purpose: To align professional preparation programs with "improvement in student learning" legislation.  
 Citation of Existing Rules Affected by this Order: Amending WAC 180-78-145.  
 Statutory Authority for Adoption: RCW 28A.410.010.  
 Pursuant to notice filed as WSR 95-08-057 on April 3, 1995.  
 Effective Date of Rule: Thirty-one days after filing.  
 June 2, 1995  
 Larry Davis  
 Executive Director

PERMANENT

**AMENDATORY SECTION** (Amending WSR 92-01-127, filed 12/19/91, effective 1/19/92)

**WAC 180-78-145 Evidence of compliance with professional education advisory board approval standard.** The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the program approval standard of WAC 180-78-140(1).

(1) The professional education advisory board has been established in accordance with WAC 180-78-075 through 180-78-120.

(2) The professional education advisory board has carried out the following responsibilities:

(a) Elect a chair of the professional education advisory board.

(b) Adopt bylaws which are consistent with the provisions of this chapter.

(c) Meet at the call of the chair of the professional education advisory board or as provided in the bylaws of the professional education advisory board which, in either case, shall be at least four meetings per calendar year.

(d) Advise the superintendent of public instruction of needed changes in the administrative code affecting the professional preparation programs for which the professional education advisory board has responsibility.

(e) Advise the quality review team as provided in WAC 180-78-190(3).

(f) Report alternative professional programs, if developed.

(3) In determining compliance with this subsection, written documentation must be available for review indicating that the following have been reviewed annually:

(a) One or more program approval standards of WAC 180-78-140 and, as needed, formally notify the college or university in writing of changes the professional education advisory board believes are necessary or required to bring the college or university into compliance with the program approval standards for the professional preparation program and, based upon such review, provide formal recommendations pursuant to subsection (2)(d) of this section.

(b) The plan to provide all candidates for certification with field experiences with ethnic, racial, and cultural populations and with special education and highly capable students.

(c) The evaluation data, including course, field experience (WAC 180-78-165(2)), and follow-up data (WAC 180-78-175 (4) and (5)).

(4) In determining compliance with this subsection, written documentation must be available indicating that the following have been reviewed at least once every three years:

(a) The policies used to develop agreements between the college/universities and agencies providing field sites for field experience.

(b) The curriculum materials and media collection.

(c) Proposed revisions in the professional preparation program to reflect local district policies related to changing demographics, curriculum, organization, and federal and state laws, including administrative rules and case law.

(d) Recent professional developments which may impact the design of the professional preparation program.

(5) Written minutes are available for each meeting of each professional education advisory board which shall include the following items for each meeting listed in the college or university's annual report (WAC 180-78-047): Attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change.

(6) Documentation from the college or university is available showing that each recommendation from each professional education advisory board during each academic year has been considered and acted upon by faculty committees or administrators—depending upon college or university governance—and, if delayed, modified, or not adopted, a rationale provided to the professional education advisory board as to why a recommendation was delayed, modified, or not adopted. All recommendations from professional education advisory boards shall be forwarded to appropriate faculty committees or administrators within two months of formal receipt by the chief administrator of the professional preparation program.

(7) The state board of education recognizes that the "improvement in student learning" legislation may require significant revisions in programs for the preparation of teachers, administrators, and educational staff associates and that reviews of existing programs and the development of revisions, where appropriate, need to begin as soon as possible. Therefore:

(a) The state board of education directs the teacher professional education advisory boards, in lieu of the activities and documentation required in subsections (2) through (6) of this section, to complete during the 1995-96 fiscal year a review of their existing preparation programs to identify revisions that will be needed in approved programs based on the commission on student learning's recommendations for essential learning requirements in reading, writing, communications, and mathematics;

(b) In completing this review, the teacher professional education advisory boards may also consider related activities such as proposed revisions in the program approval standards;

(c) College/university academic faculty, where appropriate, and/or other knowledgeable persons from the subject matter fields identified in the legislation should be included in the review process;

(d) Professional education advisory boards shall be required to meet at least four times during the 1995-96 fiscal year and submit written minutes for each professional education advisory board meeting as part of the college/university's annual report (WAC 180-78-047) including the attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change;

(e) College/universities must still complete, if necessary, any "compliance plans," required by the state board of education for their previous year's programs.

(8) Professional education advisory boards for administrators and educational staff associates may request the state board of education for a waiver from subsections (2) through (6) of this section for the 1995-96 fiscal year to review their existing preparation programs in order to determine if revisions will be needed in approved programs based on the improvement in student learning legislation.

**WSR 95-12-056**  
**PERMANENT RULES**  
**STATE BOARD OF EDUCATION**  
 [Filed June 2, 1995, 3:55 p.m.]

Date of Adoption: May 19, 1995.

Purpose: To insure that uniform procedures and standards are established for vocational certification.

Citation of Existing Rules Affected by this Order: Amending chapter 180-77 WAC.

Statutory Authority for Adoption: RCW 28A.410.010.  
 Pursuant to notice filed as WSR 95-08-058 on April 3, 1995.

Effective Date of Rule: Thirty-one days after filing.  
 June 2, 1995

Larry Davis  
 Executive Director

**NEW SECTION**

**WAC 180-77-001 Authority.** The authority for this chapter is RCW 28A.410.010 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state.

**NEW SECTION**

**WAC 180-77-002 Purpose.** The purposes of this chapter are to establish the various vocational certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other vocational certificates.

**AMENDATORY SECTION** (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-003 Definitions.** The following definitions shall apply to terms used in this chapter:

(1) "Approved program for training vocational teachers and vocational counselors" shall be defined as any program approved by the state board of education which complies with chapter 180-78 WAC.

(2) "~~Approved~~ Vocational ~~teacher~~ educator training" shall mean those vocational programs, courses, seminars and workshops ~~approved by the state board of education~~ offered for the purpose of vocational certification ~~of persons entering vocational education from business and industry, or for renewal of vocational certificates~~.

(3) "~~First aid requirements~~" shall include a valid first aid certificate issued by the Washington state department of labor and industries, United States bureau of mines or the American Red Cross in accordance with their rules and regulations. In addition, training in cardiopulmonary resuscitation is required.

(4) "~~Gainful employment~~" shall mean being paid in accordance with the laws of the state of Washington for work in a particular occupation.

(5) "General safety ~~and industrial hygiene requirements~~" shall mean course work approved by the state board of education and/or its designee that is designed to provide skill and knowledge common to all vocational instructors in

safety ~~and industrial hygiene. This course work shall include, but not be limited to, the following:~~

- ~~(a) Growth of the safety movement;~~
- ~~(b) Cost of accidents;~~
- ~~(c) Seeing and recognizing job hazards;~~
- ~~(d) Elements of an accident;~~
- ~~(e) Measuring safety performance;~~
- ~~(f) Promoting safe workmanship;~~
- ~~(g) Employee health and industrial hygiene;~~
- ~~(h) Protective equipment and safe dress;~~
- ~~(i) Housekeeping;~~
- ~~(j) Materials, handling and storage;~~
- ~~(k) Guarding machines and mechanisms;~~
- ~~(l) Hand and portable tools and appliances;~~
- ~~(m) Fire prevention and control.~~

~~(6) "Home economics related occupations (gainful)" is a vocational education program which prepares persons for being paid in accordance with the laws of the state of Washington to work in an occupation.~~

~~(7) "Home and family life education (useful)" is a vocational education program which prepares persons for the occupation of homemaking).~~

~~((8)) (4) "Specific safety requirements" shall mean completion of course work approved by the state board of education and/or its designee which is designed to provide the vocational instructor with the specific skill and knowledge of safety for the occupation he or she is to teach.~~

~~(5) "Learning period" shall mean the amount of time required prior to becoming gainfully employed at the journeyman or equivalent level in the occupation being taught. In any case, this shall be no less than one year.~~

~~((9)) (6) "Management experience" shall mean work as a supervisor, foreman or manager in the occupational area in which the person will instruct.~~

~~((10) "Specially supported programs" shall mean home and family life education programs conducted in vocational-technical institutes to include, but not limited to, the following: Family relationships, child development and parent education.~~

~~((11)) (7) "Occupational experience" shall mean paid or unpaid work experience in the ~~job~~ career field to be taught.~~

~~((12)) (8) "One year of ~~work~~ occupational experience" shall equal two thousand hours of employment.~~

~~((13)) (9) "Professional education" shall mean those programs, courses, seminars and workshops that are designed to improve teaching ability.~~

~~((14)) (10) "Professional experience" shall mean employment in vocational education in the discipline and/or specialty for which the application has been submitted.~~

~~((15)) (11) "Quarter hours or the equivalent" shall mean one quarter credit, two-thirds semester credit, ten clock hours or one hundred hours of ~~work~~ occupational experience.~~

~~((16) "Specific safety and industrial hygiene requirements" shall mean completion of course work approved by the state board of education which is designed to provide the vocational instructor with the specific skill and knowledge of safety and industrial hygiene for the occupation he or she is to teach.~~

~~(17) "Supervised work experience" shall mean employment which is supervised by a vocational teacher educator and the employer.~~

~~(18) "Supplementary class" shall mean those classes designed to upgrade and advance the knowledge and skills for persons who are or have been employed in a given occupation.~~

~~(19) "Teaching/coordination" shall mean professional experience in the discipline and/or specialty for which the applicant has been vocationally certificated.~~

~~(20))~~ (12) "Technical education/upgrading" shall mean those vocational programs, courses, seminars and workshops which are designed to improve the skills and/or knowledge((s)) in the discipline in which the application is being made.

~~((21) "Useful employment" applies solely to the occupation of homemaking and means unpaid work in the home.))~~

### NEW SECTION

**WAC 180-77-004 Review of program approval standards.** The following requirements for obtaining vocational certificates are being adopted with the recognition that a review of the requirements in chapter 180-78 WAC university program approval standards and program approval standards for other vocational educator preparation programs will also be needed. Consideration will be given to:

(1) A requirement that a vocational advisory committee shall be established for each college or university with an approved vocational program that shall have the responsibility for recommending guidelines for the evaluation of the two thousand hours of occupational experiences (including internships) required of all vocational candidates who complete approved programs.

(2) The knowledge and skills required for the respective vocational certificates will need to be developed and adopted by the state board of education.

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-005 Types of vocational certificates.** ~~((Seven))~~ The following types of certificates shall be issued:

(1) Teacher. The teacher certificate authorizes ~~((teaching))~~ service as a teacher in the ~~((classroom and laboratory (shop)))~~ school district(s) or skills center(s) and shall be issued in one of the following categories and/or in a specific subcategory of the major category as approved by the state board of education and/or its designee:

- (a) Agriculture education;
- (b) Business education;
- (c) Marketing education;
- (d) Family and consumer sciences education;
- (e) Technology education;
- (f) Trade and industrial;
- (g) Health occupations;
- (h) Diversified occupations;
- (i) Coordinator for work-based learning; or
- (j) New and emerging fields;

(2) Director. The director certificate authorizes service as a vocational director, as an assistant director, or as a

vocational supervisor in the school district(s) or skills center(s);

~~(3) ((Assistant director. The assistant director certificate authorizes service as an assistant vocational director in the school district;~~

~~(4) Supervisor. The supervisor certificate authorizes service as a program supervisor in a local school district;~~

~~(5))~~ Counselor. The vocational counselor certificate authorizes service in the role of vocational guidance and counseling;

~~((6))~~ (4) Occupational information specialist. The occupational information specialist certificate authorizes service in the role as an occupational information specialist((;

~~(7) Teacher trainer. The teacher trainer authorizes service as an instructor teaching course work that is used for vocational teacher training)).~~

### NEW SECTION

**WAC 180-77-012 Levels of vocational instructional certificates.** The following levels of vocational certificates may be issued:

(1) Initial. The initial certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(2) Initial renewal. The initial renewal certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(3) Continuing. The continuing certificate allows the holder to assume independent responsibility for working with students in vocational programs;

(4) Continuing renewal. The continuing renewal certificate allows the holder to assume independent responsibility for working with students in vocational programs.

### NEW SECTION

**WAC 180-77-014 Requirements for limited certification.** (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial vocational certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial vocational certificate as set forth in WAC 180-77-031 or 180-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The vocational instructor shall have developed a professional growth plan in cooperation with the vocational administrator and the candidate to be employed. The plan must be approved by the local school district vocational program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

(i) Issues related to legal liability;

(ii) The responsibilities of professional vocational educators; and

(iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the vocational instructor to develop competencies in the following:

- (iv) Vocational methods; and
- (v) General and specific safety.

If the vocational instructor does not have access to the required course work within the first ninety working days, the local school district vocational advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the vocational instructor to meet the requirements for the initial vocational certificate.

(vii) *Provided*, That candidates for probationary certificates as a coordinator of work-based learning shall have completed a course in coordination techniques and either:

(A) Possess a valid initial or continuing vocational teacher certificate; or

(B) Have completed five hundred hours of occupational experience within the past six years.

(2) Conditional vocational certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for vocational certification in the state of Washington, the one-year conditional vocational certificate may be issued under specific circumstances set forth below for limited service:

(a) The issuance of the conditional vocational certificate may be issued only under unique and special circumstances where no regularly certificated vocational instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the vocational program to be certified; or

(ii) Persons who meet the occupational experience requirements for vocational certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the state board of education and/or its designee.

(b) The certificate is issued to individuals who are screened by the local vocational administrator and school district superintendent or designee. The local vocational administrator or superintendent will verify that the following criteria have been met when requesting the conditional vocational certificate:

(i) No person with vocational certification in the field is available as verified by the local vocational administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified vocational program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The vocational administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC 180-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.

(3) Substitute vocational certificates. Substitute vocational certificates may be issued to candidates who meet the requirements in WAC 180-79-230(2).

**AMENDATORY SECTION** (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-015 Certificate validity and renewal.**

~~(1) ((The probationary certificate is valid for one year and is renewable one time.~~

~~(2)))~~ The ~~((one-year))~~ initial certificate is valid for ~~((one year))~~ four years and may be renewed two times in accordance with WAC ~~((180-77-050))~~ 180-77-031 or 180-77-041.

~~((3)))~~ (2) The ~~((three-year))~~ initial renewal certificate is valid for three years and may be renewed one time in accordance with WAC ~~((180-77-050))~~ 180-77-031 (2)(a) or 180-77-041 (2)(a).

~~((4)))~~ (3) The ~~((five-year))~~ continuing certificate is valid for five years and may be renewed every five years in accordance with WAC ~~((180-77-050))~~ 180-77-031(4) or 180-77-041(4).

**AMENDATORY SECTION** (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-020 Certificate required.** Persons serving as vocational instructors, vocational directors and assistant directors, vocational supervisors, vocational counselors, and occupational information specialists ~~((and vocational teacher trainers))~~ shall hold certificates authorized by the state board of education for service in the respective roles ~~((and be recommended by the local school district vocational education administrator for original certificates and renewal. Instructors must be endorsed by a local vocational advisory committee related to the subject matter to be taught for renewal and preceding certificates)).~~

**NEW SECTION**

**WAC 180-77-031 Requirements for vocational certification of instructors who complete approved college/university programs.** Candidates for certification through the completion of approved programs shall complete the following requirements in addition to those set forth in WAC 180-75-081, 180-75-085 (1) and (2), and chapter 180-78 WAC.

(1) Initial.

(a) Candidates for the initial certificate shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed a minimum of forty-five quarter hours of study in the specific vocational field for which certification is sought.

(b) Candidates for the initial certificate shall complete a state approved vocational teacher training program through a regionally accredited college or university which shall include completion of student teaching in the relevant vocational field.

(c) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Vocational teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques.

Provided, until such time as the state board of education establishes approved procedures for the demonstration of the above knowledge and skills, candidates shall complete a minimum of ten quarter hours of competency-based course work in the above areas.

(d) Candidates for the initial certificate shall provide documentation of one year of paid occupational experience (two thousand hours) within the past six years in the specific vocational field for which certification is sought.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the conferral of the baccalaureate degree.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

- (i) Six quarter hours or sixty clock hours of vocational educator training;
- (ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;
- (iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

#### NEW SECTION

**WAC 180-77-041 Requirements for vocational certification of instructors who do not complete approved college/university programs.** Candidates for certification who have not completed approved programs shall complete the following requirements in addition to those set forth in WAC 180-75-081 and 180-75-085 (1) and (2).

(1) Initial.

(a) Candidates for the initial certificate shall provide documentation of three years (six thousand hours) of paid occupational experience in the specific vocational field for which certification is sought. One year (two thousand hours) must be within the past six years.

(b) Candidates for the initial certificate shall also demonstrate knowledge and skills in the following areas:

- (i) General and specific safety;
- (ii) Vocational teaching methods;
- (iii) Occupational analysis;
- (iv) Course organization and curriculum design;
- (v) Philosophy of vocational education;
- (vi) Personal student development and leadership techniques;
- (vii) School law;
- (viii) Issues related to abuse as specified in WAC 180-78-165(3).

Provided, until such time as the state board of education establishes approved procedures for the demonstration of the above knowledge and skills, candidates shall complete a minimum of twenty-five quarter hours or two hundred fifty hours of vocational educator training and/or technical education/upgrading of which a minimum of ten quarter hours or one hundred clock hours of competency-based course work must be in the above areas.

(2) Initial renewal. Candidates for renewal of the initial certificate must complete three quarter hours of credit or thirty clock hours of vocational educator training in the subject matter certified to teach since the initial certificate was issued or renewed.

(3) Continuing.

(a) Candidates for the continuing certificate shall have in addition to the requirements for the initial certificate at least nine quarter hours or ninety clock hours of vocational educator training in the vocational subject matter to be certified completed subsequent to the issuance of the initial certificate.

(b) Candidates for the continuing certificate shall provide as a condition for the issuance of a continuing certificate documentation of two years of teaching/coordination in the vocational subject matter certified to teach with an authorized employer—i.e., school district(s) or skills center(s).

(4) Continuing certificate renewal.

(a) Candidates for renewal of the continuing certificate shall complete since the previous continuing certificate was issued one of the following:

- (i) Six quarter hours or sixty clock hours of vocational educator training;
- (ii) Three quarter hours or thirty clock hours of vocational educator training and three quarter hours or thirty clock hours of technical education/upgrading;
- (iii) Three quarter hours or thirty clock hours of vocational educator training and three hundred hours of occupational experience.

#### NEW SECTION

**WAC 180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates.** To obtain a coordinator of work-based learning certificate, a candidate must:

- (1) Possess a valid initial or continuing vocational teaching certificate; and
- (2) Have completed five hundred hours of occupational experience within the past six years; and

(3) Have completed an approved course in coordination techniques.

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-070 Specific standards for certification of local vocational administrative ~~((and supervisory))~~ personnel.** (1) The local director and local assistant director and supervisor of ~~((vocational technical))~~ vocational education must be eligible for a ~~((five-year))~~ continuing vocational certificate in one of the vocational program areas for vocational education for initial certification as a director and must meet the following:

(a) The director must have educational requirements which are satisfactory to the local board of education;

(b) The director must have thirty quarter credits or the equivalent of ~~((state board of education approved vocational technical education))~~ vocational educator training including a course in supervision and administration of vocational education, or equivalent experience ~~((as evaluated by the state board of education))~~;

(c) The director must have had three years of experience as a certificated vocational supervisor, vocational instructor, vocational counselor or occupational information specialist.

(2) In order to renew the local director ~~((and local assistant director))~~ of ~~((vocational technical))~~ vocational education certificate~~((s))~~, six quarter credits or the equivalent of ~~((state board of education approved))~~ professional education or course work in vocational supervisory or managerial subjects, or equivalent professional experience ~~((as evaluated by the state board of education))~~, is required.

~~((3) The local supervisor of vocational technical education must be eligible for a five-year vocational certificate in one of the vocational program areas of vocational education for initial certification as a supervisor and must meet the following requirements; except home and family life (useful) and home economics related occupations (gainful):~~

~~((a) Supervisor must have a professional training course in vocational supervision; except distributive education and trade and industrial, technical and health occupations which require a course in vocational supervision or three years of additional management experience in the occupation certified to teach and in addition, supervisors of trade and industrial, technical and health occupations must possess professional in-service education of thirty quarter credits or the equivalent of state board of education approved vocational education courses;~~

~~((b) Supervisors of home and family life (useful) are required to have the following:~~

~~((i) A bachelor's degree from an institution with an approved program to prepare vocational home and family life teachers or have met the requirements and been recommended by an institution with an approved program approved in accordance with chapter 180-78 WAC; and~~

~~((ii) Professional training to acquaint the candidate with current developments in home economics and home economics education with some course work in supervision and curriculum.~~

~~((c) Supervisors of home economics related occupations (gainful) require the following:~~

~~((i) A bachelor's degree in home economics or home economics education and one year of occupational experience or three years of gainful employment in a profession requiring expertise in a home economics related occupation; and~~

~~((ii) One year of experience in organizing preparatory or supplemental classes for home economics related occupations.~~

~~((4) For a renewal certificate, supervisors are required to have six quarter credits or the equivalent of professional education since the last certificate as approved by the local certificated vocational director or the state program director from the occupation certified to teach.))~~

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-075 ~~((Specific))~~ Levels, validity and standards for certification of local vocational counselors.** Vocational counselors are required to meet the following:

(1) Counselors are required to possess a valid educational staff associate—counselor certificate as provided in WAC ~~((180-79-180, at the initial level))~~ 180-79-125(1), in counseling and/or graduated from an institution of higher education in a counselor education program which includes study in such subjects as economics, sociology, psychology, political science and sources of occupational information in order to obtain a one-year certificate. All vocational counselors must have completed courses in the following or equivalent experiences ~~((as evaluated by the state board of education))~~:

(a) Techniques of counseling or counseling theory to include individual and/or group;

(b) Tests and measurements and/or individual mental measurement and/or psychological evaluation;

(c) Counseling practice;

(d) ~~((Principles, objectives and/or))~~ Philosophy of vocational education;

(e) Counselors must have had two years of varied work experience in the last ten years other than teaching or counseling experience;

(f) Experience is suggested in dealing with employment and personnel problems and with placement and evaluation of workers in business, industry, agriculture, education and/or government service.

(2) The requirements for a three-year certificate are as follows:

(a) The counselor must have possessed a one-year certificate in the past two years;

(b) Counselors must have had one year of vocational counseling;

(c) Counselors must have three quarter credits or the equivalent of ~~((state board of education))~~ approved professional education since the previous certificate.

(3) The requirements for a five-year certificate are as follows:

(a) Counselors must have had two years of vocational counseling during the previous three-year certificate;

(b) Counselors are required to have had six quarter credits or the equivalent of ~~((state board of education))~~ approved training in vocational counseling and/or vocational education since the previous certificate.



