

WSR 20-05-008
PERMANENT RULES
LIQUOR AND CANNABIS
BOARD

[Filed February 5, 2020, 12:55 p.m., effective March 7, 2020]

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

Purpose: The revised rules implement legislation that passed during the 2019 legislative session.

SHB 1034 (chapter 61, Laws of 2019) created an endorsement that allows spirits, beer, and wine restaurants to serve bottles of soju for on-premises consumption to tables of two or more patrons. The new law also allows restaurants to recap soju bottles and for patrons to remove recapped soju bottles from the premises.

HB 1672 (chapter 169, Laws of 2019) allows spirits, beer, and wine restaurants and beer and wine restaurants to recap sake purchased for consumption with a meal, and for patrons to remove the recapped sake.

SB 5909 (chapter 156, Laws of 2019) allows manufacturers licensed under RCW 66.24.150 to contract with distilleries, breweries, and wineries to provide packaging services.

Additional technical and clarifying changes were made and unnecessary language was removed.

Citation of Rules Affected by this Order: Amending WAC 314-02-015 What is a spirits, beer, and wine restaurant license?, 314-02-045 What is a beer and/or wine restaurant license?, and 314-30-010 Sales and contracting by manufacturers.

Statutory Authority for Adoption: RCW 66.08.030.

Adopted under notice filed as WSR 20-01-169 on December 18, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: February 5, 2020.

Jane Rushford
 Chair

AMENDATORY SECTION (Amending WSR 17-12-030, filed 5/31/17, effective 7/1/17)

WAC 314-02-015 What is a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual glass or soju by the bottle for on-premises consumption(=);

(i) Soju served by the bottle may only be served in restaurants holding a soju endorsement and must be served under the provisions outlined in RCW 66.24.400(5);

(ii) Soju endorsement holders must ensure servers providing soju to patrons are trained every five years in the soju curriculum developed by the board.

(b) Serve beer by the bottle or can or by tap for on-premises consumption;

(c) Serve wine and sake for on-premises consumption;

(d) Allow patrons to remove recorked or recapped wine, sake, or soju from the licensed premises;

(e) Sell wine by the bottle for off-premises consumption with the appropriate endorsement; and

(f) Sell kegs of malt liquor with the appropriate endorsement. This endorsement also allows the sale of beer or cider as defined in RCW 66.24.210(6) (~~to a purchaser~~) in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the retailer at the time of sale.

(2) To obtain and maintain a spirits, beer, and wine restaurant license, the restaurant must be open to the public at least five hours a day during the hours of 8:00 a.m. and 11:00 p.m., three days a week.

(3) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" means a business where the board can clearly determine that the primary purpose of the business is the service of complete meals. "Complete meals" is defined in WAC 314-02-035.

AMENDATORY SECTION (Amending WSR 15-01-001, filed 12/3/14, effective 1/3/15)

WAC 314-02-045 What is a beer and/or wine restaurant license? (1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine <u>or sake</u> for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked <u>or recapped</u> wine <u>or sake</u> from the premises).	\$200
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in (c) of this subsection.

Privilege	Annual fee
(e) Sell cider as defined in RCW 66.24.210(6) for off-premises consumption to a purchaser in a sanitary container brought to the premises by the purchaser or provided by the licensee and filled at the tap in the restaurant at the time of purchase. The licensee must comply with federal regulations.	In conjunction with off-premises privilege outlined in (c) of this subsection.
(f) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in (c) of this subsection.

(2) All applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010(~~((30))~~).

(a) Minimum food service is required, as defined in WAC 314-02-010.

(b) To obtain and maintain a beer and/or wine restaurant license, the restaurant must be open to the public at least five hours a day, three days a week.

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than fifteen percent of the total customer service area, the premises must maintain a tavern license (~~((see))~~ as described in WAC 314-02-070 (~~((regarding the tavern license))~~)).

AMENDATORY SECTION (Amending WSR 12-17-006, filed 8/1/12, effective 9/1/12)

WAC 314-30-010 Sales and contracting by manufacturers. (1) Manufacturers licensed (~~(in accordance with)~~ under RCW 66.24.150 may sell within the state:

- (a) Spirituous liquor products only to spirits distributor(~~s~~) licensees;
- (b) Wine products only to wine distributor licensees;
- (c) Beer products only to beer distributor licensees; or
- (d) To permit holders as authorized by RCW 66.20.010 (7) through (10).

(2) Manufacturers licensed under RCW 66.24.150 may contract with licensed liquor distillers, craft distillers, domestic brewers, microbreweries, wineries, and domestic wineries to provide packaging services. Contracted packaging services must be done under the provisions outlined in RCW 66.24.-150 (2) and (3).

(3) The first spirits distributor, wine distributor, or beer distributor to receive spirits, wine, or (~~(malt beverages))~~ beer from a (~~(distiller))~~ distillery, winery, brewery, or manufacturer (~~(, rectifier, or bottler shall be liable for))~~ must pay the fees and/or taxes due.

~~((3) Manufacturers selling spirits, wine, or malt beverage products will be considered a supplier and will be required to meet the requirements of WAC 314-23-005, 314-24-190, and 314-20-100 respectively.~~

~~(4) Manufacturers selling spirits to a licensed spirits distributor, wine to a licensed wine distributor, or beer to a licensed beer distributor shall file monthly reports with the board on forms prescribed by the board showing the quantity of liquor shipped to each above referenced licensee during the preceding month. Such report shall be submitted on or before the twentieth day of the month following the month of sale or delivery.~~

~~(5) Failure to make such report at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the manufacturer. When the twentieth day of any month falls on a Sunday, or a legal holiday, the report may be filed not later than the close of business the next business day.)~~

**WSR 20-05-011
PERMANENT RULES
BATES TECHNICAL COLLEGE**

[Filed February 6, 2020, 9:08 a.m., effective March 8, 2020]

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

Purpose: Chapter 495A-141 WAC, Parking and traffic regulations, is being amended to align with current policies and practices for Bates Technical College.

Citation of Rules Affected by this Order: Amending chapter 495A-141 WAC.

Statutory Authority for Adoption: Chapter 28B.10 and 34.05 RCW.

Adopted under notice filed as WSR 19-24-038 on November 26, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 22, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 22, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 6, 2020.

Dr. Jean Hernandez
Special Assistant
to the President

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-010 Purpose for adopting parking and traffic regulations. Pursuant to the authority granted RCW 28B.50.140(10), the board of trustees of Bates Technical College, District 28, or (~~(their))~~ designee(~~s~~) is granted

authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by, or maintained by the college. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure ingress and egress at all times for emergency traffic.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.
- (5) To regulate the use of parking spaces.
- (6) To protect students, staff, and state-owned property.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-012 Enforcement. The president or designee shall be responsible for the enforcement of the parking and traffic regulations. ~~((Parking and traffic regulations will be enforced at all times.))~~

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-014 Definitions. As used in this document, the following words and phrases shall mean:

- ~~((1) "Board" - The