(4) To renew a counselor certificate the following is required:

(a) The one-year certificate may be renewed two times ~~((on the recommendation of the state board of education));~~

(b) The three-year certificate may be renewed one time provided:

(i) The counselor has had one year of vocational counseling during the life of the previous certificate; and

(ii) The counselor has had three quarter credits or the equivalent ~~((of state board of education approved))~~ training in vocational counseling and/or vocational education since the previous certificate.

(c) The five-year certificate may be renewed every five years provided:

(i) The counselor has had two years of vocational counseling during the previous five-year vocational certificate; and

(ii) The counselor has had six quarter credits or the equivalent of vocational training and/or equivalent experience ~~((prior approved by the state board of education)).~~

AMENDATORY SECTION (Amending Order 11-78, filed 9/7/78)

**WAC 180-77-080 ((Specific)) Levels, validity and standards for certification of occupational information specialist.** Occupational information specialists must meet the following requirements:

(1) Requirements for a one-year certificate for occupational information specialist are three years of full-time ~~((gainful employment))~~ paid occupational experience of which two years shall have been in the last six years, dealing with employment or personnel problems and with placement and evaluation of workers; or two years of vocational teaching experience in an approved vocational program under the state plan for vocational education;

(2) Requirements for a three-year certificate are as follows:

(a) The occupational information specialist must possess a one-year certificate within the preceding two years and must have one hundred twenty hours of professional experience during the life of the previous certificate;

(b) The occupational information specialist must have a total of nine quarter credits or the equivalent ~~((of state board of education))~~ approved professional education;

(c) The occupational information specialist is required to have three quarter credits or the equivalent ~~((of state board of education))~~ approved professional education since the last certificate.

(3) Requirements for a five-year certificate are as follows:

(a) Possession of a three-year vocational certificate within the preceding two years;

(b) Vocational occupational information specialist experience of two years during the life of the previous certificate;

(c) A total of eighteen quarter credits or the equivalent of professional education ~~((as approved by the state board of education)).~~

(4) To renew an occupational information specialist certificate the following are required:

(a) The one-year certificate may be renewed two times;

(b) The three-year certificate may be renewed one time when the following are met:

(i) Professional experience of one hundred twenty hours as an occupational information specialist during the life of the previous certificate; and

(ii) Three quarter credits or the equivalent of professional education and/or equivalent experience since the previous certificate ~~((as approved by the state board of education)).~~

NEW SECTION

**WAC 180-77-106 Transition policies.** In order to implement the changes made in this chapter, the following policies apply to vocational certificate candidates:

(1) All vocational teachers with valid probationary certificates would have their certificate validity extended to August 31, 1997.

(2) Vocational teachers with one-year, two-year, or three-year vocational certificates shall be issued either four-year initial or continuing vocational certificates, whichever is more appropriate, if the individual upon application has met the renewal requirements that were in effect prior to June 1995.

(3) Until December 31, 1995, candidates applying for vocational certificates may be certificated on the basis of meeting the previous standards.

(4) Candidates for vocational certificates who have been admitted to a college/university vocational program between June 30, 1991, and June 30, 1995, shall have the option of completing programs under previous standards.

AMENDATORY SECTION (Amending WSR 92-05-039, filed 2/12/92, effective 3/14/92)

**WAC 180-77-110 Vocational instructor certification reciprocity.** The superintendent of public instruction will recognize community and technical college instructors certified under WAC 131-16-091 through 131-16-095 when these individuals provide instruction to high school students. These instructors must maintain their certification in good standing and ~~((, if teaching students sixteen years of age or younger,))~~ shall be required to have completed and have on file a background check ~~((at the applicant's expense through the Washington state patrol criminal identification system))~~ as defined in WAC 180-75-085(2) and RCW 28A.410.010, when employed to provide services within a public common school.

NEW SECTION

**WAC 180-77-120 Out-of-state candidates.** Out-of-state applicants shall be eligible for Washington vocational certificates if they meet the standards in chapter 180-77 WAC or as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to a candidate who has two thousand hours of paid occupational experience and who meets one of the following:

(a) Qualifies under provisions of the interstate compact;

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state-approved preparation program at a

regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79-049;

(c) Holds an appropriate vocational certificate issued by another state and has practiced at the P-12 level in that respective role outside the state of Washington for three years and has completed the ten quarter hours of academic study as specified in WAC 180-77-031 (1)(c).

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate has met all requirements for initial and continuing certification in the state of Washington.

**NEW SECTION**

**WAC 180-77-122 Appeal procedures.** Vocational certification candidates who apply directly to the superintendent of public instruction for a certificate, certificate renewal, or certificate reinstatement whose application is denied shall be entitled to appeal that decision to the superintendent of public instruction in accordance with the appeal procedures in chapter 180-86 WAC.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 180-77-010 Levels of vocational certificates.
- WAC 180-77-030 General requirements for vocational certification of instructors with bachelor's degrees.
- WAC 180-77-035 Specific requirements for vocational certification of instructors with bachelor's degrees.
- WAC 180-77-040 General requirements for vocational certification of instructors from business and industry.
- WAC 180-77-045 Specific requirements for vocational certification of instructors from business and industry.
- WAC 180-77-050 Renewal of vocational certification for instructors.
- WAC 180-77-055 Specific requirements for certification of instructors teaching programs designed to prepare students to enter advanced training.
- WAC 180-77-060 Renewal of certificates of instructors teaching programs designed to prepare students to enter advanced training.
- WAC 180-77-065 Vocational certification reinstatement requirements for extended absence from subject area of vocational education for six years or more.

- WAC 180-77-085 Specific standards for certification of local vocational teacher trainers.
- WAC 180-77-090 General standards for certification of vocational instructors, counselors, occupational information specialists, teacher trainers and administrative and supervisory personnel with a probationary certificate.
- WAC 180-77-095 General requirements for certification of vocational instructors of supplementary classes.
- WAC 180-77-100 Part-time vocational certificate for instructors from business and industry.
- WAC 180-77-105 Grandfather clause for current vocational certified teachers from business and industry.

**WSR 95-12-057**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 94-28—Filed June 2, 1995, 4:16 p.m.]

Date of Adoption: June 2, 1995.

Purpose: To adopt an amendment to the city of Port Angeles shoreline master program.

Citation of Existing Rules Affected by this Order: Amending chapter 173-19 WAC.

Statutory Authority for Adoption: Chapter 90.58 RCW. Pursuant to notice filed as WSR 94-23-102 on November 18, 1994.

Changes Other than Editing from Proposed to Adopted Version: The text and map have minor changes to correct several items found during the review process.

Effective Date of Rule: Thirty-one days after filing.  
June 2, 1995  
Mary Riveland  
Director

**AMENDATORY SECTION** (Amending Order DE 79-34, filed 1/30/80)

**WAC 173-19-1301 Port Angeles, city of.** City of Port Angeles master program approved August 5, 1976. Revision approved June 2, 1995.

**WSR 95-12-058**

**PERMANENT RULES**

**DEPARTMENT OF RETIREMENT SYSTEMS**

[Filed June 2, 1995, 4:43 p.m.]

Date of Adoption: June 2, 1995.

Purpose: To implement changes to administration of fee authorized by RCW 41.50.110(1) for untimely and inaccurate reporting.

PERMANENT

Citation of Existing Rules Affected by this Order:  
Amending WAC 415-115-030, 415-115-050, 415-115-060,  
415-115-070, 415-115-080, and 415-115-120.

Statutory Authority for Adoption: RCW 41.50.050,  
41.50.110 (3)(c).

Pursuant to notice filed as WSR 95-09-068 on April 18,  
1995.

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

June 2, 1995

Sheryl Wilson

Director

**AMENDATORY SECTION** (Amending WSR 91-13-030,  
filed 6/12/91, effective 7/13/91)

**WAC 415-115-030 Assessment of additional administrative fee.** (1) An employer who fails to submit timely and accurate reports to the department will be assessed an additional fee related to the increased costs incurred by the department to process the deficient reports.

(2) Every ~~((six))~~ month~~((s))~~, the department will determine the amount of the fee to be assessed by evaluating the timeliness and accuracy of the reports submitted by employers in the preceding ~~((six))~~ month~~((s))~~. If those reports are either untimely or inaccurate, the department will assess an additional administrative fee. This additional administrative fee will not exceed fifty percent of the standard administrative fee.

**AMENDATORY SECTION** (Amending WSR 91-13-030,  
filed 6/12/91, effective 7/13/91)

**WAC 415-115-050 What is considered an inaccurate report.** Reports are inaccurate if they cannot be processed or if they contain errors.

~~((1)) Examples of reports which cannot be processed include, but are not limited to, reports which contain unreadable information or reports which are submitted on improper media.~~

~~2) Examples of errors include, but are not limited to, invalid codes, incorrect plan or system assignments, incorrect member social security numbers, or incorrect dollar totals.))~~

**AMENDATORY SECTION** (Amending WSR 91-13-030,  
filed 6/12/91, effective 7/13/91)

**WAC 415-115-060 Deficiencies in reporting.** Any report which is overdue or which is inaccurate is considered a deficient report. Each day a report is late, each report which cannot be processed, or each error contained in a report constitutes a single deficiency in reporting. Employers are notified of reporting deficiencies each month through the department of retirement systems transmittal ~~((deficiency))~~ edit report.

**AMENDATORY SECTION** (Amending WSR 91-13-030,  
filed 6/12/91, effective 7/13/91)

**WAC 415-115-070 Evaluation of reports and assessment of additional administrative fee.** Beginning with July ~~((1994))~~ 1995 reports which are due ~~((in the department))~~ on or before August 15, ~~((1994))~~ 1995, the department will evaluate reports ~~((for timeliness and accuracy under these rules. Beginning January 15, 1992 and every~~

~~six months thereafter, the department will assess an additional administrative fee on employers who have reported late or inaccurately during the preceding six month period. The six month periods used to evaluate the timeliness and accuracy of reports shall be January through June and July through December)) under the 1995 amendments to this chapter.~~

**AMENDATORY SECTION** (Amending WSR 92-16-032,  
filed 7/29/92, effective 8/29/92)

**WAC 415-115-080 Determination of additional administrative fee.** The department will determine the additional administrative fee that may be assessed to employers who have submitted untimely or inaccurate reports. This fee will be determined as follows:

(1) The department will base the additional administrative fee on costs incurred for processing late or inaccurate reports. Costs related to processing deficient data may include, but are not limited to, costs of personnel, equipment, services and facilities.

(2) The department will determine the total number of deficiencies reported by all employers during each ~~((six-month period))~~ month.

(3) Based upon the costs identified in subsection (1) of this section, the department will determine the additional administrative fee to be charged per deficiency.

(4) The department will determine the additional administrative fee to charge each employer. The total fee shall be an amount equal to the per deficiency fee determined under subsection (3) of this section multiplied by the deficiencies reported by an employer.

(5) From time to time, the department may review and adjust the charge calculated under subsection (3) of this section.

(6) Additional administrative fees are due and payable the 15th day of the calendar month following the month that the statement is dated.

**AMENDATORY SECTION** (Amending WSR 91-13-030,  
filed 6/12/91, effective 7/13/91)

**WAC 415-115-120 ((Correction)) Reconsideration of additional administrative fee billing.** (1) An employer who has received a billing for untimely or inaccurate reporting under this chapter may request a reconsideration of the billing. The employer must request reconsideration within six months of the date that the billing was issued by the department. The employer must state the reason why, and present evidence that, the specific assessment was not untimely or inaccurate.

(2) In instances where an additional administrative fee has been assessed incorrectly, the department will credit the employer's account in the amount of the incorrect assessment. An employer must provide suitable verification of the incorrectness of the assessment. An employer will be credited only for those reporting deficiencies charged to the employer for which the employer is not responsible.

**WSR 95-12-062**  
**PERMANENT RULES**  
**BOARD OF**  
**INDUSTRIAL INSURANCE APPEALS**

[Filed June 5, 1995, 1:47 p.m.]

Date of Adoption: June 5, 1995.

Purpose: Amending WAC 263-12-165, regulating attorney fee setting.

Citation of Existing Rules Affected by this Order: Amending WAC 263-12-165.

Statutory Authority for Adoption: RCW 51.52.020.

Pursuant to notice filed as WSR 94-23-039 on November 9, 1994.

Changes Other than Editing from Proposed to Adopted Version: In accordance with concerns expressed by interested parties, the rule now refers to the rules of professional conduct. This will insure consistency in setting attorney fees. In addition, the rule now expressly refers to the pension reserve "as calculated by the department of labor and industries" to reflect that administrative costs are not part of the basis for calculating attorney fees where total partial disability is found.

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

June 5, 1995

S. Frederick Feller  
Chairperson

[AMENDATORY SECTION (Amending WSR 91-13-038, filed 6/14/91)]

**WAC 263-12-165 Attorney's fees.** (1) **Applications for attorney's fees.** The board shall fix a reasonable attorney fee to be paid by the worker, crime victim or beneficiary for services rendered before the board if written application therefor is made by the attorney, worker, crime victim or beneficiary, as provided in RCW 51.52.120, within one year after the board's final decision and order is communicated to the party making the application. If such application for fixing of a fee is made by the attorney, it shall set forth therein the monetary amount which the attorney considers reasonable for all services rendered before the board in an appeal. The board shall afford to all parties affected a minimum of ten days in which to submit comments and material information which may be helpful to the board in setting a fair and reasonable fee.

(2) **Fee fixing criteria.** All attorney fees fixed by the board, where application therefor has been made, shall be established in accordance with Rule 1.5 of the Rules of Professional Conduct and the following general principles:

(a) Only one fee shall be fixed for legal services in any one appeal regardless of the number of attorneys representing the worker, crime victim or beneficiary, except that in cases of multiple beneficiaries represented by one or multiple attorneys the board has the discretion to set more than one attorney fee if so requested.

(b) The board shall defer fixing a fee until such time as information, which it deems sufficient upon which to base a fee, is available.

(c) A fee shall be fixed only in those cases where the attorney's services are instrumental in securing additional benefits to the worker, crime victim or beneficiary or in

sustaining the worker's or beneficiary's right to benefits upon an appeal by another party.

(d) Where increased compensation is obtained, the fee may be fixed without regard to any medical benefits secured.

(e) In setting all fees, the following factors shall be carefully considered and weighed:

(i) Nature of the appeal.

(ii) Novelty and complexity of the issues presented or other unusual circumstances.

(iii) Time and labor expended.

(iv) Skill and diligence in conducting the case.

(v) Extent and nature of the relief. In computing the extent of additional benefits, or the retention of benefits awarded by the department, the cost to the worker, crime victim or beneficiary of the litigation, i.e., medical examination and witness fees, shall be first deducted and the net benefits considered.

(vi) The amount of accrued time-loss payments as a result of proceedings before the board.

(vii) The prevalent practice of charging contingency fees in cases before the board.

(viii) The worker's or crime victim's circumstances and the remedial social purposes of the Industrial Insurance Act and of the Crime Victims Compensation Act, which are intended to provide sure and adequate relief to injured workers and crime victims and their families.

(f) In those cases where the payment of accumulated benefits is insufficient to allow payment of the fee set and allow the worker, crime victim or beneficiary to retain a reasonable monetary amount, the board may also set the schedule and manner in which such fee shall be payable.

(3) **Amount of fees.**

(a) Where additional compensation for permanent partial disability, loss of earning power, or total temporary disability is obtained as a result of settlement of the appeal on agreement of the parties prior to presentation of testimony, a fee of from 10 to 25 per cent of the increased compensation due the worker, crime victim or beneficiary on the date of the board's order on agreement of the parties and by reason thereof shall be fixed after considering all factors.

(b) Where additional compensation for permanent partial disability, loss of earning power or total temporary disability is obtained after the presentation of testimony, a fee of from 10 to 30 per cent of the increased compensation shall be fixed after considering all factors. This provision shall also apply to retroactive permanent total disability (pension) benefits.

(c) Where no additional compensation is obtained, but the worker or crime victim is relieved of the payment for medical benefits, a fee of from 10 to 25 percent of the amount the worker or crime victim is so relieved of paying shall be fixed after considering all factors.

(d) Where permanent total disability (pension) benefits are obtained for the worker or crime victim, or death benefits are obtained for survivors of a deceased worker or crime victim, 10 percent of the first \$40,000.00 of the pension reserve as calculated by the department of labor and industries, and 15 percent of the pension reserve in excess of \$40,000.00 shall constitute the usual fee, which may be decreased or increased after weighing all factors (~~Provided, That in no case shall a fee in excess of \$8,000.00 be fixed~~).

(e) Where indeterminate additional compensation is obtained because the claimant is successful in establishing a proper claim for benefits which was previously rejected or for which responsibility was denied, a fee in accordance with the preceding principles and factors shall be fixed.

(f) Where, upon an appeal by a party other than the worker or his or her beneficiary, the right to receive the benefits awarded by the department is affirmed, a fee in accordance with the preceding principles and factors shall be fixed.

(4) **Excess fee unlawful.** Where the board, pursuant to written application by an attorney, worker, crime victim or beneficiary, fixes a reasonable fee for the services of the attorney in proceedings before this board, it is unlawful for the attorney to charge or receive any fee for such services in excess of that fee so fixed, per RCW 51.52.132.

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

**WSR 95-12-097**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed June 7, 1995, 10:55 a.m.]

Date of Adoption: May 30, 1995.

Purpose: To adjust fees to cover, but not exceed, program costs.

Citation of Existing Rules Affected by this Order: Amending WAC 246-314-990, 246-316-990, 246-318-990, 246-322-990, 246-322-991, 246-323-990, 246-325-990, 246-326-990, 246-327-990, 246-331-990, and 246-336-990.

Statutory Authority for Adoption: RCW 43.70.250, 43.70.110, and 43.20B.020.

Pursuant to notice filed as WSR 95-09-059 on April 18, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 246-316-990 was changed to delete the fee increase starting July 1, 1996, to avoid raising fees in conflict with Initiative 601 limits.

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

June 6, 1995  
 Bruce Miyahara  
 Secretary

**AMENDATORY SECTION** (Amending Order 185, filed 8/7/91, effective 9/7/91)

**WAC 246-314-990 Construction review fees.** (1) The project sponsor shall submit to the department:

(a) A completed project review application form along with project documents for review; and

(b) The appropriate fee based upon the initial project construction cost as determined from the following construction fee table:

CONSTRUCTION FEE TABLE

Project Cost	Project Review Fee
\$ 0 to \$ 999	\$ 120
1,000 to 1,999	250
2,000 to 2,999	((320))
	325
3,000 to 4,999	((400))

5,000 to 9,999	410
	((520))
	530
10,000 to 19,999	((650))
	665
20,000 to 29,999	((800))
	820
30,000 to 39,999	((950))
	975
40,000 to 49,999	((1,100))
	1,125
50,000 to 64,999	((1,300))
	1,325
65,000 to 79,999	((1,500))
	1,535
80,000 to 99,999	((1,800))
	1,845
100,000 to 124,999	((2,150))
	2,200
125,000 to 149,999	((2,500))
	2,550
150,000 to 199,999	((2,900))
	2,970
200,000 to 249,999	((3,250))
	3,325
250,000 to 324,999	((3,575))
	3,650
325,000 to 449,999	((4,000))
	4,100
450,000 to 574,999	((4,500))
	4,600
575,000 to 699,999	((5,100))
	5,200
700,000 to 849,999	((5,700))
	5,825
850,000 to 999,999	((6,400))
	6,550
1,000,000 to 1,249,999	((7,000))
	7,150
1,250,000 to 2,499,999	((7,700))
	7,850
2,500,000 to 2,999,999	((8,400))
	8,550
3,000,000 to 3,499,999	((9,100))
	9,300
3,500,000 to 4,999,999	((10,500))
	10,750
5,000,000 to 6,999,999	((11,900))
	12,200
7,000,000 to 9,999,999	((13,500))
	13,800
10,000,000 to 14,999,999	((15,500))
	15,850
15,000,000 to 19,999,999	((17,500))
	17,850
20,000,000 to 29,999,999	((19,500))
	19,900
30,000,000 to 39,999,999	((22,500))
	23,000
40,000,000 to 59,999,999	((25,000))
	25,600
60,000,000 and over	((28,000))
	28,700

(2) The department shall charge a flat fee of eighty dollars for a project involving installation of carpet only.

(3) The project sponsor may request a reduction in the project review fee for fixed or installed technologically advanced diagnostic or treatment equipment projects including lithotripters, CT scans, linear accelerators, or MRI's.

(4) The department may adjust the project review fee if:

(a) The final project cost changes as evidenced on the certificate of project completion card; or

PERMANENT

(b) The project sponsor requests a reduction in the fee according to subsection (3) of this section.

**AMENDATORY SECTION** (Amending WSR 94-13-180, filed 6/21/94, effective 7/22/94)

**WAC 246-316-990 Fees.** The licensee or applicant shall:

(1) Submit an annual license fee of ~~((thirty-four dollars))~~ thirty-five dollars and seventy-five cents per bed of the licensed resident bed capacity for initial and renewed licenses;

(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.

**AMENDATORY SECTION** (Amending Order 273, filed 5/28/92, effective 6/28/92)

**WAC 246-318-990 Fees.** Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of ~~((forty-five))~~ forty-seven dollars and thirty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinets spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending Order 273, filed 5/28/92, effective 6/28/92)

**WAC 246-322-990 Private psychiatric hospital fees.** Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ forty-seven dollars and thirty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending Order 273, filed 5/28/92, effective 6/28/92)

**WAC 246-322-991 Alcoholism hospital fees.** Alcoholism hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ forty-seven dollars and thirty cents for each bed space within the licensed bed capacity of the alcoholism hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The alcoholism hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to the department establishment of the alcoholism hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

**AMENDATORY SECTION** (Amending Order 287, filed 7/10/92, effective 8/10/92)

**WAC 246-323-990 Fees.** Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((forty-five))~~ thirty-seven dollars and thirty-five cents for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 287, filed 7/10/92, effective 8/10/92)

**WAC 246-325-990 Fees.** Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of ~~((forty-five))~~ thirty-seven dollars and thirty-five cents for each bed space within the licensed bed capacity of the ARRC;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and
- (3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 273, filed 5/28/92, effective 6/28/92)

**WAC 246-326-990 Fees.** Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

- (1) Submit an annual fee of ~~((forty-five))~~ thirty-seven dollars and thirty-five cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and
- (3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 94-17-136, filed 8/22/94, effective 9/22/94)

**WAC 246-327-990 Fees.** (1) A licensee or applicant shall submit to the department:

- (a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:
    - (i) A base fee of three hundred ~~((sixty))~~ seventy-eight dollars; and
    - (ii) For agencies with:
      - (A) Fifteen or less FTEs, seven hundred ~~((fifty))~~ eighty-seven dollars;
      - (B) Sixteen through fifty FTEs, nine hundred forty-seven dollars; or
      - (C) Fifty-one or more FTEs, one thousand two hundred ~~((thirty))~~ ninety-two dollars;
  - (b) A fee of one-half the ~~((renewal))~~ fees specified in (a) of this subsection for an initial twelve-month license for:
    - (i) New firms;
    - (ii) Businesses not currently licensed to provide home health care in Washington state; or
    - (iii) Currently licensed businesses which have had statement of charges filed against them; and
  - (c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.
- (2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional hospice and/or home care license.
- (3) The department may charge and collect from a licensee a fee of ~~((one-half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:

~~((one-half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:

- (a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;
  - (b) A complete on-site survey resulting from a substantiated complaint; or
  - (c) A follow-up compliance survey.
- (4) A licensee with deemed status shall pay fees according to this section.
- (5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 94-17-138, filed 8/22/94, effective 9/22/94)

**WAC 246-331-990 Fees.** (1) A licensee or applicant shall submit to the department:

- (a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, as follows:
    - (i) A base fee of three hundred ~~((sixty))~~ seventy-eight dollars; and
    - (ii) For agencies with:
      - (A) Fifteen or less FTEs, ~~((one))~~ two hundred ~~((ninety))~~ eighty-two dollars; or
      - (B) Sixteen through fifty FTEs, four hundred ~~((sixty))~~ eighty-two dollars; or
      - (C) Fifty-one or more FTEs, nine hundred ~~((fifty))~~ ninety-seven dollars;
  - (b) A fee of one-half the ~~((renewal fee))~~ fees specified in (a) of this subsection for an initial twelve-month license ~~((for))~~:
    - (i) New firms;
    - (ii) Businesses not currently licensed to provide hospice care in Washington state; or
    - (iii) Currently licensed businesses which have had statement of charges filed against them; and
  - (c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.
- (2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or home care license.
- (3) The department may charge and collect from a licensee a fee of ~~((one-half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:
- (a) A second on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies;
  - (b) A complete on-site inspection resulting from a substantiated complaint; or
  - (c) A follow-up compliance survey.
- (4) A licensee with deemed status shall pay fees according to this section.
- (5) A licensee shall submit an additional late fee in the amount of ten dollars per day from the renewal date until the date of mailing the fee, as evidenced by the postmark.

AMENDATORY SECTION (Amending WSR 94-17-137, filed 8/22/94, effective 9/22/94)

**WAC 246-336-990 Fees.** (1) A licensee or applicant shall submit to the department:

(a) A biennial renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency employees or contractors, as follows:

(i) A base fee of ~~((three))~~ two hundred ~~((sixty))~~ fifty-two dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred ~~((ninety))~~ thirty-three dollars;

(B) Sixteen through fifty FTEs, ~~((two hundred thirty))~~ one hundred sixty-one dollars; or

(C) Fifty-one or more FTEs, ~~((three hundred thirty))~~ two hundred thirty-one dollars;

(b) ~~((A fee of one half the renewal fee specified in (a) of this subsection for an initial twelve-month license for:~~

(i) ~~New firms;~~

(ii) ~~Businesses not currently licensed to provide home care in Washington state; or~~

(iii) ~~Currently licensed businesses which have had statement of charges filed against them;))~~ An initial twelve-month license fee for new firms, businesses not currently licensed to provide home care in Washington state, or currently licensed businesses which have had statement of charges filed against them as follows:

(i) A base fee of one hundred eighty-nine dollars; and

(ii) For agencies with:

(A) Fifteen or less FTEs, one hundred dollars;

(B) Sixteen through fifty FTEs, one hundred twenty-one dollars;

(C) Fifty-one or more FTEs, one hundred seventy-six dollars; and

(c) A transfer of ownership fee of fifty dollars. A transferred license will be valid for the remainder of the current license period.

(2) An applicant or licensee shall pay one-half the base fee in addition to the full fee for FTEs for each additional home health and/or hospice license.

(3) The department may charge and collect from a licensee a fee of ~~((one half the base fee specified in subsection (1)(a) of this section))~~ one hundred eighty-nine dollars for:

(a) A second 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; or

(c) A follow-up compliance survey.

(4) A licensee with deemed status shall pay fees according to this section.

(5) A licensee shall submit an additional late fee in the amount of ten dollars per day, not to exceed the cost of the base fee, from the renewal date until the date of mailing the fee, as evidenced by the postmark.



**WSR 95-12-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 95-65—Filed May 26, 1995, 3:15 p.m., effective May 27, 1995, 11:59 p.m.]

Date of Adoption: May 26, 1995.

Purpose: Personal use rules.

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

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The harvestable quota of halibut will have been taken. This regulation is consistent with the International Pacific Halibut Commission.

Effective Date of Rule: May 27, 1995, 11:59 p.m.

May 26, 1995

Edward P. Manary  
 for Robert Turner  
 Director

NEW SECTION

**WAC 220-56-25500X Halibut seasons.** Notwithstanding the provisions of WAC 220-56-255, effective 11:59 p.m. May 27, 1995 until further notice it is unlawful to fish for or possess halibut for personal use except from:

(1) Catch Record Card Area 1 - Open May 1 through September 30. Minimum size limit 32 inches in length.

(2) Catch Record Card Area 2 - Open May 1 through September 30. The following waters are closed to halibut fishing: West of 124°40'W, north of 47°10'N and south of 47°31'42" N (Queets River).

(3) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Areas 5 through 13: Open May 25 through July 29. Open 12:01 a.m. Thursday through 11:59 p.m. Monday of each week during the open period (closed Tuesday and Wednesdays).

**WSR 95-12-016**  
**EMERGENCY RULES**  
**HEALTH CARE AUTHORITY**

[Filed May 30, 1995, 1:09 p.m.]

Date of Adoption: May 30, 1995.

Purpose: Rule is designed to carry out the purposes of chapter 70.47 RCW, the Health Care Access Act.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 55-01-010, 55-01-020, 55-01-030, 55-01-040, 55-01-060, and 55-01-070.

Statutory Authority for Adoption: RCW 70.47.050.

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 accommodate revisions in the provisions for Medicaid/Basic Health Plan eligibility coordination in the Health Services Act, E2SSB 5304.

Effective Date of Rule: Immediately.

May 30, 1995

Elin S. Meyer  
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92, effective 7/31/92)

**WAC 55-01-010 Definitions.** The following definitions apply throughout these rules.

(1) "Administrator" means the ~~((Washington basic health plan))~~ administrator of the Washington state health care authority (HCA) or designee.

~~((2))~~ "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.)

(2) "Appeal procedure" means a written procedure for resolution of problems or concerns raised by enrollees.

(3) "Basic health plan" (BHP) means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the HCA administrator through managed health care systems, created by chapter 70.47 RCW. The Washington state basic health plan is a program within the Washington state health care authority.

~~((3))~~ (4) "Copayment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system. ~~((or health care provider, or to the plan, when specifically instructed to do so by the plan, for covered services provided to the enrollee.))~~

~~((4))~~ (5) "Covered services" means those services and benefits to which an enrollee is entitled, under the ~~((certificate of coverage))~~ benefit booklet issued by the ~~((plan))~~ HCA to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

~~((5))~~ "Dependent child" means an individual's unmarried natural child, stepchild, or legally adopted child, who is either (a) younger than age nineteen, or (b) younger than age twenty three and (i) is a full time student at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full time course of institutional on farm training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i).)

(6) "Effective date of enrollment" means the first date, as established by the ~~((plan))~~ HCA, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Eligible dependents." The following are eligible as dependents under the BHP:

(a) Lawful spouse of the subscriber, if not legally separated, who resides in the same residence.

(b) Dependent child who is an unmarried child and who is:

(i) Younger than age nineteen and is a natural child, stepchild or legally adopted child.

(ii) Younger than age twenty-three who is a registered student 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 subscriber is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(iii) Legal dependent of any age who is incapable of self-support due to developmental disability or physical handicap.

(8) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

~~((7))~~ (9) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in the ((plan)) BHP, and for whom applicable premium payments have been made.

~~((8))~~ (10) "Family" means an individual or an individual and the individual's ((spouse, if not legally separated, and the individual's dependent children)) eligible dependents. For purposes of eligibility determination and enrollment in the ((plan)) BHP, an individual, or dependent cannot be a member of more than one family.

~~((9))~~ "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(11) "Financial sponsor" means a person, employer or other entity that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any family dependents.

~~((10) "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.)~~

~~((11))~~ (12) "Gross family income" means ((the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan.

(a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits.

(b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means)) total cash receipts of the subscriber and eligible dependents before taxes from all sources, with the exceptions noted in (b) below.

~~((12))~~ (a) Income includes: (i) money wages and salaries before any deductions regardless of whether those eligible dependents enroll in BHP; (ii) net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); (iii) net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); (iv) regular payments from Social Security, child support, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance ((including aid to families with dependent children, supplemental security income, emergency assistance money payments, and non federally funded general assistance or general relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions)) (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash; (v) work study; and (vi) dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

~~((13))~~ (b) Income does not include the following types of money received: (i) Capital gains; (ii) any assets drawn down as withdrawals from a bank, the sale of property, a house or a car; (iii) tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation)((- Also excluded are)); (iv) noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance(-); (v) ((e) "Income" shall not include)) income earned by dependent children except for regular payments from Social Security, nor shall it include income of a family member who resides in another household when such income is not available to ((those family members)) the subscriber and eligible dependents seeking enrollment in the ((plan)) BHP; and (vi) university scholarships, grants, fellowships and assistantships if not convertible to cash.

~~((d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. (For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.))~~

~~((12))~~ (13) "Managed health care system" (or "MHCS") means any health care organization who has

entered into a contract with the HCA to provide the BHP to enrollees, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to ((a defined patient population enrolled in the plan and in the managed health care system)) enrollees. On and after July 1, 1995, "MHCS" means a certified health plan as defined in RCW 43-72-010.

(14) "Medicaid" means the Title XIX Medicaid program. This medical care program is administered by the Medical Assistance Administration to the "categorically needy" as defined in chapters 388-82 and 388-92 WAC and to those defined as "medically needy" under WAC 388-80-005(45).

~~((13))~~ (15) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(16) "Benefit booklet" means a written document issued by the HCA to a subscriber which describes the covered services, premiums, appeal procedures and other rights and responsibilities of enrollees. The benefit booklet represents the enrollee's certificate of coverage. The benefit booklet issued to a subscriber shall apply to the subscriber and enrolled dependents.

(17) "Nonsubsidized enrollee" means an enrollee who pays, or on whose behalf is paid (excluding Medicaid recipients or those enrollees who are eligible to receive Medicaid benefits), the full costs for participation in BHP, including administrative costs, without any subsidy from BHP.

~~((14))~~ (18) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their ~~((membership))~~ enrollment from one participating managed health care system to another. ~~((There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by the plan.))~~

~~((15))~~ "Participating," when referring to a managed health care system, means one that has entered into a contract with the plan to provide covered services to enrollees. When referring to a health care provider, "participating" means one who is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

~~((16))~~ (19) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber or financial sponsor makes to the ~~((plan))~~ HCA on behalf of the subscriber and ~~((family))~~ eligible dependents in consideration for enrollment in the ~~((plan))~~ BHP.

~~((17))~~ "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.)

~~((18))~~ (20) "Rate" means the per capita amount, including any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a ~~((participating))~~ managed health care system, ~~((that is based upon the enrollment of enrollees~~

in the plan and in that MHCS)) to provide the schedule of benefits described in the benefit booklet to enrollees.

(21) "Residence" means the one principal physical location at which an individual lives.

~~((19))~~ "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which enrollees shall be entitled to receive from participating managed health care systems.)

~~((20))~~ (22) "Service area" means the geographic area served by a ~~((participating))~~ managed health care system as defined in its contract with the ~~((plan))~~ HCA.

~~((21))~~ (23) "Site" means a geographic area designated by the ~~((plan))~~ HCA in which one or more ~~((participating))~~ managed health care systems are offered to enrollees for selection.

~~((22))~~ (24) "Subscriber" is a person who meets all applicable eligibility requirements, is enrolled in the BHP, and for whom the monthly premium has been paid. Notices (with the exception of disenrollment notices) to a subscriber, or if applicable to a financial sponsor, shall be considered notice to the subscriber and his/her enrolled dependents. Disenrollment notices will be sent to the subscriber, or the parent or legal guardian of an enrolled dependent child. ~~((means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by the plan as the individual to whom the plan and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.~~

~~((23))~~ "Subsidy" means the difference between the rate paid by the administrator to a managed health care system on behalf of an enrollee and the enrollee's premium responsibility.

(25) "Subsidized enrollee" means an enrollee whose gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, for whom funds are available to provide a partial subsidy of the premium according to a premium schedule adopted by the administrator. Medicaid recipients who are enrolled in managed health care systems through the BHP are also considered by the HCA and the department of social and health services to be "subsidized" enrollees.

(26) "Subsidy" means the difference between the premium responsibility of a subsidized enrollee, who is not a Medicaid recipient, and the costs incurred by the HCA in providing coverage to that subsidized enrollee. The costs incurred include both the rate paid by the HCA to a managed health care system on behalf of the enrollee and that portion of the administrative cost of providing the BHP allocated by the administrator to that enrollee.

~~((24))~~ "Washington basic health plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by chapter 70.47 RCW.)

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: 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 92-14-097, filed 6/30/92, effective 7/31/92)

WAC 55-01-020 Schedule of benefits. (1) The administrator shall design and from time to time may revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, prescription drugs and medications, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the ~~((plan))~~ HCA and payment of required copayments. The schedule of benefits is subject to copayments, limitations and exclusions detailed in the benefit booklet. ~~((However, for the period beginning July 1, 1992, and ending June 30, 1993, the schedule of benefits shall not include prenatal or postnatal services for enrollees who are eligible for coverage under the medical assistance program under chapter 74.09 RCW, except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider, or except to provide any such services associated with pregnancies diagnosed by the managed care provider before July 1, 1992. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.~~

~~((2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.))~~

~~((3))~~ (2) Prior to enrolling in the ~~((plan))~~ BHP, each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

~~((4))~~ (3) Subscribers will be given written notice by the ~~((plan))~~ HCA of any ~~((planned revisions to the benefit package and the accompanying premiums.))~~ changes in the amount and scope of benefits provided under the BHP. Such notice ((to)) will be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. ((For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.))

AMENDATORY SECTION (Amending WSR 92-14-088, filed 6/30/92, effective 7/31/92)

WAC 55-01-030 Premiums and copayments. (1) ~~((Each))~~ Subscribers shall be responsible for paying a monthly premium to the ~~((plan))~~ HCA, on behalf of the subscriber and all ~~((family))~~ enrolled dependents ~~((, according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan)).~~ A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of any enrollee.

(2) Any co-payments required will be established initially in the contract between the HCA and the MHCS and will be detailed in the benefit booklet. Premiums are based on the subscriber's gross family income, the total number of people in the family, and the age of each enrollee. The benefit booklet shall specify the terms of payment and notice requirement for changes in the premium. ((The amount of premium payable by any subscriber will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family. A third party may, with the approval of the administrator and through a mechanism acceptable to the administrator, pay the premium on behalf of any enrollee. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. A statement of the monthly amount due will be mailed to the subscriber upon determination of eligibility for the plan.

~~((2) Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the premium amount due. The plan will notify subscribers in writing of any revisions to the premium schedule or to the premium amounts payable to the plan, such notice to be mailed at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect, except that retroactive enrollment of a newborn or newly adopted child (as provided in WAC 55-01-050(6)) may result in a corresponding retroactive increase in premium payable to the plan. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.~~

~~((3) Once the plan has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, the plan will bill the subscriber for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of enrollment specified by the plan unless the premium bill is paid in full by the due date specified on the bill. Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.~~

~~((4) Premium bills must be paid in full by the date specified on the bill. Payment may be made in person at the plan's administrative office in Olympia, Washington, or by mail to the address specified on the bill. If the plan does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, the plan shall issue a notice of~~

delinquency to the subscriber, at the subscriber's last address on file with the plan, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by the plan. Partial payment of premiums due will be regarded as nonpayment. The plan may disenroll a subscriber and enrolled family members in the event that the subscriber receives more than two delinquency notices in a twelve-month period.

~~((5))~~ (3) Enrollees shall be responsible for paying any required copayment ~~(directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or the plan to make payment to another party. Copayments must be paid in full by the enrollee at the time of service.)~~ Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system. Repeated failure to pay copayments in full on a timely basis may result in disenrollment, as provided in WAC 55-01-060(2).

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

**AMENDATORY SECTION** (Amending Order 88-001, filed 12/2/88)

**WAC 55-01-040 Eligibility.** (1) To be eligible for enrollment in the plan, an individual must:

(a) ~~(Be under age sixty five;~~

~~(b) Not be eligible for medicare;)~~ Not be eligible for medicare;

(b) At the time of enrollment, not have or not have voluntarily relinquished health insurance more comprehensive than that offered by the BHP based upon a determination by the administrator. Factors which may be considered in determining whether insurance is more comprehensive include, but are not limited to, enrollee's current benefit plan and the associated co-pays, co-insurance, deductibles and benefit exclusions;

(c) Reside within the service area of a ~~((participating))~~ managed health care system; and

~~(d) ((Have a gross family income at the time of enrollment that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the Federal Department of Health and Human Services.))~~ If subsidized and if requested by the administrator, provide proof that a Medicaid eligibility determination has been completed within the last thirty days, including the results of that determination.

Persons not meeting all of these criteria (with the exception of (b)), at the time of initial application, as evidenced by information submitted on the application for enrollment or otherwise obtained by the ((plan)) HCA, will not be enrolled. Criterion (b) must be met at the time of enrollment. An enrollee who subsequently fails to meet all of the criteria, or is later determined to have failed to meet all of the criteria at the time of enrollment, will be disenrolled from the ((plan)) BHP as provided in WAC 55-

01-060((—except that an enrollee whose gross family income exceeds twice the federal poverty level may continue as an enrollee for up to six months, provided all other criteria are met and provided that the enrollee pays a monthly premium equal to the rate stated in the contract between the plan and the participating managed health care system selected by the enrollee)).

(2) To be eligible for subsidized enrollment in the BHP, an individual must have a gross family income that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services.

The administrator may require enrollees or prospective enrollees to complete the following eligibility determination process, as further defined under chapter 74.09 RCW (pertaining to eligibility for the Medicaid program), prior to enrollment or continued participation in the BHP.

(a) A prospective or current enrollee shall comply with an HCA request to provide evidence to the administrator that a Medicaid eligibility determination has been completed within the past thirty days and the results of this determination.

(b) The administrator shall ensure that all prospective or current BHP enrollees who are determined to be eligible for Medicaid receive complete information regarding the benefits available through the Medicaid program compared to the benefits they would receive (or are currently receiving) under the BHP.

(c) Failure or refusal on the part of a prospective or current enrollee to comply with a request to complete the Medicaid eligibility determination process may preclude enrollment and may affect continued participation in the BHP subsidy.

~~((2))~~ (3) An individual otherwise eligible for enrollment in the ~~((plan))~~ BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment in a given service area would exceed limits established by the legislature ~~((, would jeopardize the orderly development of the plan in that service area, or would result in an overexpenditure of plan funds))~~ or additional enrollment in a given MHCS would exceed established contract limits, or would result in an overexpenditure of BHP funds, or would jeopardize the orderly development of BHP. In the event that the administrator closes enrollment in a given service area, the ~~((plan))~~ HCA will continue to accept applications for enrollment, but will not process those applications for determination of eligibility. The ~~((plan))~~ HCA will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants. In the event that enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by the ~~((plan))~~ HCA of the opportunity to enroll; provided that the ~~((plan))~~ HCA may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

(4) The HCA will accept applications for group enrollment in the BHP from business owners on behalf of themselves and their employees, spouses and dependent children if:

(a) The BHP is the only health plan offered by the business to its eligible employees;

(b) The business owner pays at least fifty percent of the nonsubsidized premium cost of the BHP on behalf of each employee enrolled in the plan; and

(c) The employee is not eligible for medicare.

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

AMENDATORY SECTION (Amending WSR 92-14-097, filed 6/30/92, effective 7/31/92)

**WAC 55-01-050 Enrollment in the plan.** (1) Any individual applying for enrollment in the ~~((plan))~~ BHP must complete, sign and submit ~~((the plan's))~~ a BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible ~~((by the plan))~~ for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the benefit booklet.

(2) Each applicant shall ~~((complete and sign the application for enrollment,))~~ list ~~((ing))~~ those family members to be enrolled and supply ~~((ing))~~ such other information and documentation as required by the ~~((plan))~~ HCA.

(a) Documentation will be required, showing the amount and sources of ~~((applicants'))~~ applicant's year to date income to include ~~((for))~~ the most recent complete calendar month as of the date of application, ~~(( Applicants will also be required to submit))~~ and a signed copy of their most recently filed federal income tax form. Acceptable ~~((income earning))~~ income documentation shall be required for all ~~((income earning))~~ family members, including those not applying for enrollment, except for family members who reside in another household and whose income is not available to the family seeking enrollment, and dependent children.

(b) Documentation of the applicant's name and physical residence shall also be required. ~~(( displaying the applicant's name and address.))~~

(c) The ~~((plan))~~ HCA may request additional information from applicants for purposes of establishing or verifying eligibility, including Medicaid eligibility in chapter 74.09 RCW, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the ~~((plan))~~ BHP. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a ~~((participating))~~ managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system (except in cases where a subscriber, who is paying child support for his/her dependents, lives in another covered services area). No applicant will be enrolled for whom designation of a ~~((participating))~~ managed health care system has not been

made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040~~((2))~~ (3), applications for enrollment will be reviewed by the ~~((plan))~~ HCA within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(5) Eligible applicants will be enrolled in the ~~((plan))~~ BHP in the order in which their completed applications, including all required documentation, have been received by the ~~((plan))~~ HCA, provided that the applicant also remits full payment of the first premium bill to the ~~((plan))~~ HCA by the due date specified by the ~~((plan))~~ HCA.

(6) Not all family members are required to apply for enrollment in the ~~((plan))~~ BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member, unless that family member loses other health coverage. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or physical placement with the adoptive parents for adoption, provided that application for enrollment is submitted to the ~~((plan))~~ HCA within sixty days of the date of birth or such placement for adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the ~~((plan))~~ HCA, will be enrolled on the first of a month following completion of the enrollment process by the ~~((plan))~~ HCA, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the ~~((plan))~~ HCA.

(7) ~~((Any e))~~ Enrollees who disenroll ~~((s))~~ from the ~~((plan))~~ ~~for reasons other than ~~((a))~~ ineligibility due to an increase in gross family income or ~~((b))~~ coverage by another health care benefits program may not reenroll in the plan for a period of twelve months from the effective date of disenrollment.~~ An enrollee who disenrolls because of ineligibility due to an increase in gross family income may reenroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. ~~An enrollee who disenrolls because of coverage by another health care benefits program may reenroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be reenrolled in the plan, that person must~~ BHP due to loss of eligibility may re-enroll provided they complete a new application for enrollment and ~~((must be))~~ are determined by the ~~((plan))~~ HCA to be otherwise eligible for enrollment as of the date of application. Enrollees who are disenrolled from BHP in accordance with WAC 55-01-060(2), except for loss of eligibility, and who do not maintain continuous coverage may not re-enroll for a period

of twelve months from the effective date of disenrollment. Continuous coverage will be defined as coverage with no lapse greater than 90 days.

(8) The ~~((plan))~~ HCA may require any enrollee or applicant for enrollment in the ~~((plan))~~ BHP who appears to meet eligibility requirements for medical care under chapter 74.09 RCW to complete the eligibility determination process under chapter 74.09 RCW prior to enrollment or continued participation in the ~~((plan))~~ BHP.

(9) Once every six months, the ~~((plan))~~ HCA will request verification of information from enrollees ("recertification"), which may include a request to complete a new application form and submit required documentation. For good cause, the HCA may recertify on a more frequent basis. At recertification, enrollees will be required to report their gross family income for the ~~((most recent complete))~~ preceeding calendar month, (as of the recertification date specified by the plan, and to provide the same documentation of such income as required of applicants. ~~((The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request. Failure to respond within the time designated in any information request shall result in a second request from the plan.))~~ Failure to respond within the time designated ~~((in any second request for information))~~ may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the ~~((plan))~~ HCA within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of the eligibility review, the administrator determines that a subsidized enrollee's income exceeds twice the federal poverty level and that the enrollee failed to inform the HCA of such increase in income, the administrator may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

**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 spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** 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 92-14-097, filed 6/30/92, effective 7/31/92)

**WAC 55-01-060 Disenrollment from the ~~((plan))~~ BHP.** (1) An enrollee may disenroll effective the first day of any month by giving the ~~((plan))~~ HCA at least ten days prior written notice of the intention to disenroll. Reenrollment in the ~~((plan))~~ BHP shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a

disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee or financial sponsor, including employer group, shall be considered an indication of the enrollee's or group's intention to disenroll from the ~~((plan))~~ BHP.

(2) The ~~((plan))~~ HCA may disenroll any enrollee from the ~~((plan))~~ BHP for good cause, which shall include: (a) Failure to meet the eligibility requirements set forth in WAC 55-01-040; ~~((loss of eligibility));~~ (b) nonpayment of premium; (c) repeated failure to pay copayments in full on a timely basis; ~~((failure to provide eligibility information necessary to determine whether the enrollee may be eligible for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan; failure to apply when such application is required by the plan to the department of social and health services for determination of eligibility for medical care under chapter 74.09 RCW within thirty days of the date of request by the plan;))~~ (d) knowingly providing false information; (e) fraud or abuse ~~((including but not limited to serious misconduct));~~ (f) intentional misconduct; and (g) refusal to accept or follow procedures or medical treatment determined by a ~~((participating provider))~~ MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the ~~((plan))~~ HCA that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system. The ~~((plan))~~ HCA shall provide the enrollee or legal guardian/parent of a child with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 55-01-070. Prior to the effective date specified, if the enrollee submits an ~~((grievance))~~ appeal to the ~~((plan))~~ HCA contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the ~~((plan))~~ HCA's ~~((grievance))~~ appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not pose a threat of nonconsensual violent, aggressive or sexually aggressive behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any ~~((applicant for enrollment))~~ enrollee ~~((in the plan))~~ who ~~((knowingly))~~ provides false information to the ~~((plan))~~ HCA or to a ~~((participating))~~ managed health care system may ~~((be disenrolled by the plan and may))~~ be held financially responsible for any covered services obtained ~~((from))~~ through the ~~((plan))~~ BHP. The administrator may apply other available remedies as well.

AMENDATORY SECTION (Amending Order 88-001, filed 12/2/88)

~~WAC 55-01-070 ((Hearings and grievances. The plan will develop procedures for the expeditious resolution of enrollees' grievances, and will require participating managed health care systems to do the same.~~

~~(1) If an enrollee has an grievance pertaining to a managed health care system, the enrollee shall exhaust the managed health care system's grievance procedure prior to requesting consideration of the grievance by the plan. The managed health care system's grievance procedure shall provide for expeditious resolution by managed health care system personnel with authority to require corrective action. There shall be a written reply from the managed health care system stating either the decision and its basis, or the reasons for failure to reach a decision, within thirty days of receipt of the written grievance. An enrollee has the right to request consideration of the grievance by the administrator if the final decision is adverse or if the written reply is not received within thirty days from the date the managed health care system received the written grievance.~~

~~(2) If an enrollee has a grievance pertaining to actions of the plan, the enrollee may submit the grievance to the plan for resolution by the plan's grievance procedure. A written description of the plan's grievance procedure will be provided to the enrollee upon enrollment, or at any time upon request. The plan's grievance procedure shall provide for resolution of the grievance within thirty days of receipt of complete information describing the grievance and its basis.~~

~~(3) An enrollee who is involuntarily disenrolled by the plan may contest the disenrollment by submitting a grievance to the plan, within ten days of the notice of disenrollment, for resolution by the plan's grievance procedure. The plan shall issue and mail a written decision within thirty days of receiving the grievance.~~

~~(4) An individual whose application for enrollment in the plan is denied may contest the denial of enrollment by submitting a grievance to the plan, within ten days of the notice by the plan of such denial, for resolution by the plan's grievance procedure. The plan shall issue and mail a written decision within thirty days of receiving the grievance.~~

~~(5) If the plan's decision resulting from its grievance procedure is adverse to an enrollee or applicant, he or she may, within fifteen days of receiving notice of the grievance decision, request a hearing under chapters 34.04 and 34.12 RCW in order to contest the plan's decision.)~~ **Appeals and Mediation of grievances.** (1) The following decisions by the BHP may be appealed pursuant to this section:

(a) A determination that an applicant for enrollment as a subsidized enrollee is ineligible pursuant to WAC 55-01-040;

(b) A decision to disenroll an enrollee pursuant to WAC 55-01-060.

(2) Appeals under subsection (1) shall be conducted as brief adjudicative proceedings pursuant to RCW 34.05.482 through 34.05.494 and WAC 182-16-060.

(3) Disputes arising between enrollees and the managed health care system in which they are enrolled are considered to be contractual disputes between those parties. The HCA offers a mediation service aimed at resolving those disputes

as quickly, efficiently and fairly as possible. Both enrollees and managed health care systems are expected, as a condition of participation in the BHP, to participate fully and cooperatively in this mediation process once invoked by either party to such dispute. In the event the dispute cannot be resolved by mediation, and both enrollee and the managed health care system agree, the HCA will designate a person to act as binding arbitrator of the dispute.

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 95-12-028  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-69—Filed May 31, 1995, 4:51 p.m.]

Date of Adoption: May 31, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-19100J; and amending WAC 220-56-191.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: These rules are necessary to provide angling opportunity for harvestable quantities of resident blackmouth and resident coho salmon until 1995 permanent regulations can be implemented.

Effective Date of Rule: Immediately.

May 31, 1995  
Morris W. Barker  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-19100K Puget Sound salmon—Saltwater seasons and bag limits.** Notwithstanding the provisions of WAC 220-56-191, effective immediately through July 4, 1995, it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 or 13 except as provided for in this section:

1. The daily limit in all open areas is 2 salmon. Chinook salmon must be not less than 22 inches in length but there is no minimum size for other salmon.

2. Areas 5 and 6 - Open through June 15 only. Chinook maximum size 30 inches in length.

3. Area 7 - Open. Chinook maximum size 30 inches in length through June 15. Bellingham Bay closed. See WAC 220-56-195 for closed area description.

EMERGENCY



- 4. Area 8-1 - Closed except open inside Oak Harbor westerly of a line from Forbes Point to Blowers Bluff.
- 5. Area 8-2 - Closed.
- 6. Areas 9 and 10 - Open through July 4 only.
- 7. Area 11 - Open.
- 8. Area 12 - Closed.
- 9. Area 13 - Open

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19100J Puget Sound salmon—  
Saltwater seasons and bag  
limits. (95-36)

**WSR 95-12-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 95-67—Filed May 31, 1995, 4:56 p.m., effective June 1, 1995]

Date of Adoption: May 31, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-57-17500B, 220-57-31000N and 220-57-31900I; and amending WAC 220-57-175, 220-57-310, and 220-57-319.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: These reduced seasons and bag limits are necessary to protect depressed stocks of spring chinook salmon in order to achieve escapement goals at lower Columbia River hatcheries.

Effective Date of Rule: June 1, 1995.

May 31, 1995  
 Morris W. Barker  
 for Robert Turner  
 Director

**NEW SECTION**

**WAC 220-57-17500C Cowlitz River-Salmon seasons and areas** Notwithstanding the provisions of WAC 220-57-175:

(1) Effective June 1, 1995 through July 31, 1995 it is unlawful to take, fish for or possess salmon in the Cowlitz river downstream from the Barrier dam at Salkum to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(2) Effective June 1, 1995 through July 31, 1995, special daily limit of one salmon in those waters of the Cowlitz river downstream of the Barrier Dam at Salkum.

**NEW SECTION**

**WAC 220-57-31000P Kalama River-Salmon seasons and areas** Notwithstanding the provisions of WAC 220-57-310 effective June 1, 1995 through July 31, 1995, special daily limit of one salmon in those waters of the Kalama river.

**NEW SECTION**

**WAC 220-57-31900J Lewis River-Salmon seasons and areas** Notwithstanding the provisions of WAC 220-57-319:

(1) Effective June 1, 1995 through July 31, 1995 it is unlawful to take, fish for or possess salmon in that portion of the north fork of the Lewis river downstream from the Merwin dam to a line from the mouth of Johnson Creek to boundary markers on the opposite shore.

(2) Effective June 1, 1995 through July 31, 1995, special daily limit of one salmon in the Lewis river and the north fork of the Lewis river downstream from Merwin dam.

**REPEALER**

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. May 31, 1995:

WAC 220-57-17500B	Cowlitz River
WAC 220-57-31000N	Kalama River
WAC 220-57-31900I	Lewis River

**WSR 95-12-030**  
**EMERGENCY RULES**  
**FISH AND WILDLIFE**  
**COMMISSION**  
 (Wildlife)

[Order 95-66—Filed May 31, 1995, 4:57 p.m.]

Date of Adoption: May 26, 1995.

Purpose: Extends game fish closures, effective immediately through June 15, 1995, on the North Fork Lewis River and south side of the Cowlitz River.

Citation of Existing Rules Affected by this Order:  
Amending WAC 232-28-619.

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: Stocks of extremely depressed salmon require the additional protection of closures for game fish fishing.

Effective Date of Rule: Immediately.

May 26, 1995  
 Robert Turner  
 Director

Signature by permission of Mitch Johnson,  
 Washington Fish and Wildlife Commission Chair

EMERGENCY

**NEW SECTION**

**WAC 232-28-61900E Regional exceptions to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for or possess the following species taken from the following waters during the periods provided for herein:

(1) Effective immediately through June 15, 1995, it is unlawful to fish for game fish in the waters of the North Fork Lewis River downstream from Merwin Dam to Johnson Creek.

(2) Effective immediately through June 15, 1995, it is unlawful to fish for game fish from the south side of the Cowlitz River in those waters downstream from the Barrier Dam to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. May 31, 1995:

**WAC 220-28-61900B Regional exceptions to permanent game fish rules. (95-21)**

**Reviser's note:** The repealer appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-28-61900B is probably intended to be WAC 232-28-61900B.

**WSR 95-12-035  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-68—Filed June 1, 1995, 2:45 p.m., effective June 3, 1995, 11:59 p.m.]

Date of Adoption: June 1, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-32500B.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The harvestable quota of shrimp will have been taken.

Effective Date of Rule: June 3, 1995, 11:59 p.m.

June 1, 1995  
Morris W. Barker  
for Robert Turner  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 3, 1995:

**WAC 220-56-32500B Shrimp and crab—Hood Canal (95-43)**

**WSR 95-12-036  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-70—Filed June 1, 1995, 2:48 p.m.]

Date of Adoption: June 1, 1995.

Purpose: Commercial rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-95-032.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The use of certified mail in lieu of registered mail will save administrative costs and accomplish the same purpose. Extending the date for receipt of the acknowledgment is the result of a notice of clarification published in the federal register. There is insufficient time between the publication and June 14th to allow for comments to be evaluated. Delay of receipt of the acknowledgment has been approved by the National Marine Fisheries Service.

Effective Date of Rule: Immediately.

June 1, 1995  
Morris W. Barker  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-95-03200A Offer acceptance—Acknowledgment—Retirement of licenses.** Notwithstanding the provisions of WAC 220-95-032, effective immediately until further notice:

1. The Department will notify license holders of acceptance of an offer by sending the acceptance and acknowledgment by certified mail.

2. The acknowledgment must be signed and returned to the department and received at or before 4:30 p.m. on June 30, 1995.

3. All other provisions of WAC 220-95-032 remain in effect.

**WSR 95-12-039  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 95-71—Filed June 1, 1995, 4:55 p.m.]

Date of Adoption: June 1, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-57-31000P and 220-57-31900J.

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: Recent returns to the Kalama and Lewis River hatcheries indicate salmon escapement needs will be met.

Effective Date of Rule: Immediately.

June 1, 1995  
Morris W. Barker  
for Robert Turner  
Director

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 220-57-31000P Kalama River-Salmon seasons and areas. (95-67)
- WAC 220-57-31900J Lewis River-Salmon seasons and areas. (95-67)

**NEW SECTION**

**WAC 232-28-61900F Regional exceptions to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, it is unlawful to fish for or possess the following species taken from the following waters during the periods provided for herein:

(1) Effective immediately through June 15, 1995, it is unlawful to fish for game fish from the south side of the Cowlitz River in those waters downstream from the Barrier Dam to a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

**REPEALER**

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 232-28-61900B Regional exceptions to permanent game fish rules.
- WAC 232-28-61900E Regional exceptions to permanent game fish rules.

**WSR 95-12-040  
EMERGENCY RULES  
FISH AND WILDLIFE  
COMMISSION  
(Wildlife)**

[Order 95-72—Filed June 1, 1995, 4:58 p.m.]

Date of Adoption: June 1, 1995.

Purpose: Extends game fish closure, effective immediately through June 15, 1995, on the south side of the Cowlitz River.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900B and 232-28-61900E; and amending WAC 232-28-619.

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: Earlier emergency closures on the Lewis River are repealed to provide recreational opportunity while protection is continued for Cowlitz River salmon.

Effective Date of Rule: Immediately.

June 1, 1995  
Morris W. Barker  
for Robert Turner  
Director

Signature by permission of Mitch Johnson,  
Washington Fish and Wildlife Commission Chair

EMERGENCY



**WSR 95-12-008**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**  
 [Memorandum—May 26, 1995]

MEETING NOTICE FOR JUNE 1995  
 TRANSPORTATION IMPROVEMENT BOARD  
 OLYMPIA, WASHINGTON 98504-0901

TIB Public Transportation Subcommittee, 1:00 p.m. - 2:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Sidewalk Subcommittee, 2:00 p.m. - 3:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Increase Subcommittee, 3:00 p.m. - 5:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Work Session, 7:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Board Meeting, 9:00 a.m., Friday, June 16, 1995, at the Bayview Inn.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the TIB office at (360) 705-7300 by June 8, 1995.

The next scheduled meeting is July 28, 1995. A notice with further detail of the July meeting will be mailed July 7, 1995.

**WSR 95-12-009**  
**HEALTH SERVICES COMMISSION**  
 [Filed May 26, 1995, 9:52 a.m.]

The purpose of this letter is to request that the code reviser, pursuant to the provisions of RCW 34.05.210 (6)(b), remove WAC 245-04-090 through 245-04-115 and chapter 245-01 WAC from the Washington Administrative Code as of July 1, 1995. As of that date, the Washington Health Services Commission will cease to exist and the statutory authority [chapter 43.72 RCW] that provided the basis for the adoption of these rules will be repealed [by chapter 256, Laws of 1995].

Carol A. Smith  
 Assistant Attorney General

**WSR 95-12-013**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC WORKS BOARD**  
 [Memorandum—May 26, 1995]

The Public Works Board must schedule a meeting for 8:30 a.m., June 6, 1995.

The meeting will be handled by conference call. Persons wishing to participate and/or monitor the meeting may do so by appearing at the Office of the Managing Director of Community Investment, Department of Community, Trade and Economic Development, Third Floor, 906 Columbia Street Southwest, Olympia, Washington.

The agenda items for this meeting shall be the consideration of an emergency loan application for the city of Black Diamond, and capital facilities plan loan applications for the

city of White Salmon, the town of Ruston, and King County Water District No. 111.

**WSR 95-12-015**  
**RULES COORDINATOR**  
**UNIVERSITY OF WASHINGTON**  
 [Filed May 30, 1995, 9:20 a.m.]

The rules coordinator for the University of Washington continues to be Rebecca Goodwin Deardorff, administrative procedures officer. However, Ms. Deardorff's address has changed to: University of Washington, 4014 University Way N.E., Seattle, WA 98105-6203. Ms. Deardorff's phone and FAX numbers remain unchanged. They are as follows: Phone (206) 543-9199, FAX (206) 543-0786.

Rebecca Goodwin Deardorff  
 Administrative Procedures Officer

**WSR 95-12-034**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Title and Registration Advisory Committee)  
 [Memorandum—June 1, 1995]

Please publish a public meeting notice for the Title and Registration Advisory Committee (TRAC) in the next publication of the State Register.

Date: July 18, 1995  
 Time: 10:00 a.m. to 12:00 p.m.  
 Place: GFP Board Room, SeaTac Airport  
 17801 Pacific Highway South  
 Main Terminal Building 5110  
 SeaTac, WA

**WSR 95-12-038**  
**RULES COORDINATOR**  
**GAMBLING COMMISSION**  
 [Filed June 1, 1995, 2:55 p.m.]

Effective immediately, Michael R. Aoki-Kramer replaces Patricia Norman-Cole as the agency's rules coordinator. His title within the agency is "rules and policy coordinator," and he may be reached at (360) 438-7654 ext. 310.

Carrie Tellefson Sutherland  
 Special Assistant to the Director  
 Office of Public Affairs

**WSR 95-12-042**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1995 No. 7**  
 [May 19, 1995]

OFFICES AND OFFICERS - PUBLIC UTILITY DISTRICTS - COMMISSIONERS - DISTRICTS - SALARIES AND WAGES - COMPENSATION - Authority of public utility district commissioners to receive additional compensation for service as president or secretary of the board of commissioners.

MISCELLANEOUS

A public utility district commissioner is entitled to receive only the compensation specified for the position in RCW 54.12.080, and is not entitled to any additional compensation for serving as president or secretary of the board of commissioners.

Requested by:
Honorable Harold Hochstatter
State Senator, District 13
P.O. Box 40462
Olympia, WA 98504-0413

WSR 95-12-043
ATTORNEY GENERAL OPINION
Cite as: AGO 1995 No. 8
[May 25, 1995]

COLLEGES AND UNIVERSITIES - SCHOOLS - TEACHERS - CHURCHES - RELIGION - PLACING STUDENT TEACHERS FROM PUBLIC COLLEGES IN RELIGIOUS SCHOOLS

It would violate the state and federal constitutions to place students at state-funded colleges and universities and student teachers in "pervasively religious" elementary or secondary schools, as defined in case law; whether a particular school is "pervasively religious" must be analyzed on a case-by-case basis.

Requested by:
The Honorable Bob Morton
State Senator, District 7
107 Institutions Building, MS 40407
Olympia, Washington 98504-0407

WSR 95-12-044
NOTICE OF PUBLIC MEETINGS
FIRE PROTECTION POLICY BOARD
[Memorandum—June 2, 1995]

FIRE PROTECTION POLICY BOARD MEETINGS
FOR THE REMAINDER OF 1995

The Fire Protection Policy Board has added two special meetings to the 1995 schedule. In addition to regularly scheduled meetings, special meetings will be held on June 27, 1995, and August 22, 1995, at the Fire Training Academy in North Bend.

Table with 4 columns: Date, Meeting Type, Time, Location. Rows include June 27, July 19, July 20, August 22, September 20, September 21, November 15, and November 16.

For information regarding Fire Protection Policy Board meetings, please contact Pam Williams at Fire Protection Services, (360) 923-4550.

WSR 95-12-046
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—May 30, 1995]

The Seattle Community College District board of trustees will hold their regular meeting, at 6:00 p.m., on June 6, 1995, at the Maritime Training Center, Room 101, 4455 Shilshole Avenue N.W., Seattle, WA 98107.

The meeting will be preceded by a work session at 4:30 p.m.

WSR 95-12-061
WESTERN WASHINGTON UNIVERSITY
[Filed June 5, 1995, 10:27 a.m.]

This is to notify you that Western Washington University is planning to make changes during the 1995-96 year to its Washington Administrative Code rules, Title 516, in the following chapters:

- 516-22 Student rights and responsibilities. Proposed change: Update the rules; provide clarity of actionable offenses and consequent disciplinary sanctions; clarify jurisdiction of this WAC rule; add hazing policy.
516-37 Use of university facilities—Library and media services. Proposed change: Clarify those able to use library resources and facilities; broaden focus to include all libraries on campus; eliminate reference to media services, which no longer reports to director of libraries.
516-\_\_\_ Media services. A new section addressing access to Western Washington University media services will be added.
516-60 Admission and registration procedures. Minor, housekeeping changes will be made.

Gloria McDonald
Administrative Secretary
Rules Coordinator

WSR 95-12-069
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Public Information Access Policy Task Force)
[Memorandum—June 6, 1995]

Please be advised of the adjusted date, time and location for the June PIATF meeting:

Table with 3 columns: Meeting Type, Date, Time, Location. Rows for Old and New meetings.

MISCELLANEOUS

For additional information, please contact Cathy M. Stussy at (360) 753-2914.

**WSR 95-12-083**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Memorandum—June 5, 1995]

REVISED

MEETING NOTICE FOR JUNE 1995  
TRANSPORTATION IMPROVEMENT BOARD  
BREMERTON, WASHINGTON

TIB Public Transportation Subcommittee, 1:00 p.m. - 2:00 p.m., Thursday, June 15, 1995, in Bremerton at the Bayview Inn, 5640 Kitsap Way.

Sidewalk Subcommittee, 2:00 p.m. - 3:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Increase Subcommittee, 3:00 p.m. - 5:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Work Session, 7:00 p.m., Thursday, June 15, 1995, at the Bayview Inn.

Board Meeting, 9:00 a.m., Friday, June 16, 1995, at the Bayview Inn.

SPECIAL NEEDS: For special accommodations or to request an auxiliary aid, please contact the Transportation Improvement Board office at (360) 705-7300 by June 8, 1995.

The next scheduled meeting is July 28, 1995. A notice with further detail of the July meeting will be mailed July 7, 1995.

**WSR 95-12-100**  
**NOTICE OF PUBLIC MEETINGS**  
**PIERCE COLLEGE**  
[Memorandum—June 7, 1995]

The board of trustees of Community College District Number Eleven (Pierce College) would like to make the following change to an upcoming regular board meeting:

<u>Meeting Date/Location</u>	<u>Time</u>	<u>Change to:</u>
July 12, 1995 Puyallup Campus	12:30	Change the meeting time 1:30 p.m. (same location)

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 #
1-21	PREP	95-11-115	16-166-070	REP-P	95-10-100	16-674-080	AMD-P	95-09-090
4-25-710	AMD-P	95-09-066	16-166-080	REP-P	95-10-100	16-674-080	AMD-W	95-11-070
16-101-700	AMD-W	95-04-036	16-166-090	REP-P	95-10-100	16-675-029	REP-P	95-09-089
16-101-700	AMD-P	95-10-020	16-230-190	AMD-P	95-10-094	16-675-029	REP-W	95-11-071
16-101-700	AMD-W	95-11-082	16-414-010	AMD-P	95-09-038	16-675-030	AMD-P	95-09-089
16-144-001	AMD-E	95-10-049	16-414-015	NEW-P	95-09-038	16-675-030	AMD-W	95-11-071
16-144-001	AMD-P	95-12-084	16-414-020	AMD-P	95-09-038	16-675-039	REP-P	95-09-089
16-144-015	NEW-E	95-10-049	16-414-030	AMD-P	95-09-038	16-675-039	REP-W	95-11-071
16-144-145	NEW-P	95-12-084	16-414-085	NEW-P	95-09-038	16-675-040	AMD-P	95-09-089
16-144-146	NEW-P	95-12-084	16-414-090	AMD-P	95-09-038	16-675-040	AMD-W	95-11-071
16-144-147	NEW-P	95-12-084	16-414-095	NEW-P	95-09-038	16-700-011	NEW-P	95-12-091
16-144-148	NEW-P	95-12-084	16-461-010	AMD-P	95-09-038	16-750-011	AMD	95-06-002
16-144-149	NEW-P	95-12-084	16-495-200	NEW-P	95-11-118	16-750-015	AMD	95-06-002
16-144-150	NEW-P	95-12-084	16-495-205	NEW-P	95-11-118	30	PREP	95-11-095
16-144-151	NEW-P	95-12-084	16-495-210	NEW-P	95-11-118	30-01-010	AMD-P	95-12-098
16-158	PREP	95-07-015	16-495-215	NEW-P	95-11-118	30-01-020	AMD-P	95-12-098
16-158	AMD-P	95-10-098	16-495-220	NEW-P	95-11-118	30-01-030	REP-P	95-12-098
16-158-010	AMD-P	95-10-098	16-495-225	NEW-P	95-11-118	30-01-040	AMD-P	95-12-098
16-158-020	AMD-P	95-10-098	16-495-230	NEW-P	95-11-118	30-01-050	AMD-P	95-12-098
16-158-025	NEW-P	95-10-098	16-495-235	NEW-P	95-11-118	30-01-060	AMD-P	95-12-098
16-158-027	NEW-P	95-10-098	16-495-240	NEW-P	95-11-118	30-02-010	NEW-P	95-12-098
16-158-030	AMD-P	95-10-098	16-495-245	NEW-P	95-11-118	30-04-040	AMD-P	95-12-098
16-158-040	AMD-P	95-10-098	16-495-250	NEW-P	95-11-118	30-04-050	AMD-P	95-12-098
16-158-050	AMD-P	95-10-098	16-495-255	NEW-P	95-11-118	30-04-060	AMD-P	95-12-098
16-158-060	AMD-P	95-10-098	16-532-035	PREP	95-09-079	30-04-090	AMD-P	95-12-098
16-158-070	REP-P	95-10-098	16-532-035	AMD-P	95-10-095	30-04-100	REP-P	95-12-098
16-158-080	AMD-P	95-10-098	16-532-040	PREP	95-09-079	30-04-110	REP-P	95-12-098
16-158-090	AMD-P	95-10-098	16-532-040	AMD-P	95-10-095	30-08-030	AMD-P	95-12-098
16-158-100	AMD-P	95-10-098	16-532-101	PREP	95-09-079	30-08-040	AMD-P	95-12-098
16-158-120	AMD-P	95-10-098	16-532-120	PREP	95-09-079	30-12-010	AMD-P	95-12-098
16-158-130	AMD-P	95-10-098	16-532-120	AMD-P	95-10-095	30-12-020	REP-P	95-12-098
16-158-150	NEW-P	95-10-098	16-536-020	PREP	95-08-005	30-12-030	AMD-P	95-12-098
16-164	PREP	95-07-017	16-536-020	AMD-P	95-12-089	30-12-050	AMD-P	95-12-098
16-164	AMD-P	95-10-099	16-557-010	PREP	95-08-003	30-12-060	AMD-P	95-12-098
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16-164-020	AMD-P	95-10-099	16-580	PREP	95-08-004	30-12-080	AMD-P	95-12-098
16-164-030	AMD-P	95-10-099	16-580-020	AMD-P	95-10-096	30-12-090	AMD-P	95-12-098
16-164-035	NEW-P	95-10-099	16-580-070	AMD-P	95-10-096	30-12-100	AMD-P	95-12-098
16-164-040	AMD-P	95-10-099	16-585-010	NEW-P	95-05-071	30-12-120	REP-P	95-12-098
16-164-060	AMD-P	95-10-099	16-585-020	NEW-P	95-05-071	30-12-140	REP-P	95-12-098
16-164-070	AMD-P	95-10-099	16-585-030	NEW-P	95-05-071	30-12-160	AMD-P	95-12-098
16-164-080	AMD-P	95-10-099	16-585-040	NEW-P	95-05-071	30-14-010	NEW-P	95-12-098
16-164-090	AMD-P	95-10-099	16-585-050	NEW-P	95-05-071	30-14-020	NEW-P	95-12-098
16-164-100	AMD-P	95-10-099	16-585-060	NEW-P	95-05-071	30-14-030	NEW-P	95-12-098
16-166	PREP	95-07-016	16-585-070	NEW-P	95-05-071	30-14-040	NEW-P	95-12-098
16-166-010	REP-P	95-10-100	16-585-080	NEW-P	95-05-071	30-14-050	NEW-P	95-12-098
16-166-020	REP-P	95-10-100	16-585-090	NEW-P	95-05-071	30-14-060	NEW-P	95-12-098
16-166-030	REP-P	95-10-100	16-674-059	NEW-P	95-09-090	30-14-070	NEW-P	95-12-098
16-166-040	REP-P	95-10-100	16-674-059	NEW-W	95-11-070	30-14-080	NEW-P	95-12-098
16-166-050	REP-P	95-10-100	16-674-060	AMD-P	95-09-090	30-14-090	NEW-P	95-12-098
16-166-060	REP-P	95-10-100	16-674-060	AMD-W	95-11-070	30-14-100	NEW-P	95-12-098

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
30-14-110	NEW-P	95-12-098	30-32-060	REP-P	95-12-098	51-20-001	REP	95-11-107
30-16-010	REP-P	95-12-098	30-32-070	REP-P	95-12-098	51-20-002	REP-P	95-04-106
30-16-020	REP-P	95-12-098	30-32-080	REP-P	95-12-098	51-20-002	REP	95-11-107
30-16-030	REP-P	95-12-098	30-36-010	REP-P	95-12-098	51-20-003	REP-P	95-04-106
30-16-040	REP-P	95-12-098	30-36-020	REP-P	95-12-098	51-20-003	REP	95-11-107
30-16-050	REP-P	95-12-098	30-36-030	REP-P	95-12-098	51-20-004	REP-P	95-04-106
30-16-060	REP-P	95-12-098	30-36-040	REP-P	95-12-098	51-20-004	REP	95-11-107
30-16-070	REP-P	95-12-098	30-36-050	REP-P	95-12-098	51-20-005	REP-P	95-04-106
30-16-080	REP-P	95-12-098	30-36-060	REP-P	95-12-098	51-20-005	REP	95-11-107
30-16-090	REP-P	95-12-098	30-36-070	REP-P	95-12-098	51-20-007	REP-P	95-04-106
30-16-100	REP-P	95-12-098	30-36-080	REP-P	95-12-098	51-20-007	REP	95-11-107
30-16-110	REP-P	95-12-098	30-36-090	REP-P	95-12-098	51-20-008	REP-P	95-04-106
30-16-120	REP-P	95-12-098	30-36-100	REP-P	95-12-098	51-20-008	REP	95-11-107
30-18-010	NEW-P	95-12-098	30-36-110	REP-P	95-12-098	51-20-009	REP-P	95-04-106
30-18-020	NEW-P	95-12-098	30-40-020	AMD-P	95-12-098	51-20-009	REP	95-11-107
30-18-030	NEW-P	95-12-098	30-40-030	REP-P	95-12-098	51-20-0100	REP-P	95-04-106
30-18-040	NEW-P	95-12-098	30-40-050	AMD-P	95-12-098	51-20-0100	REP	95-11-107
30-18-050	NEW-P	95-12-098	30-40-060	AMD-P	95-12-098	51-20-0104	REP-P	95-04-106
30-18-060	NEW-P	95-12-098	30-40-070	AMD-P	95-12-098	51-20-0104	REP	95-11-107
30-18-070	NEW-P	95-12-098	30-40-080	AMD-P	95-12-098	51-20-0300	REP-P	95-04-106
30-18-080	NEW-P	95-12-098	30-40-090	AMD-P	95-12-098	51-20-0300	REP	95-11-107
30-18-090	NEW-P	95-12-098	30-44	AMD-P	95-12-098	51-20-0307	REP-P	95-04-106
30-18-100	NEW-P	95-12-098	30-44-010	AMD-P	95-12-098	51-20-0307	REP	95-11-107
30-18-110	NEW-P	95-12-098	30-44-020	AMD-P	95-12-098	51-20-0400	REP-P	95-04-106
30-20-010	REP-P	95-12-098	30-44-030	AMD-P	95-12-098	51-20-0400	REP	95-11-107
30-20-020	REP-P	95-12-098	30-44-040	AMD-P	95-12-098	51-20-0404	REP-P	95-04-106
30-20-030	REP-P	95-12-098	30-44-050	AMD-P	95-12-098	51-20-0404	REP	95-11-107
30-20-040	REP-P	95-12-098	30-44-060	NEW-P	95-12-098	51-20-0407	REP-P	95-04-106
30-20-050	REP-P	95-12-098	30-48-010	REP-P	95-12-098	51-20-0407	REP	95-11-107
30-20-060	REP-P	95-12-098	30-48-020	REP-P	95-12-098	51-20-0409	REP-P	95-04-106
30-20-070	REP-P	95-12-098	30-48-030	REP-P	95-12-098	51-20-0409	REP	95-11-107
30-20-080	REP-P	95-12-098	30-48-040	REP-P	95-12-098	51-20-0414	REP-P	95-04-106
30-20-090	REP-P	95-12-098	30-48-050	REP-P	95-12-098	51-20-0414	REP	95-11-107
30-20-100	REP-P	95-12-098	30-48-060	REP-P	95-12-098	51-20-0417	REP-P	95-04-106
30-20-110	REP-P	95-12-098	30-48-070	REP-P	95-12-098	51-20-0417	REP	95-11-107
30-20-120	REP-P	95-12-098	50-60-010	AMD-P	95-05-084	51-20-0420	REP-P	95-04-106
30-22-010	NEW-P	95-12-098	50-60-020	AMD-P	95-05-084	51-20-0420	REP	95-11-107
30-22-020	NEW-P	95-12-098	50-60-030	AMD-P	95-05-084	51-20-0500	REP-P	95-04-106
30-22-030	NEW-P	95-12-098	50-60-035	NEW-P	95-05-084	51-20-0500	REP	95-11-107
30-22-040	NEW-P	95-12-098	50-60-040	AMD-P	95-05-084	51-20-0503	REP-P	95-04-106
30-22-050	NEW-P	95-12-098	50-60-042	NEW-P	95-05-084	51-20-0503	REP	95-11-107
30-22-060	NEW-P	95-12-098	50-60-045	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106
30-22-070	NEW-P	95-12-098	50-60-050	AMD-P	95-05-084	51-20-0514	REP	95-11-107
30-22-080	NEW-P	95-12-098	50-60-060	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106
30-22-090	NEW-P	95-12-098	50-60-070	AMD-P	95-05-084	51-20-0515	REP	95-11-107
30-24-010	REP-P	95-12-098	50-60-080	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106
30-24-020	REP-P	95-12-098	50-60-08001	NEW-P	95-05-084	51-20-0551	REP	95-11-107
30-24-030	REP-P	95-12-098	50-60-08002	NEW-P	95-05-084	51-20-0600	REP-P	95-04-106
30-24-040	REP-P	95-12-098	50-60-08003	NEW-P	95-05-084	51-20-0600	REP	95-11-107
30-24-050	REP-P	95-12-098	50-60-08004	NEW-P	95-05-084	51-20-0605	REP-P	95-04-106
30-24-060	REP-P	95-12-098	50-60-08005	NEW-P	95-05-084	51-20-0605	REP	95-11-107
30-24-070	REP-P	95-12-098	50-60-08006	NEW-P	95-05-084	51-20-0700	REP-P	95-04-106
30-24-080	REP-P	95-12-098	50-60-08007	NEW-P	95-05-084	51-20-0700	REP	95-11-107
30-24-090	REP-P	95-12-098	50-60-08008	NEW-P	95-05-084	51-20-0702	REP-P	95-04-106
30-24-100	REP-P	95-12-098	50-60-09001	NEW-P	95-05-084	51-20-0702	REP	95-11-107
30-26-010	NEW-P	95-12-098	50-60-09002	NEW-P	95-05-084	51-20-0800	REP-P	95-04-106
30-26-020	NEW-P	95-12-098	50-60-09003	NEW-P	95-05-084	51-20-0800	REP	95-11-107
30-26-030	NEW-P	95-12-098	50-60-09004	NEW-P	95-05-084	51-20-0801	REP-P	95-04-106
30-26-040	NEW-P	95-12-098	50-60-100	AMD-P	95-05-084	51-20-0801	REP	95-11-107
30-26-050	NEW-P	95-12-098	50-60-110	AMD-P	95-05-084	51-20-0802	REP-P	95-04-106
30-26-060	NEW-P	95-12-098	50-60-120	AMD-P	95-05-084	51-20-0802	REP	95-11-107
30-26-070	NEW-P	95-12-098	50-60-125	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106
30-26-080	NEW-P	95-12-098	50-60-130	AMD-P	95-05-084	51-20-0900	REP	95-11-107
30-26-090	NEW-P	95-12-098	50-60-140	AMD-P	95-05-084	51-20-0901	REP-P	95-04-106
30-28-010	REP-P	95-12-098	50-60-150	AMD-P	95-05-084	51-20-0901	REP	95-11-107
30-28-020	REP-P	95-12-098	50-60-160	AMD-P	95-05-084	51-20-0902	REP-P	95-04-106
30-28-030	REP-P	95-12-098	50-60-165	AMD-P	95-05-084	51-20-0902	REP	95-11-107
30-28-040	REP-P	95-12-098	50-60-180	REP-P	95-05-084	51-20-1000	REP-P	95-04-106
30-32-010	REP-P	95-12-098	50-60-190	NEW-P	95-05-084	51-20-1000	REP	95-11-107
30-32-020	REP-P	95-12-098	50-60-200	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106
30-32-030	REP-P	95-12-098	50-60-210	NEW-P	95-05-084	51-20-1011	REP	95-11-107
30-32-040	REP-P	95-12-098	51-20	PREP	95-03-086	51-20-1200	REP-P	95-04-106
30-32-050	REP-P	95-12-098	51-20-001	REP-P	95-04-106	51-20-1200	REP	95-11-107

TABLE

**Table of WAC Sections Affected**

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-20-1201	REP-P	95-04-106	51-20-3113	REP	95-11-107	51-21-31010	REP	95-11-107
51-20-1201	REP	95-11-107	51-20-3114	REP-P	95-04-106	51-21-38030	REP-P	95-04-106
51-20-1210	REP-P	95-04-106	51-20-3114	REP	95-11-107	51-21-38030	REP	95-11-107
51-20-1210	REP	95-11-107	51-20-3151	REP-P	95-04-106	51-21-38038	REP-P	95-04-106
51-20-1215	REP-P	95-04-106	51-20-3151	REP	95-11-107	51-21-38038	REP	95-11-107
51-20-1215	REP	95-11-107	51-20-3152	REP-P	95-04-106	51-21-38039	REP-P	95-04-106
51-20-1223	REP-P	95-04-106	51-20-3152	REP	95-11-107	51-21-38039	REP	95-11-107
51-20-1223	REP	95-11-107	51-20-3153	REP-P	95-04-106	51-22	PREP	95-03-086
51-20-1224	REP-P	95-04-106	51-20-3153	REP	95-11-107	51-22-001	REP-P	95-04-106
51-20-1224	REP	95-11-107	51-20-3154	REP-P	95-04-106	51-22-001	REP	95-11-107
51-20-1225	REP-P	95-04-106	51-20-3154	REP	95-11-107	51-22-002	REP-P	95-04-106
51-20-1225	REP	95-11-107	51-20-3155	REP-P	95-04-106	51-22-002	REP	95-11-107
51-20-1226	REP-P	95-04-106	51-20-3155	REP	95-11-107	51-22-003	REP-P	95-04-106
51-20-1226	REP	95-11-107	51-20-3156	REP-P	95-04-106	51-22-003	REP	95-11-107
51-20-1227	REP-P	95-04-106	51-20-3156	REP	95-11-107	51-22-004	REP-P	95-04-106
51-20-1227	REP	95-11-107	51-20-3300	REP-P	95-04-106	51-22-004	REP	95-11-107
51-20-1228	REP-P	95-04-106	51-20-3300	REP	95-11-107	51-22-005	REP-P	95-04-106
51-20-1228	REP	95-11-107	51-20-3304	REP-P	95-04-106	51-22-005	REP	95-11-107
51-20-1229	REP-P	95-04-106	51-20-3304	REP	95-11-107	51-22-007	REP-P	95-04-106
51-20-1229	REP	95-11-107	51-20-3306	REP-P	95-04-106	51-22-007	REP	95-11-107
51-20-1230	REP-P	95-04-106	51-20-3306	REP	95-11-107	51-22-008	REP-P	95-04-106
51-20-1230	REP	95-11-107	51-20-3315	REP-P	95-04-106	51-22-008	REP	95-11-107
51-20-1231	REP-P	95-04-106	51-20-3315	REP	95-11-107	51-22-0400	REP-P	95-04-106
51-20-1231	REP	95-11-107	51-20-3350	REP-P	95-04-106	51-22-0400	REP	95-11-107
51-20-1232	REP-P	95-04-106	51-20-3350	REP	95-11-107	51-22-0423	REP-P	95-04-106
51-20-1232	REP	95-11-107	51-20-3800	REP-P	95-04-106	51-22-0423	REP	95-11-107
51-20-1233	REP-P	95-04-106	51-20-3800	REP	95-11-107	51-22-0500	REP-P	95-04-106
51-20-1233	REP	95-11-107	51-20-3801	REP-P	95-04-106	51-22-0500	REP	95-11-107
51-20-1234	REP-P	95-04-106	51-20-3801	REP	95-11-107	51-22-0504	REP-P	95-04-106
51-20-1234	REP	95-11-107	51-20-3802	REP-P	95-04-106	51-22-0504	REP	95-11-107
51-20-1800	REP-P	95-04-106	51-20-3802	REP	95-11-107	51-22-0800	REP-P	95-04-106
51-20-1800	REP	95-11-107	51-20-3900	REP-P	95-04-106	51-22-0800	REP	95-11-107
51-20-1807	REP-P	95-04-106	51-20-3900	REP	95-11-107	51-22-0807	REP-P	95-04-106
51-20-1807	REP	95-11-107	51-20-3901	REP-P	95-04-106	51-22-0807	REP	95-11-107
51-20-2300	REP-P	95-04-106	51-20-3901	REP	95-11-107	51-22-1000	REP-P	95-04-106
51-20-2300	REP	95-11-107	51-20-3903	REP-P	95-04-106	51-22-1000	REP	95-11-107
51-20-2312	REP-P	95-04-106	51-20-3903	REP	95-11-107	51-22-1002	REP-P	95-04-106
51-20-2312	REP	95-11-107	51-20-5100	REP-P	95-04-106	51-22-1002	REP	95-11-107
51-20-2700	REP-P	95-04-106	51-20-5100	REP	95-11-107	51-22-1100	REP-P	95-04-106
51-20-2700	REP	95-11-107	51-20-5103	REP-P	95-04-106	51-22-1100	REP	95-11-107
51-20-2710	REP-P	95-04-106	51-20-5103	REP	95-11-107	51-22-1104	REP-P	95-04-106
51-20-2710	REP	95-11-107	51-20-5105	REP-P	95-04-106	51-22-1104	REP	95-11-107
51-20-3000	REP-P	95-04-106	51-20-5105	REP	95-11-107	51-22-1500	REP-P	95-04-106
51-20-3000	REP	95-11-107	51-20-5400	REP-P	95-04-106	51-22-1500	REP	95-11-107
51-20-3007	REP-P	95-04-106	51-20-5400	REP	95-11-107	51-22-1508	REP-P	95-04-106
51-20-3007	REP	95-11-107	51-20-5401	REP-P	95-04-106	51-22-1508	REP	95-11-107
51-20-3100	REP-P	95-04-106	51-20-5401	REP	95-11-107	51-22-1900	REP-P	95-04-106
51-20-3100	REP	95-11-107	51-20-93100	REP-P	95-04-106	51-22-1900	REP	95-11-107
51-20-3101	REP-P	95-04-106	51-20-93100	REP	95-11-107	51-22-1903	REP-P	95-04-106
51-20-3101	REP	95-11-107	51-20-93115	REP-P	95-04-106	51-22-1903	REP	95-11-107
51-20-3102	REP-P	95-04-106	51-20-93115	REP	95-11-107	51-24	PREP	95-03-086
51-20-3102	REP	95-11-107	51-20-93116	REP-P	95-04-106	51-24-001	REP-P	95-04-106
51-20-3103	REP-P	95-04-106	51-20-93116	REP	95-11-107	51-24-001	REP	95-11-107
51-20-3103	REP	95-11-107	51-20-93117	REP-P	95-04-106	51-24-002	REP-P	95-04-106
51-20-3104	REP-P	95-04-106	51-20-93117	REP	95-11-107	51-24-002	REP	95-11-107
51-20-3104	REP	95-11-107	51-20-93118	REP-P	95-04-106	51-24-003	REP-P	95-04-106
51-20-3105	REP-P	95-04-106	51-20-93118	REP	95-11-107	51-24-003	REP	95-11-107
51-20-3105	REP	95-11-107	51-20-93119	REP-P	95-04-106	51-24-007	REP-P	95-04-106
51-20-3106	REP-P	95-04-106	51-20-93119	REP	95-11-107	51-24-007	REP	95-11-107
51-20-3106	REP	95-11-107	51-20-93120	REP-P	95-04-106	51-24-007	REP	95-11-107
51-20-3107	REP-P	95-04-106	51-20-93120	REP	95-11-107	51-24-008	REP-P	95-04-106
51-20-3107	REP	95-11-107	51-21	PREP	95-03-086	51-24-008	REP	95-11-107
51-20-3108	REP-P	95-04-106	51-21-001	REP-P	95-04-106	51-24-04000	REP-P	95-04-106
51-20-3108	REP	95-11-107	51-21-001	REP	95-11-107	51-24-04000	REP	95-11-107
51-20-3109	REP-P	95-04-106	51-21-002	REP-P	95-04-106	51-24-04123	REP-P	95-04-106
51-20-3109	REP	95-11-107	51-21-002	REP	95-11-107	51-24-04123	REP	95-11-107
51-20-3110	REP-P	95-04-106	51-21-003	REP-P	95-04-106	51-24-09000	REP-P	95-04-106
51-20-3110	REP	95-11-107	51-21-003	REP	95-11-107	51-24-09000	REP	95-11-107
51-20-3111	REP-P	95-04-106	51-21-007	REP-P	95-04-106	51-24-09105	REP-P	95-04-106
51-20-3111	REP	95-11-107	51-21-007	REP	95-11-107	51-24-09105	REP	95-11-107
51-20-3112	REP-P	95-04-106	51-21-007	REP	95-11-107	51-24-09107	REP-P	95-04-106
51-20-3112	REP	95-11-107	51-21-008	REP-P	95-04-106	51-24-09107	REP	95-11-107
51-20-3113	REP-P	95-04-106	51-21-008	REP	95-11-107	51-24-09110	REP-P	95-04-106
			51-21-31010	REP-P	95-04-106	51-24-09110	REP	95-11-107

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180-27-040	PREP	95-12-073	180-77-100	REP-P	95-08-058	182-20-320	NEW-P	95-08-060
180-27-05605	AMD-E	95-11-092	180-77-100	REP	95-12-056	182-20-320	NEW	95-12-010
180-27-05605	AMD-P	95-12-074	180-77-105	REP-P	95-08-058	182-20-400	NEW-P	95-08-060
180-29-015	PREP	95-05-036	180-77-105	REP	95-12-056	182-20-400	NEW	95-12-010
180-29-015	AMD-P	95-05-081	180-77-106	NEW-P	95-08-058	192-12	PREP	95-10-053
180-29-015	AMD	95-08-033	180-77-106	NEW	95-12-056	192-12-130	PREP	95-04-104
180-29-095	PREP	95-05-037	180-77-110	AMD-P	95-08-058	192-12-141	PREP	95-04-104
180-29-095	AMD-P	95-05-082	180-77-110	AMD	95-12-056	192-12-141	PREP	95-07-075
180-29-095	AMD	95-08-031	180-77-120	NEW-P	95-08-058	192-12-184	AMD-P	95-06-081
180-29-125	PREP	95-05-035	180-77-120	NEW	95-12-056	192-12-184	AMD	95-09-085
180-29-125	AMD-P	95-05-080	180-77-122	NEW-P	95-08-058	192-12-190	AMD-P	95-06-081
180-29-125	AMD	95-08-030	180-77-122	NEW	95-12-056	192-12-190	AMD	95-09-085
180-43-010	AMD-P	95-05-077	180-78-145	PREP	95-06-024	192-12-320	AMD-P	95-06-081
180-43-010	AMD	95-08-028	180-78-145	AMD-P	95-08-057	192-12-320	AMD	95-09-085
180-43-015	AMD-P	95-05-077	180-78-145	AMD	95-12-055	192-12-340	AMD-P	95-06-081
180-43-015	AMD	95-08-028	180-85	PREP	95-05-042	192-12-340	AMD	95-09-085
180-51-050	AMD-P	95-12-025	180-95	AMD-P	95-05-076	192-16	PREP	95-11-128
180-57-080	PREP	95-12-024	180-95	AMD	95-08-029	192-16-002	PREP	95-11-128
180-75-070	PREP	95-05-043	180-95-005	AMD-P	95-05-076	192-16-007	REP-P	95-06-081
180-77-001	NEW-P	95-08-058	180-95-005	AMD	95-08-029	192-16-007	REP	95-09-085
180-77-001	NEW	95-12-056	180-95-050	AMD-P	95-05-076	192-16-017	AMD-P	95-06-081
180-77-002	NEW-P	95-08-058	180-95-050	AMD	95-08-029	192-16-017	AMD	95-09-085
180-77-002	NEW	95-12-056	180-95-070	NEW-P	95-05-076	192-16-019	AMD-P	95-06-081
180-77-003	AMD-P	95-08-058	180-95-070	NEW	95-08-029	192-16-019	AMD	95-09-085
180-77-003	AMD	95-12-056	182-04	PREP	95-04-057	192-16-021	AMD-P	95-06-081
180-77-004	NEW-P	95-08-058	182-08	PREP	95-04-057	192-16-021	AMD	95-09-085
180-77-004	NEW	95-12-056	182-12	PREP	95-04-057	192-16-025	AMD-P	95-06-081
180-77-005	AMD-P	95-08-058	182-12-110	AMD-E	95-08-002	192-16-025	AMD	95-09-085
180-77-005	AMD	95-12-056	182-12-111	AMD-E	95-08-002	192-16-050	AMD-P	95-06-081
180-77-010	REP-P	95-08-058	182-12-115	AMD-E	95-08-002	192-16-050	AMD	95-09-085
180-77-010	REP	95-12-056	182-12-122	AMD-E	95-08-002	192-16-051	PREP	95-11-128
180-77-012	NEW-P	95-08-058	182-13-010	NEW-P	95-03-063	192-16-065	REP-P	95-06-081
180-77-012	NEW	95-12-056	182-13-010	NEW-W	95-03-074	192-16-065	REP	95-09-085
180-77-014	NEW-P	95-08-058	182-13-010	NEW-P	95-03-075	192-23-018	PREP	95-07-075
180-77-014	NEW	95-12-056	182-13-010	NEW	95-07-011	192-23-019	NEW-P	95-08-077
180-77-015	AMD-P	95-08-058	182-13-020	NEW-P	95-03-063	192-23-019	NEW	95-12-014
180-77-015	AMD	95-12-056	182-13-020	NEW-W	95-03-074	192-28-100	REP-P	98-06-081
180-77-020	AMD-P	95-08-058	182-13-020	NEW-P	95-03-075	192-28-100	REP	95-09-085
180-77-020	AMD	95-12-056	182-13-020	NEW	95-07-011	192-28-110	AMD-P	98-06-081
180-77-030	REP-P	95-08-058	182-13-030	NEW-P	95-03-063	192-28-110	AMD	95-09-085
180-77-030	REP	95-12-056	182-13-030	NEW-W	95-03-074	192-28-120	AMD-P	98-06-081
180-77-031	NEW-P	95-08-058	182-13-030	NEW-P	95-03-075	192-28-120	AMD	95-09-085
180-77-031	NEW	95-12-056	182-13-030	NEW	95-07-011	192-32	PREP	95-12-085
180-77-035	REP-P	95-08-058	182-13-040	NEW-P	95-03-063	192-32-001	AMD-P	95-06-081
180-77-035	REP	95-12-056	182-13-040	NEW-W	95-03-074	192-32-001	AMD	95-09-085
180-77-040	REP-P	95-08-058	182-13-040	NEW-P	95-03-075	192-32-010	AMD-P	95-06-081
180-77-040	REP	95-12-056	182-13-040	NEW	95-07-011	192-32-010	AMD	95-09-085
180-77-041	NEW-P	95-08-058	182-14-010	NEW-E	95-08-001	192-32-015	AMD-P	95-06-081
180-77-041	NEW	95-12-056	182-14-020	NEW-E	95-08-001	192-32-015	AMD	95-09-085
180-77-045	REP-P	95-08-058	182-14-030	NEW-E	95-08-001	192-32-025	AMD-P	95-06-081
180-77-045	REP	95-12-056	182-14-040	NEW-E	95-08-001	192-32-025	AMD	95-09-085
180-77-050	REP-P	95-08-058	182-14-050	NEW-E	95-08-001	192-32-045	AMD-P	95-06-081
180-77-050	REP	95-12-056	182-14-060	NEW-E	95-08-001	192-32-045	AMD	95-09-085
180-77-055	REP-P	95-08-058	182-14-070	NEW-E	95-08-001	192-42-005	REP	95-05-048
180-77-055	REP	95-12-056	182-14-080	NEW-E	95-08-001	192-42-010	REP	95-05-048
180-77-060	REP-P	95-08-058	182-14-090	NEW-E	95-08-001	192-42-021	REP	95-05-048
180-77-060	REP	95-12-056	182-14-100	NEW-E	95-08-001	192-42-030	REP	95-05-048
180-77-065	REP-P	95-08-058	182-16	PREP	95-04-057	192-42-056	REP	95-05-048
180-77-065	REP	95-12-056	182-18	PREP	95-04-057	192-42-057	REP	95-05-048
180-77-068	NEW-P	95-08-058	182-20-001	NEW-P	95-08-060	192-42-058	REP	95-05-048
180-77-068	NEW	95-12-056	182-20-001	NEW	95-12-010	192-42-081	REP	95-05-048
180-77-070	AMD-P	95-08-058	182-20-010	NEW-P	95-08-060	197-11-200	NEW-W	95-08-061
180-77-070	AMD	95-12-056	182-20-010	NEW	95-12-010	197-11-210	NEW	95-07-023
180-77-075	AMD-P	95-08-058	182-20-100	NEW-P	95-08-060	197-11-220	NEW	95-07-023
180-77-075	AMD	95-12-056	182-20-100	NEW	95-12-010	197-11-225	NEW-E	95-03-059
180-77-080	AMD-P	95-08-058	182-20-130	NEW-P	95-08-060	197-11-228	NEW-E	95-03-059
180-77-080	AMD	95-12-056	182-20-130	NEW	95-12-010	197-11-228	NEW	95-07-023
180-77-085	REP-P	95-08-058	182-20-160	NEW-P	95-08-060	197-11-230	NEW-E	95-03-059
180-77-085	REP	95-12-056	182-20-160	NEW	95-12-010	197-11-230	NEW	95-07-023
180-77-090	REP-P	95-08-058	182-20-200	NEW-P	95-08-060	197-11-232	NEW-E	95-03-059
180-77-090	REP	95-12-056	182-20-200	NEW	95-12-010	197-11-232	NEW	95-07-023
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220-57-473	AMD	95-12-027	222-30-050	AMD-E	95-11-052	230-08-070	AMD	95-07-093
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220-57-497	AMD	95-12-027	222-30-065	NEW-C	95-04-073	230-08-160	AMD	95-07-094
220-57-49700J	NEW-E	95-08-037	222-30-065	NEW-E	95-04-074	230-12-040	AMD-P	95-04-039
220-57-502	AMD	95-12-027	222-30-065	NEW-E	95-11-052	230-12-040	AMD	95-07-093
220-57-505	AMD	95-12-027	222-30-070	AMD-C	95-04-073	230-12-075	REP-P	95-06-012
220-57-50500X	NEW-E	95-08-037	222-30-070	AMD-E	95-04-074	230-12-075	REP	95-09-061
220-57-510	AMD	95-12-027	222-30-070	AMD-E	95-11-052	230-12-079	NEW-P	95-04-037
220-57-515	AMD	95-12-027	222-30-075	NEW-C	95-04-073	230-12-079	NEW-C	95-07-099
220-57-520	AMD	95-12-027	222-30-075	NEW-E	95-04-074	230-12-079	NEW	95-09-062
220-57-525	AMD	95-12-027	222-30-075	NEW-E	95-11-052	230-20-070	AMD-P	95-04-037
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220-57A-001	AMD	95-12-027	222-30-100	AMD-E	95-04-074	230-20-070	AMD	95-09-062
220-57A-015	AMD	95-12-027	222-30-100	AMD-E	95-11-052	230-20-090	AMD-P	95-07-111
220-57A-017	AMD	95-12-027	222-38-020	AMD-C	95-04-073	230-20-090	AMD	95-12-051
220-57A-030	AMD	95-12-027	222-38-020	AMD-E	95-04-074	230-20-130	AMD-P	95-06-010
220-57A-035	AMD	95-12-027	222-38-020	AMD-E	95-11-052	230-20-130	AMD	95-09-064
220-57A-037	AMD	95-12-027	222-38-030	AMD-C	95-04-073	230-20-170	AMD-P	95-07-111
220-57A-040	AMD	95-12-027	222-38-030	AMD-E	95-04-074	230-20-170	AMD	95-12-051
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220-57A-110	AMD	95-12-027	230-02-010	AMD-P	95-04-043	230-20-190	AMD	95-12-051
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220-57A-120	AMD	95-12-027	230-02-125	REP-P	95-06-012	230-20-220	AMD	95-12-051
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220-57A-140	AMD	95-12-027	230-02-183	AMD-P	95-04-039	230-20-300	AMD	95-07-093
220-57A-145	AMD	95-12-027	230-02-183	AMD	95-07-093	230-20-325	AMD-P	95-04-039
220-57A-175	AMD	95-12-027	230-02-240	AMD-P	95-04-037	230-20-325	AMD	95-07-093
220-57A-180	AMD	95-12-027	230-02-240	AMD-C	95-07-099	230-20-335	NEW-P	95-04-039
220-57A-183	AMD	95-12-027	230-02-240	AMD	95-09-062	230-20-335	NEW	95-07-093
220-57A-185	AMD	95-12-027	230-02-350	AMD-P	95-04-038	230-20-620	AMD-P	95-06-010
220-57A-190	AMD	95-12-027	230-02-350	AMD	95-07-094	230-20-620	AMD	95-09-064
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220-95-011	REP	95-07-012	230-02-370	AMD-P	95-04-038	230-25-055	AMD-P	95-07-111
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220-95-018	NEW-P	95-03-088	230-02-418	AMD-C	95-07-099	230-25-330	AMD	95-12-051
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220-95-021	REP-P	95-03-088	230-04-075	AMD-P	95-07-111	230-40-400	AMD-P	95-06-011
220-95-021	REP	95-07-012	230-04-075	AMD	95-12-051	230-40-400	AMD-C	95-09-060
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220-95-022	NEW	95-07-012	230-04-080	AMD	95-07-094	230-46-010	AMD	95-12-051
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220-95-026	REP	95-07-012	230-04-110	AMD-P	95-07-098	230-48-010	NEW-P	95-07-096
220-95-027	NEW-P	95-03-088	230-04-110	AMD	95-12-052	230-48-010	NEW-C	95-12-048
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220-95-031	REP-P	95-03-088	230-04-115	NEW-P	95-07-098	230-50-010	AMD-C	95-06-013
220-95-031	REP	95-07-012	230-04-115	NEW	95-12-052	230-50-010	AMD-C	95-07-097
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222-16-080	AMD-E	95-04-074	230-04-280	AMD-C	95-06-013	232-28-02203	AMD	95-03-025
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222-21-030	NEW-C	95-04-073	230-04-400	AMD-C	95-06-013	232-28-02210	AMD	95-03-029
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232-28-241	AMD	95-03-032	245-01-030	DECOD	95-12-009	245-03-240	NEW-W	95-12-047
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232-28-244	REP-P	95-06-099	245-01-080	DECOD	95-12-009	245-03-280	NEW-W	95-07-037
232-28-244	REP	95-11-028	245-01-090	DECOD	95-12-009	245-03-280	NEW-W	95-12-047
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232-28-245	REP	95-11-028	245-01-110	DECOD	95-12-009	245-03-300	NEW-W	95-07-037
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232-28-248	AMD	95-11-036	245-02-030	NEW	95-04-115	245-03-520	NEW-W	95-07-035
232-28-249	NEW	95-03-039	245-02-035	NEW	95-04-115	245-03-520	NEW-W	95-12-047
232-28-250	NEW-P	95-06-097	245-02-040	NEW	95-04-115	245-03-540	NEW-W	95-07-035
232-28-250	NEW	95-11-034	245-02-045	NEW	95-04-115	245-03-540	NEW-W	95-12-047
232-28-251	NEW-P	95-06-098	245-02-050	NEW	95-04-115	245-03-560	NEW-W	95-07-035
232-28-251	NEW	95-11-038	245-02-100	NEW	95-04-112	245-03-560	NEW-W	95-12-047
232-28-252	NEW-P	95-06-102	245-02-110	NEW	95-04-112	245-03-580	NEW-W	95-07-035
232-28-252	NEW	95-11-033	245-02-115	NEW	95-04-112	245-03-580	NEW-W	95-12-047
232-28-253	NEW-P	95-06-101	245-02-120	NEW	95-04-112	245-03-610	NEW-P	95-06-076
232-28-253	NEW	95-11-032	245-02-125	NEW	95-04-112	245-03-610	NEW-W	95-12-047
232-28-254	NEW-P	95-06-103	245-02-130	NEW	95-04-112	245-03-620	NEW-P	95-06-076
232-28-254	NEW	95-11-031	245-02-131	NEW	95-04-112	245-03-620	NEW-W	95-07-036
232-28-255	NEW-P	95-06-105	245-02-135	NEW	95-04-112	245-03-620	NEW-W	95-12-047
232-28-255	NEW	95-11-029	245-02-140	NEW	95-04-112	245-03-630	NEW-P	95-06-076
232-28-256	NEW-P	95-06-104	245-02-145	NEW	95-04-112	245-03-630	NEW-W	95-12-047
232-28-256	NEW	95-11-030	245-02-150	NEW	95-04-112	245-03-640	NEW-P	95-06-076
232-28-257	NEW-P	95-06-096	245-02-155	NEW	95-04-112	245-03-640	NEW-W	95-07-036
232-28-257	NEW	95-11-027	245-02-160	NEW	95-04-112	245-03-640	NEW-W	95-12-047
232-28-619	AMD	95-05-008	245-02-165	NEW	95-04-112	245-03-650	NEW-P	95-06-076
232-28-619	AMD-P	95-06-093	245-02-170	NEW	95-04-112	245-03-650	NEW-W	95-07-036
232-28-619	AMD	95-10-027	245-02-175	NEW	95-04-112	245-03-650	NEW-W	95-12-047
232-28-61900A	NEW-E	95-04-065	245-02-180	NEW	95-04-112	245-03-660	NEW-P	95-06-076
232-28-61900B	NEW-E	95-07-018	245-03-010	NEW-P	95-06-075	245-03-660	NEW-W	95-07-036
232-28-61900B	REP-E	95-12-030	245-03-010	NEW-W	95-07-037	245-03-660	NEW-W	95-12-047
232-28-61900B	REP-E	95-12-040	245-03-010	NEW-W	95-12-047	245-03-670	NEW-P	95-06-076
232-28-61900C	NEW-E	95-09-050	245-03-020	NEW-P	95-06-075	245-03-670	NEW-W	95-12-047
232-28-61900D	NEW-E	95-09-051	245-03-020	NEW-W	95-07-037	245-03-680	NEW-P	95-06-076
232-28-61900E	NEW-E	95-12-030	245-03-020	NEW-W	95-12-047	245-03-680	NEW-W	95-07-036
232-28-61900E	REP-E	95-12-040	245-03-040	NEW-P	95-06-075	245-03-680	NEW-W	95-12-047
232-28-61900F	NEW-E	95-12-040	245-03-040	NEW-W	95-07-037	245-03-810	NEW-P	95-06-074
232-28-61940	REP-E	95-09-050	245-03-040	NEW-W	95-12-047	245-03-810	NEW-W	95-07-034
232-28-61941	REP-E	95-09-050	245-03-050	NEW-P	95-06-075	245-03-810	NEW-W	95-12-047
232-28-61942	REP-E	95-09-050	245-03-050	NEW-W	95-07-037	245-03-820	NEW-P	95-06-074
232-28-61945	REP-E	95-09-050	245-03-050	NEW-W	95-12-047	245-03-820	NEW-W	95-07-034
232-28-61946	REP-E	95-09-050	245-03-080	NEW-P	95-06-075	245-03-820	NEW-W	95-12-047
232-28-61947	REP-E	95-09-050	245-03-080	NEW-W	95-07-037	245-03-830	NEW-P	95-06-074
232-28-61950	REP-E	95-09-050	245-03-080	NEW-W	95-12-047	245-03-830	NEW-W	95-07-034
232-28-61951	REP-E	95-09-050	245-03-120	NEW-P	95-06-075	245-03-830	NEW-W	95-12-047
232-28-61952	NEW-W	95-03-066	245-03-120	NEW-W	95-07-037	245-03-840	NEW-P	95-06-074
232-28-61953	REP-E	95-09-050	245-03-120	NEW-W	95-12-047	245-03-840	NEW-W	95-07-034
232-28-61954	REP-E	95-09-050	245-03-140	NEW-P	95-06-075	245-03-840	NEW-W	95-12-047
232-28-61957	REP-E	95-09-050	245-03-140	NEW-W	95-07-037	245-03-860	NEW-P	95-06-074
236-12	PREP	95-11-130	245-03-140	NEW-W	95-12-047	245-03-860	NEW-W	95-07-034
236-15	PREP	95-11-131	245-03-160	NEW-P	95-06-075	245-03-860	NEW-W	95-12-047
236-15-010	NEW	95-05-044	245-03-160	NEW-W	95-07-037	245-03-880	NEW-P	95-06-074
236-15-015	NEW	95-05-044	245-03-160	NEW-W	95-12-047	245-03-880	NEW-W	95-07-034
236-15-050	NEW	95-05-044	245-03-180	NEW-P	95-06-075	245-03-880	NEW-W	95-12-047
236-15-100	NEW	95-05-044	245-03-180	NEW-W	95-07-037	245-04-010	NEW-P	95-06-077
236-15-200	NEW	95-05-044	245-03-180	NEW-W	95-12-047	245-04-010	NEW-W	95-07-033
236-15-300	NEW	95-05-044	245-03-200	NEW-P	95-06-075	245-04-010	NEW-W	95-12-047
236-15-700	NEW	95-05-044	245-03-200	NEW-W	95-07-037	245-04-020	NEW-P	95-06-077
236-15-800	NEW	95-05-044	245-03-200	NEW-W	95-12-047	245-04-020	NEW-W	95-07-033
236-15-900	NEW	95-05-044	245-03-220	NEW-P	95-06-075	245-04-020	NEW-W	95-12-047

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
245-04-025	NEW-P 95-06-077	245-04-230	NEW-W 95-07-032	246-254-090	AMD-P 95-08-066
245-04-025	NEW-W 95-07-033	245-04-230	NEW-W 95-12-047	246-254-090	AMD 95-12-004
245-04-025	NEW-W 95-12-047	245-04-240	NEW-P 95-06-079	246-254-100	AMD-P 95-08-066
245-04-030	NEW-P 95-06-077	245-04-240	NEW-W 95-07-032	246-254-100	AMD 95-12-004
245-04-030	NEW-W 95-07-033	245-04-240	NEW-W 95-12-047	246-254-120	AMD-P 95-08-066
245-04-030	NEW-W 95-12-047	245-04-300	NEW-P 95-06-078	246-254-120	AMD 95-12-004
245-04-040	NEW-P 95-06-077	245-04-300	NEW-W 95-07-031	246-255	PREP 95-05-058
245-04-040	NEW-W 95-07-033	245-04-300	NEW-W 95-12-047	246-272-25001	AMD-P 95-04-034
245-04-040	NEW-W 95-12-047	245-04-310	NEW-P 95-06-078	246-272-25001	AMD 95-09-018
245-04-050	NEW-P 95-06-077	245-04-310	NEW-W 95-07-031	246-290-990	PREP 95-05-059
245-04-050	NEW-W 95-07-033	245-04-310	NEW-W 95-12-047	246-291	PREP 95-09-017
245-04-050	NEW-W 95-12-047	245-04-320	NEW-P 95-06-078	246-314	PREP 95-07-073
245-04-060	NEW-P 95-06-077	245-04-320	NEW-W 95-07-031	246-314-990	AMD-P 95-09-059
245-04-060	NEW-W 95-07-033	245-04-320	NEW-W 95-12-047	246-314-990	AMD 95-12-097
245-04-060	NEW-W 95-12-047	245-04-330	NEW-P 95-06-078	246-316	PREP 95-07-073
245-04-060	NEW-W 95-07-033	245-04-330	NEW-W 95-07-031	246-316-990	AMD-P 95-09-059
245-04-070	NEW-P 95-06-077	245-04-330	NEW-W 95-12-047	246-316-990	AMD 95-12-097
245-04-070	NEW-W 95-07-033	245-04-340	NEW-P 95-06-078	246-318	PREP 95-07-073
245-04-070	NEW-W 95-12-047	245-04-340	NEW-W 95-07-031	246-318-990	AMD-P 95-09-059
245-04-080	NEW-P 95-06-077	245-04-340	NEW-W 95-12-047	246-318-990	AMD 95-12-097
245-04-080	NEW-W 95-07-033	245-04-340	NEW-W 95-06-078	246-322	PREP 95-07-073
245-04-080	NEW-W 95-12-047	245-04-350	NEW-P 95-07-031	246-322-001	NEW-P 95-12-096
245-04-090	AMD-P 95-03-101	245-04-350	NEW-W 95-12-047	246-322-010	AMD-P 95-12-096
245-04-090	AMD 95-06-048	245-04-350	NEW-W 95-12-047	246-322-020	AMD-P 95-12-096
245-04-090	DECOD 95-12-009	245-08-010	NEW-P 95-04-114	246-322-025	NEW-P 95-12-096
245-04-100	AMD-P 95-03-101	245-08-010	NEW-W 95-07-030	246-322-030	NEW-P 95-12-096
245-04-100	AMD 95-06-048	245-08-010	NEW-W 95-12-047	246-322-035	NEW-P 95-12-096
245-04-100	DECOD 95-12-009	245-08-020	NEW-P 95-04-114	246-322-040	AMD-P 95-12-096
245-04-110	AMD-P 95-03-101	245-08-020	NEW-W 95-07-030	246-322-050	AMD-P 95-12-096
245-04-110	AMD 95-06-048	245-08-020	NEW-W 95-12-047	246-322-060	AMD-P 95-12-096
245-04-110	DECOD 95-12-009	245-08-030	NEW-P 95-04-114	246-322-070	REP-P 95-12-096
245-04-115	AMD-P 95-03-101	245-08-030	NEW-W 95-07-030	246-322-080	REP-P 95-12-096
245-04-115	AMD 95-06-048	245-08-030	NEW-W 95-12-047	246-322-090	REP-P 95-12-096
245-04-115	DECOD 95-12-009	245-08-040	NEW-P 95-04-114	246-322-100	AMD-P 95-12-096
245-04-125	NEW-P 95-04-113	245-08-040	NEW-W 95-07-030	246-322-110	REP-P 95-12-096
245-04-125	NEW-W 95-12-047	245-08-040	NEW-W 95-12-047	246-322-120	AMD-P 95-12-096
245-04-130	NEW-P 95-04-113	245-08-050	NEW-P 95-04-114	246-322-130	REP-P 95-12-096
245-04-130	NEW-W 95-12-047	245-08-050	NEW-W 95-07-030	246-322-140	NEW-P 95-12-096
245-04-135	NEW-P 95-04-113	245-08-050	NEW-W 95-12-047	246-322-150	NEW-P 95-12-096
245-04-135	NEW-W 95-12-047	246-01-040	AMD-P 95-07-054	246-322-160	NEW-P 95-12-096
245-04-140	NEW-P 95-04-113	246-01-040	AMD 95-10-043	246-322-170	NEW-P 95-12-096
245-04-140	NEW-W 95-12-047	246-01-080	AMD-P 95-07-054	246-322-180	NEW-P 95-12-096
245-04-145	NEW-P 95-04-113	246-01-080	AMD 95-10-043	246-322-190	NEW-P 95-12-096
245-04-145	NEW-W 95-12-047	246-100-166	PREP 95-05-012	246-322-200	NEW-P 95-12-096
245-04-150	NEW-P 95-04-113	246-100-236	AMD-S 95-08-026	246-322-210	NEW-P 95-12-096
245-04-150	NEW-W 95-12-047	246-170	AMD 95-04-035	246-322-220	NEW-P 95-12-096
245-04-155	NEW-P 95-04-113	246-170-001	REP 95-04-035	246-322-230	NEW-P 95-12-096
245-04-155	NEW-W 95-12-047	246-170-002	NEW 95-04-035	246-322-240	NEW-P 95-12-096
245-04-160	NEW-P 95-04-113	246-170-010	REP 95-04-035	246-316-250	NEW-P 95-12-096
245-04-160	NEW-W 95-12-047	246-170-011	NEW 95-04-035	246-322-500	NEW-P 95-12-096
245-04-165	NEW-P 95-04-113	246-170-020	REP 95-04-035	246-322-990	AMD-P 95-09-059
245-04-165	NEW-W 95-12-047	246-170-021	NEW 95-04-035	246-322-990	AMD 95-12-097
245-04-170	NEW-P 95-04-113	246-170-030	REP 95-04-035	246-322-991	AMD-P 95-09-059
245-04-170	NEW-W 95-12-047	246-170-031	NEW 95-04-035	246-322-991	REP-P 95-12-096
245-04-175	NEW-P 95-04-113	246-170-040	REP 95-04-035	246-322-991	AMD 95-12-097
245-04-175	NEW-W 95-12-047	246-170-041	NEW 95-04-035	246-322-991	PREP 95-07-073
245-04-180	NEW-P 95-04-113	246-170-050	REP 95-04-035	246-323-990	AMD-P 95-09-059
245-04-180	NEW-W 95-12-047	246-170-051	NEW 95-04-035	246-323-990	AMD 95-12-097
245-04-185	NEW-P 95-04-113	246-170-055	NEW 95-04-035	246-324-001	NEW-P 95-12-094
245-04-185	NEW-W 95-12-047	246-170-060	REP 95-04-035	246-324-010	NEW-P 95-12-094
245-04-190	NEW-P 95-04-113	246-170-061	NEW 95-04-035	246-324-020	NEW-P 95-12-094
245-04-190	NEW-W 95-12-047	246-170-065	NEW 95-04-035	246-324-025	NEW-P 95-12-094
245-04-195	NEW-P 95-04-113	246-170-070	REP 95-04-035	246-324-030	NEW-P 95-12-094
245-04-195	NEW-W 95-12-047	246-170-080	REP 95-04-035	246-324-035	NEW-P 95-12-094
245-04-200	NEW-P 95-06-079	246-170-090	REP 95-04-035	246-324-040	NEW-P 95-12-094
245-04-200	NEW-W 95-07-032	246-249-020	AMD-P 95-04-100	246-324-050	NEW-P 95-12-094
245-04-200	NEW-W 95-12-047	246-249-080	AMD-P 95-04-100	246-324-060	NEW-P 95-12-094
245-04-210	NEW-P 95-06-079	246-254	PREP 95-05-058	246-324-100	NEW-P 95-12-094
245-04-210	NEW-W 95-07-032	246-254-053	AMD-P 95-08-066	246-324-120	NEW-P 95-12-094
245-04-210	NEW-W 95-12-047	246-254-053	AMD 95-12-004	246-324-140	NEW-P 95-12-094
245-04-220	NEW-P 95-06-079	246-254-070	AMD-P 95-08-066	246-324-150	NEW-P 95-12-094
245-04-220	NEW-W 95-07-032	246-254-070	AMD 95-12-004	246-324-160	NEW-P 95-12-094
245-04-220	NEW-W 95-12-047	246-254-080	AMD-P 95-08-066	246-324-170	NEW-P 95-12-094
245-04-230	NEW-P 95-06-079	246-254-080	AMD 95-12-004		

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-324-180	NEW-P	95-12-094	246-812-450	NEW-E	95-09-029	246-817-175	NEW-P	95-12-068
246-324-190	NEW-P	95-12-094	246-812-460	NEW-E	95-09-029	246-817-180	NEW-P	95-12-068
246-324-200	NEW-P	95-12-094	246-812-501	NEW-E	95-09-029	246-817-185	NEW-P	95-12-068
246-324-210	NEW-P	95-12-094	246-812-510	NEW-E	95-09-029	246-817-186	NEW-P	95-12-068
246-324-220	NEW-P	95-12-094	246-812-520	NEW-E	95-09-029	246-817-201	NEW-P	95-12-068
246-324-230	NEW-P	95-12-094	246-812-601	NEW-E	95-09-029	246-817-210	NEW-P	95-12-068
246-324-240	NEW-P	95-12-094	246-812-610	NEW-E	95-09-029	246-817-301	NEW-P	95-12-068
246-324-250	NEW-P	95-12-094	246-812-620	NEW-E	95-09-029	246-817-310	NEW-P	95-12-068
246-324-500	NEW-P	95-12-094	246-812-630	NEW-E	95-09-029	246-817-320	NEW-P	95-12-068
246-324-990	NEW-P	95-12-094	246-812-990	NEW-E	95-09-029	246-817-330	NEW-P	95-12-068
246-325	PREP	95-07-073	246-815	PREP	95-12-020	246-817-340	NEW-P	95-12-068
246-325-990	AMD-P	95-09-059	246-815-050	AMD-P	95-03-018	246-817-350	NEW-P	95-12-068
246-325-990	AMD	95-12-097	246-815-050	AMD	95-07-003	246-817-360	NEW-P	95-12-068
246-326	PREP	95-07-073	246-815-070	AMD	95-02-056	246-817-370	NEW-P	95-12-068
246-326-990	AMD-P	95-09-059	246-816-015	REP-P	95-12-068	246-817-380	NEW-P	95-12-068
246-326-990	AMD	95-12-097	246-816-020	REP-P	95-12-068	246-817-390	NEW-P	95-12-068
246-327	PREP	95-07-073	246-816-030	REP-P	95-12-068	246-817-400	NEW-P	95-12-068
246-327-990	AMD-P	95-09-059	246-816-040	REP-P	95-12-068	246-817-410	NEW-P	95-12-068
246-327-990	AMD	95-12-097	246-816-050	REP-P	95-12-068	246-817-420	NEW-P	95-12-068
246-331	PREP	95-07-073	246-816-060	REP-P	95-12-068	246-817-430	NEW-P	95-12-068
246-331-990	AMD-P	95-09-059	246-816-070	REP-P	95-12-068	246-817-501	NEW-P	95-12-068
246-331-990	AMD	95-12-097	246-816-075	REP-P	95-12-068	246-817-510	NEW-P	95-12-068
246-336	PREP	95-07-073	246-816-080	REP-P	95-12-068	246-817-520	NEW-P	95-12-068
246-336-990	AMD-P	95-09-059	246-816-090	REP-P	95-12-068	246-817-530	NEW-P	95-12-068
246-336-990	AMD	95-12-097	246-816-100	REP-P	95-12-068	246-817-540	NEW-P	95-12-068
246-358	PREP	95-11-072	246-816-110	REP-P	95-12-068	246-817-550	NEW-P	95-12-068
246-358-010	AMD-E	95-08-018	246-816-120	REP-P	95-12-068	246-817-560	NEW-P	95-12-068
246-358-020	AMD-E	95-08-018	246-816-130	REP-P	95-12-068	246-817-570	NEW-P	95-12-068
246-358-085	AMD-E	95-08-018	246-816-140	REP-P	95-12-068	246-817-601	NEW-P	95-12-068
246-358-140	AMD-E	95-08-018	246-816-150	REP-P	95-12-068	246-817-610	NEW-P	95-12-068
246-380	PREP	95-07-073	246-816-201	REP-P	95-12-068	246-817-620	NEW-P	95-12-068
246-430	PREP	95-12-005	246-816-210	REP-P	95-12-068	246-817-630	NEW-P	95-12-068
245-430-010	PREP	95-12-005	246-816-220	REP-P	95-12-068	246-817-701	NEW-P	95-12-068
245-430-030	PREP	95-12-005	246-816-225	REP-P	95-12-068	246-817-710	NEW-P	95-12-068
245-430-040	PREP	95-12-005	246-816-230	REP-P	95-12-068	246-817-720	NEW-P	95-12-068
246-560-001	PREP	95-06-073	246-816-240	REP-P	95-12-068	246-817-730	NEW-P	95-12-068
246-560-010	PREP	95-06-073	246-816-250	REP-P	95-12-068	246-817-740	NEW-P	95-12-068
246-560-015	PREP	95-06-073	246-816-260	REP-P	95-12-068	246-817-750	NEW-P	95-12-068
246-560-020	PREP	95-06-073	246-816-301	REP-P	95-12-068	246-817-760	NEW-P	95-12-068
246-560-030	PREP	95-06-073	246-816-310	REP-P	95-12-068	246-817-770	NEW-P	95-12-068
246-560-040	PREP	95-06-073	246-816-320	REP-P	95-12-068	246-817-780	NEW-P	95-12-068
246-560-050	PREP	95-06-073	246-816-330	REP-P	95-12-068	246-817-790	NEW-P	95-12-068
246-560-060	PREP	95-06-073	246-816-340	REP-P	95-12-068	246-817-801	NEW-P	95-12-068
246-560-070	PREP	95-06-073	246-816-350	REP-P	95-12-068	246-817-810	NEW-P	95-12-068
246-560-080	PREP	95-06-073	246-816-360	REP-P	95-12-068	246-817-820	NEW-P	95-12-068
246-560-090	PREP	95-06-073	246-816-370	REP-P	95-12-068	246-817-830	NEW-P	95-12-068
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246-839-530	REP-P	95-12-095	246-937-060	NEW	95-04-083	284-30-905	NEW-S	95-06-086
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296-115-015	AMD	95-04-007	296-155-715	AMD	95-10-016	308-88-080	REP-P	95-11-078
296-116-185	PREP	95-04-061	296-155-730	AMD	95-04-007	308-88-090	REP-P	95-11-078
296-116-185	AMD-P	95-04-096	296-155-740	AMD-P	95-05-061	308-88-100	REP-P	95-11-078
296-116-185	AMD-C	95-07-120	296-155-740	AMD	95-10-016	308-88-110	REP-P	95-11-078
296-116-185	AMD-E	95-10-028	296-155-745	AMD-P	95-05-061	308-88-120	REP-P	95-11-078
296-116-300	AMD-P	95-08-065	296-155-745	AMD	95-10-016	308-88-130	REP-P	95-11-078
296-116-300	AMD	95-12-018	296-304-010	AMD	95-04-006	308-88-140	REP-P	95-11-078
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296-155-100	AMD	95-04-007	296-304-01001	AMD	95-04-006	308-88-160	REP-P	95-11-078
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296-155-17623	AMD-W	95-04-082	296-304-020	AMD	95-04-006	308-91-150	AMD	95-05-045
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296-155-20301	AMD	95-04-007	296-304-02003	AMD-P	95-10-093	308-94-030	PREP	95-06-015
296-155-20301	PREP	95-06-091	296-304-02005	AMD	95-04-006	308-94-030	AMD-P	95-10-054
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296-155-245	NEW	95-10-016	296-304-02007	AMD	95-04-006	308-96A-035	AMD-P	95-10-054
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296-155-24501	AMD	95-10-016	296-304-02009	AMD-P	95-10-093	308-96A-450	PREP	95-02-071
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296-155-24503	AMD	95-10-016	296-304-02013	NEW	95-04-006	308-96A-450	REP	95-08-038
296-155-24503	AMD	95-10-016	296-304-02015	NEW	95-04-006	308-96A-450	REP	95-08-038
296-155-24505	AMD-P	95-05-061	296-304-03001	AMD	95-04-006	308-96A-460	PREP	95-02-071
296-155-24505	AMD	95-10-016	296-304-03005	AMD	95-04-006	308-96A-460	REP-P	95-05-066
296-155-24507	NEW-P	95-05-061	296-304-03007	AMD	95-04-006	308-96A-460	REP	95-08-038
296-155-24507	NEW	95-10-016	296-304-04001	AMD	95-04-006	308-96A-470	PREP	95-02-071
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296-155-24510	AMD	95-10-016	296-304-08009	AMD	95-04-006	308-96A-480	PREP	95-02-071
296-155-24515	AMD-P	95-05-061	296-306-010	AMD	95-10-045	308-96A-480	REP-P	95-05-066
296-155-24515	AMD	95-10-016	296-306-012	AMD	95-10-045	308-96A-480	REP	95-08-038
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296-155-24519	AMD	95-10-016	296-306-025	AMD	95-10-045	308-96A-490	PREP	95-02-071
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296-155-24525	AMD	95-10-016	296-306-090	AMD	95-10-045	308-124A-590	NEW	95-03-012
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388-506-0610	AMD-P	95-07-049	392-122-260	REP	95-08-025	415-104-225	NEW-P	95-09-069
388-506-0610	AMD	95-10-025	392-122-275	AMD-P	95-05-020	415-104-235	NEW-P	95-09-069
388-507-0710	AMD	95-05-022	392-122-275	AMD	95-08-025	415-104-245	NEW-P	95-09-069
388-507-0710	PREP	95-08-009	392-123-054	PREP	95-11-024	415-108-010	AMD-P	95-09-069
388-508-0805	PREP	95-06-071	392-140-500	PREP	95-11-004	415-108-0101	NEW-P	95-09-069
388-508-0805	AMD-P	95-08-045	392-169-005	AMD-P	95-06-084	415-108-0102	NEW-P	95-09-069
388-508-0805	AMD-E	95-08-046	392-169-005	AMD	95-09-042	415-108-0103	NEW-P	95-09-069
388-508-0805	AMD	95-11-045	392-169-015	AMD-P	95-06-084	415-108-0104	NEW-P	95-09-069
388-509-0920	PREP	95-06-071	392-169-015	AMD	95-09-042	415-108-0105	NEW-P	95-09-069
388-509-0920	AMD-P	95-08-045	392-169-020	AMD-P	95-06-084	415-108-0106	NEW-P	95-09-069
388-509-0920	AMD-E	95-08-046	392-169-020	AMD	95-09-042	415-108-0107	NEW-P	95-09-069
388-509-0920	AMD	95-11-056	392-169-022	AMD-P	95-06-084	415-108-0108	NEW-P	95-09-069
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388-509-0960	PREP	95-06-071	392-169-023	AMD-P	95-06-084	415-108-679	NEW-P	95-09-069
388-509-0960	AMD-P	95-08-045	392-169-023	AMD	95-09-042	415-108-680	NEW-P	95-09-069
388-509-0960	AMD-E	95-08-046	392-169-025	AMD-P	95-06-084	415-108-690	NEW-P	95-09-069
388-509-0960	AMD	95-11-056	392-169-025	AMD	95-09-042	415-108-700	NEW-P	95-09-069
388-511-1105	AMD-P	95-06-072	392-169-033	NEW-P	95-06-084	415-108-710	NEW-P	95-09-069
388-511-1105	AMD	95-08-070	392-169-033	NEW	95-09-042	415-108-720	NEW-P	95-09-069
388-511-1130	AMD-P	95-06-072	392-169-035	REP-P	95-06-084	415-108-725	NEW-P	95-09-069
388-511-1130	AMD-W	95-08-071	392-169-035	REP	95-09-042	415-108-726	NEW-P	95-09-069
388-511-1140	AMD-P	95-06-072	392-169-045	AMD-P	95-06-084	415-108-728	NEW-P	95-09-069
388-511-1140	AMD	95-08-070	392-169-045	AMD	95-09-042	415-112-015	AMD-P	95-09-069
388-511-1160	AMD-P	95-06-072	392-169-050	AMD-P	95-06-084	415-112-0151	NEW-P	95-09-069
388-511-1160	AMD	95-08-070	392-169-050	AMD	95-09-042	415-112-0152	NEW-P	95-09-069
388-513-1300	NEW-P	95-03-084	392-169-055	AMD-P	95-06-084	415-112-0153	NEW-P	95-09-069
388-513-1300	NEW	95-06-025	392-169-055	AMD	95-09-042	415-112-0154	NEW-P	95-09-069
388-513-1330	PREP	95-07-072	392-169-057	AMD-P	95-06-084	415-112-0155	NEW-P	95-09-069
388-513-1350	AMD	95-05-022	392-169-057	AMD	95-09-042	415-112-0156	NEW-P	95-09-069
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388-513-1380	AMD-P	95-08-045	392-169-065	AMD-P	95-06-084	415-112-0159	NEW-P	95-09-069
388-513-1380	AMD-E	95-08-046	392-169-065	AMD	95-09-042	415-112-0161	NEW-P	95-09-069
388-513-1380	AMD	95-11-045	392-169-075	AMD-P	95-06-084	415-112-0162	NEW-P	95-09-069
388-515-1505	PREP	95-12-011	392-169-075	AMD	95-09-042	415-112-0163	NEW-P	95-09-069
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388-517-1715	AMD-P	95-11-049	392-169-085	AMD-P	95-06-084	415-112-0166	NEW-P	95-09-069
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388-517-1720	AMD-P	95-08-045	392-169-090	AMD-P	95-06-084	415-112-119	NEW-P	95-09-069
388-517-1720	AMD-E	95-08-046	392-169-090	AMD	95-09-042	415-112-120	NEW-P	95-09-069
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388-517-1740	AMD-P	95-08-045	392-169-105	AMD	95-09-042	415-112-140	NEW-P	95-09-069
388-517-1740	AMD-E	95-08-046	392-169-110	AMD-P	95-06-084	415-112-145	NEW-P	95-09-069
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388-517-1760	AMD-E	95-08-046	392-169-120	AMD	95-09-042	415-113-020	REP	95-03-001
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415-113-070	NEW	95-03-001	434-120-025	AMD	95-11-135	434-135-090	PREP	95-11-133
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415-113-084	NEW	95-03-001	434-120-105	PREP	95-06-049	434-135-110	PREP	95-11-133
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415-115-050	AMD	95-12-058	434-120-130	PREP	95-06-049	434-135-150	NEW-P	95-12-101
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415-115-070	AMD	95-12-058	434-120-140	AMD-P	95-08-073	434-135-170	NEW-P	95-12-101
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458-08-210	REP-P	95-04-051	458-40-670	PREP	95-04-094	460-21B-020	NEW-P	95-11-079
458-08-210	REP	95-07-067	458-40-670	PREP	95-08-078	460-21B-030	NEW-P	95-11-079
458-08-220	REP-P	95-04-051	458-40-670	AMD-E	95-10-036	460-21B-040	NEW-P	95-11-079
458-08-220	REP	95-07-067	458-40-670	AMD-P	95-10-064	460-21B-050	NEW-P	95-11-079
458-08-230	REP-P	95-04-051	458-40-670	AMD-P	95-11-041	460-21B-060	NEW-P	95-11-079
458-08-230	REP	95-07-067	458-40-670	AMD-W	95-11-076	460-21B-070	NEW-P	95-11-079
458-08-240	REP-P	95-04-051	458-40-680	PREP	95-04-094	460-21B-080	NEW-P	95-11-079
458-08-240	REP	95-07-067	458-40-680	AMD-E	95-10-037	460-22B-010	NEW-P	95-11-079
458-08-250	REP-P	95-04-051	458-40-680	AMD-P	95-10-064	460-22B-020	NEW-P	95-11-079
458-08-250	REP	95-07-067	458-40-680	AMD-W	95-11-075	460-22B-030	NEW-P	95-11-079
458-08-260	REP-P	95-04-051	458-40-684	PREP	95-08-078	460-22B-040	NEW-P	95-11-079
458-08-260	REP	95-07-067	458-40-684	AMD-P	95-11-039	460-22B-050	NEW-P	95-11-079
458-08-270	REP-P	95-04-051	458-40-690	PREP	95-08-078	460-22B-060	NEW-P	95-11-079
458-08-270	REP	95-07-067	458-53-010	PREP	95-09-083	460-22B-070	NEW-P	95-11-079
458-14-005	PREP	95-07-139	458-53-020	PREP	95-09-083	460-22B-080	NEW-P	95-11-079
458-14-005	AMD-P	95-12-087	458-53-030	PREP	95-09-083	460-22B-090	NEW-P	95-11-079
458-14-015	PREP	95-07-139	458-53-040	PREP	95-09-083	460-23B-010	NEW-P	95-11-079
458-14-015	AMD-P	95-12-087	458-53-050	PREP	95-09-083	460-23B-020	NEW-P	95-11-079
458-14-056	PREP	95-07-139	458-53-051	PREP	95-09-083	460-23B-030	NEW-P	95-11-079
458-14-056	AMD-P	95-12-087	458-53-070	PREP	95-09-083	460-23B-040	NEW-P	95-11-079
458-14-066	PREP	95-07-139	458-53-080	PREP	95-09-083	460-23B-050	NEW-P	95-11-079
458-14-066	AMD-P	95-12-087	458-53-090	PREP	95-09-083	460-23B-060	NEW-P	95-11-079
458-14-116	PREP	95-07-139	458-53-095	PREP	95-09-083	460-24A-046	NEW-P	95-11-079
458-14-116	AMD-P	95-12-086	458-53-100	PREP	95-09-083	460-24A-050	AMD-P	95-11-079
458-14-127	PREP	95-07-139	458-53-105	PREP	95-09-083	460-24A-055	AMD-P	95-11-079
458-14-127	AMD-P	95-12-086	458-53-110	PREP	95-09-083	460-33A-080	AMD-P	95-11-079
458-14-146	PREP	95-07-139	458-53-120	PREP	95-09-083	460-33A-081	NEW-P	95-11-079
458-14-146	AMD-P	95-12-086	458-53-130	PREP	95-09-083	460-33A-085	AMD-P	95-11-079
458-14-160	PREP	95-07-139	458-53-135	PREP	95-09-083	460-33A-086	NEW-P	95-11-079
458-14-160	AMD-P	95-12-086	458-53-140	PREP	95-09-083	460-52A-010	AMD-P	95-08-016
458-14-170	PREP	95-07-139	458-53-141	PREP	95-09-083	460-52A-010	AMD	95-12-003
458-14-170	AMD-P	95-12-086	458-53-142	PREP	95-09-083	460-80-315	AMD-P	95-04-097
458-14-171	PREP	95-07-139	458-53-150	PREP	95-09-083	460-80-315	AMD	95-08-015
458-14-171	AMD-P	95-12-086	458-53-160	PREP	95-09-083	463-39	PREP	95-09-078

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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468-32-010	NEW-P	95-04-071	479-16-070	REP	95-04-072	479-412-100	NEW	95-04-072
468-32-010	NEW	95-07-106	479-16-072	REP	95-04-072	479-412-150	NEW	95-04-072
468-51	PREP	95-10-001A	479-16-080	AMD	95-04-072	479-412-200	NEW	95-04-072
468-95-100	AMD-E	95-07-051	479-16-085	NEW	95-04-072	479-412-250	NEW	95-04-072
468-95-100	AMD-P	95-07-081	479-16-090	REP	95-04-072	479-412-300	NEW	95-04-072
468-95-100	AMD	95-11-022	479-16-091	REP	95-04-072	479-412-310	NEW	95-04-072
478-168	PREP	95-07-101	479-16-092	REP	95-04-072	479-416-010	NEW	95-04-072
478-168-010	AMD-P	95-08-053	479-16-094	REP	95-04-072	479-416-015	NEW	95-04-072
478-168-020	AMD-P	95-08-053	479-16-096	REP	95-04-072	479-416-016	NEW	95-04-072
478-168-030	REP-P	95-08-053	479-16-098	AMD	95-04-072	479-416-018	NEW	95-04-072
478-168-035	NEW-P	95-08-053	479-20-007	AMD	95-04-072	479-416-020	NEW	95-04-072
478-168-040	REP-P	95-08-053	479-20-010	AMD	95-04-072	479-416-030	NEW	95-04-072
478-168-050	REP-P	95-08-053	479-20-011	AMD	95-04-072	479-416-035	NEW	95-04-072
478-168-060	REP-P	95-08-053	479-20-013	AMD	95-04-072	479-416-040	NEW	95-04-072
478-168-070	AMD-P	95-08-053	479-20-016	AMD	95-04-072	479-416-045	NEW	95-04-072
478-168-080	AMD-P	95-08-053	479-20-020	AMD	95-04-072	479-416-050	NEW	95-04-072
478-168-090	REP-P	95-08-053	479-20-025	AMD	95-04-072	479-420-010	NEW	95-04-072
478-168-092	AMD-P	95-08-053	479-20-027	AMD	95-04-072	479-420-011	NEW	95-04-072
478-168-094	AMD-P	95-08-053	479-20-031	AMD	95-04-072	479-420-013	NEW	95-04-072
478-168-096	AMD-P	95-08-053	479-20-033	REP	95-04-072	479-420-016	NEW	95-04-072
478-168-100	REP-P	95-08-053	479-20-036	REP	95-04-072	479-420-020	NEW	95-04-072
478-168-110	REP-P	95-08-053	479-20-037	AMD	95-04-072	479-420-025	NEW	95-04-072
478-168-120	REP-P	95-08-053	479-20-075	REP	95-04-072	479-420-027	NEW	95-04-072
478-168-130	REP-P	95-08-053	479-20-086	AMD	95-04-072	479-420-031	NEW	95-04-072
478-168-140	REP-P	95-08-053	479-20-095	AMD	95-04-072	479-420-037	NEW	95-04-072
478-168-150	REP-P	95-08-053	479-24-030	AMD	95-04-072	479-420-086	NEW	95-04-072
478-168-160	AMD-P	95-08-053	479-112	AMD	95-04-072	479-420-089	NEW	95-04-072
478-168-170	AMD-P	95-08-053	479-112-001	NEW	95-04-072	479-420-095	NEW	95-04-072
478-168-180	AMD-P	95-08-053	479-112-003	NEW	95-04-072	480-09	PREP	95-06-089
478-168-200	AMD-P	95-08-053	479-112-005	REP	95-04-072	480-09-520	PREP	95-06-088
478-168-270	AMD-P	95-08-053	479-112-0055	NEW	95-04-072	480-12-001	NEW-E	95-10-038
478-168-280	AMD-P	95-08-053	479-112-008	AMD	95-04-072	480-12-075	REP-E	95-10-038
478-168-290	AMD-P	95-08-053	479-112-009	AMD	95-04-072	480-12-082	REP-E	95-10-038
478-168-294	AMD-P	95-08-053	479-112-017	AMD	95-04-072	480-12-085	REP-E	95-10-038
478-168-300	AMD-P	95-08-053	479-113-010	AMD	95-04-072	480-12-090	REP-E	95-10-038
478-168-310	AMD-P	95-08-053	479-113-011	AMD	95-04-072	480-12-095	REP-E	95-10-038
478-168-320	AMD-P	95-08-053	479-113-029	AMD	95-04-072	480-12-105	REP-E	95-10-038
478-168-325	NEW-P	95-08-053	479-113-031	AMD	95-04-072	480-12-110	REP-E	95-10-038
478-168-330	AMD-P	95-08-053	479-113-032	REP	95-04-072	480-12-131	REP-E	95-10-038
478-168-340	AMD-P	95-08-053	479-113-035	AMD	95-04-072	480-12-137	REP-E	95-10-038
478-168-345	NEW-P	95-08-053	479-113-070	NEW	95-04-072	480-12-140	REP-E	95-10-038
478-168-350	AMD-P	95-08-053	479-116-010	NEW	95-04-072	480-12-155	REP-E	95-10-038
478-168-360	AMD-P	95-08-053	479-116-016	AMD	95-04-072	480-12-160	REP-E	95-10-038
478-168-380	AMD-P	95-08-053	479-116-035	AMD	95-04-072	480-12-181	REP-E	95-10-038
478-168-390	AMD-P	95-08-053	479-116-045	AMD	95-04-072	480-12-195	REP-E	95-10-038
479-01-010	AMD	95-04-072	479-116-070	NEW	95-04-072	480-12-196	REP-E	95-10-038
479-01-020	AMD	95-04-072	479-116-080	NEW	95-04-072	480-12-205	REP-E	95-10-038
479-01-030	AMD	95-04-072	479-120-010	NEW	95-04-072	480-12-225	REP-E	95-10-038
479-01-040	AMD	95-04-072	479-120-011	NEW	95-04-072	480-12-230	REP-E	95-10-038
479-02-030	AMD	95-04-072	479-120-013	NEW	95-04-072	480-12-233	REP-E	95-10-038
479-02-070	AMD	95-04-072	479-120-016	NEW	95-04-072	480-12-240	REP-E	95-10-038
479-02-100	AMD	95-04-072	479-120-025	NEW	95-04-072	480-12-245	REP-E	95-10-038
479-02-110	AMD	95-04-072	479-120-027	NEW	95-04-072	480-12-253	REP-E	95-10-038
479-02-120	AMD	95-04-072	479-120-031	NEW	95-04-072	480-12-260	REP-E	95-10-038
479-02-130	AMD	95-04-072	479-120-033	REP	95-04-072	480-12-305	REP-E	95-10-038
479-12-005	NEW	95-04-072	479-120-037	NEW	95-04-072	480-12-310	REP-E	95-10-038
479-12-008	NEW	95-04-072	479-120-086	NEW	95-04-072	480-12-321	REP-E	95-10-038
479-12-010	AMD	95-04-072	479-120-089	NEW	95-04-072	480-12-322	REP-E	95-10-038
479-12-020	AMD	95-04-072	479-120-095	NEW	95-04-072	480-12-380	REP-E	95-10-038
479-13-010	AMD	95-04-072	479-216	AMD	95-04-072	480-12-500	REP-E	95-10-038
479-13-011	NEW	95-04-072	479-216-050	AMD	95-04-072	480-12-510	REP-E	95-10-038
479-13-025	AMD	95-04-072	479-310-050	AMD	95-04-072	480-12-520	REP-E	95-10-038
479-13-035	AMD	95-04-072	479-310-200	AMD	95-04-072	480-14-010	NEW-E	95-10-038
479-13-060	REP	95-04-072	479-312-100	AMD	95-04-072	480-14-020	NEW-E	95-10-038
479-13-070	AMD	95-04-072	479-410-010	NEW	95-04-072	480-14-030	NEW-E	95-10-038
479-16-010	AMD	95-04-072	479-410-020	NEW	95-04-072	480-14-040	NEW-E	95-10-038
479-16-015	AMD	95-04-072	479-410-100	NEW	95-04-072	480-14-050	NEW-E	95-10-038
479-16-016	AMD	95-04-072	479-410-150	NEW	95-04-072	480-14-060	NEW-E	95-10-038
479-16-030	AMD	95-04-072	479-410-160	NEW	95-04-072	480-14-070	NEW-E	95-10-038
479-16-035	AMD	95-04-072	479-410-170	NEW	95-04-072	480-14-080	NEW-E	95-10-038
479-16-040	AMD	95-04-072	479-410-180	NEW	95-04-072	480-14-090	NEW-E	95-10-038
479-16-045	AMD	95-04-072	479-410-200	NEW	95-04-072	480-14-100	NEW-E	95-10-038

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480-14-120	NEW-E	95-10-038	490-500-065	NEW	95-04-050	490-500-610	PREP	95-08-047
480-14-130	NEW-E	95-10-038	490-500-070	AMD	95-04-050	490-500-610	REP-P	95-08-054
480-14-140	NEW-E	95-10-038	490-500-075	REP	95-04-050	490-500-610	REP	95-11-047
480-14-150	NEW-E	95-10-038	490-500-077	REP	95-04-050	490-500-615	AMD	95-04-050
480-14-160	NEW-E	95-10-038	490-500-080	AMD	95-04-050	490-500-620	AMD	95-04-050
480-14-170	NEW-E	95-10-038	490-500-085	REP	95-04-050	490-500-622	NEW	95-04-050
480-14-180	NEW-E	95-10-038	490-500-090	REP	95-04-050	490-500-625	AMD	95-04-050
480-14-190	NEW-E	95-10-038	490-500-095	REP	95-04-050	490-500-627	NEW	95-04-050
480-14-200	NEW-E	95-10-038	490-500-100	REP	95-04-050	490-500-630	NEW	95-04-050
480-14-210	NEW-E	95-10-038	490-500-105	REP	95-04-050	490-500-635	NEW	95-04-050
480-14-220	NEW-E	95-10-038	490-500-110	REP	95-04-050	504-15-060	AMD-P	95-06-061
480-14-230	NEW-E	95-10-038	490-500-120	REP	95-04-050	504-15-100	AMD-P	95-06-061
480-14-240	NEW-E	95-10-038	490-500-145	REP	95-04-050	504-15-210	AMD-P	95-06-061
480-14-250	NEW-E	95-10-038	490-500-170	NEW	95-04-050	504-15-250	AMD-P	95-06-061
480-14-260	NEW-E	95-10-038	490-500-180	AMD	95-04-050	504-15-350	AMD-P	95-06-061
480-14-270	NEW-E	95-10-038	490-500-185	AMD	95-04-050	504-15-450	AMD-P	95-06-061
480-14-280	NEW-E	95-10-038	490-500-190	AMD	95-04-050	504-15-460	AMD-P	95-06-061
480-14-290	NEW-E	95-10-038	490-500-200	AMD	95-04-050	504-15-470	AMD-P	95-06-061
480-14-300	NEW-E	95-10-038	490-500-205	NEW	95-04-050	504-15-540	AMD-P	95-06-061
480-14-320	NEW-E	95-10-038	490-500-255	REP	95-04-050	504-15-560	AMD-P	95-06-061
480-14-330	NEW-E	95-10-038	490-500-257	AMD	95-04-050	504-15-580	AMD-P	95-06-061
480-14-340	NEW-E	95-10-038	490-500-260	AMD	95-04-050	504-15-600	AMD-P	95-06-061
480-14-350	NEW-E	95-10-038	490-500-270	AMD	95-04-050	504-15-650	AMD-P	95-06-061
480-14-360	NEW-E	95-10-038	490-500-275	AMD	95-04-050	504-15-750	AMD-P	95-06-061
480-14-370	NEW-E	95-10-038	490-500-280	REP	95-04-050	504-15-810	AMD-P	95-06-061
480-14-380	NEW-E	95-10-038	490-500-300	AMD	95-04-050	504-15-830	AMD-P	95-06-061
480-14-390	NEW-E	95-10-038	490-500-325	AMD	95-04-050	504-15-860	AMD-P	95-06-061
480-14-400	NEW-E	95-10-038	490-500-340	REP	95-04-050	504-15-930	NEW-P	95-06-061
480-14-410	NEW-E	95-10-038	490-500-350	AMD	95-04-050	504-18-110	AMD	95-07-042
480-14-420	NEW-E	95-10-038	490-500-380	AMD	95-04-050	504-18-120	AMD	95-07-042
480-14-900	NEW-E	95-10-038	490-500-385	AMD	95-04-050	504-18-140	AMD	95-07-042
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480-93-005	AMD-P	95-08-067	490-500-390	AMD	95-04-050	504-18-170	AMD	95-07-042
480-93-010	AMD-E	95-05-047	490-500-395	REP	95-04-050	504-21-030	AMD	95-07-043
480-93-010	AMD-P	95-08-067	490-500-400	REP	95-04-050	504-21-040	AMD	95-07-043
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480-120-141	PREP	95-05-046	490-500-410	REP	95-04-050	504-21-070	AMD	95-07-043
480-120-141	AMD-P	95-07-130	490-500-415	REP	95-04-050	504-21-080	AMD	95-07-043
480-120-141	AMD	95-10-039	490-500-417	REP	95-04-050	504-21-090	AMD	95-07-043
480-120-530	AMD-P	95-04-111	490-500-418	AMD	95-04-050	504-24	AMD	95-07-044
480-120-530	AMD	95-09-002	490-500-420	AMD	95-04-050	504-24-015	REP	95-07-044
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480-146-020	AMD-P	95-08-068	490-500-430	AMD	95-04-050	504-24-030	AMD	95-07-044
480-146-030	AMD-P	95-08-068	490-500-435	AMD	95-04-050	504-24-035	NEW	95-07-044
480-146-050	AMD-P	95-08-068	490-500-437	NEW	95-04-050	504-24-040	NEW	95-07-044
480-146-060	AMD-P	95-08-068	490-500-440	REP	95-04-050	504-25-005	AMD	95-07-001
480-146-070	PREP	95-03-094	490-500-445	AMD	95-04-050	504-25-010	AMD	95-07-045
480-146-070	AMD-P	95-08-068	490-500-450	AMD	95-04-050	504-25-015	AMD	95-07-001
480-146-080	PREP	95-03-094	490-500-455	AMD	95-04-050	504-25-020	AMD	95-07-045
480-146-080	AMD-P	95-08-068	490-500-460	NEW	95-04-050	504-25-025	AMD	95-07-045
480-146-100	PREP	95-03-094	490-500-465	NEW	95-04-050	504-25-035	AMD	95-07-045
480-146-100	REP-P	95-08-068	490-500-470	NEW	95-04-050	504-25-050	AMD	95-07-045
480-146-200	PREP	95-03-094	490-500-475	NEW	95-04-050	504-25-055	AMD	95-07-045
480-146-200	AMD-P	95-08-068	490-500-477	NEW	95-04-050	504-25-060	AMD	95-07-045
480-146-210	PREP	95-03-094	490-500-480	NEW	95-04-050	504-25-080	AMD	95-07-045
480-146-210	AMD-P	95-08-068	490-500-485	NEW	95-04-050	504-25-100	AMD	95-07-045
480-146-220	PREP	95-03-094	490-500-500	AMD	95-04-050	504-25-120	AMD	95-07-045
480-146-220	AMD-P	95-08-068	490-500-505	AMD	95-04-050	504-25-138	NEW	95-07-045
480-146-230	NEW-P	95-08-068	490-500-510	AMD	95-04-050	504-25-210	AMD	95-07-045
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490-500	AMD	95-04-050	490-500-540	REP	95-04-050	504-25-230	AMD	95-07-045
490-500-005	AMD	95-04-050	490-500-542	NEW	95-04-050	504-25-235	AMD	95-07-045
490-500-010	AMD	95-04-050	490-500-545	AMD	95-04-050	504-25-240	AMD	95-07-045
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	EMER	95-03-064	Sammamish River	EMER	95-09-050
	EMER	95-03-067	Sauk River	EMER	95-01-046
	EMER	95-07-080		EMER	95-09-050
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shad				EMER	95-09-050
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smelt			Snohomish River	EMER	95-09-050
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sturgeon			Toutle River	PROP	95-06-093
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	EMER	95-09-050	Washington, Lake	PERM	95-10-027
	PERM	95-10-027		PROP	95-09-093
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Baker Lake	EMER	95-09-050		EMER	95-09-051
	PERM	95-10-027	Washougal River	PERM	95-10-027
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	EMER	95-09-050	Willapa River	EMER	95-09-050
	EMER	95-09-051	Wind River	PROP	95-06-093
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Cowlitz River	EMER	95-09-051		EMER	95-09-050
	EMER	95-12-030	halibut	PERM	95-10-027
	EMER	95-12-040	areas and seasons	EMER	95-12-012
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	EMER	95-09-050	rules and definitions	PROP	95-04-064
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	EMER	95-09-051		PROP	95-12-066
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	PERM	95-10-027	areas and seasons	EMER	95-02-054
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	EMER	95-11-065		PROP	95-04-073
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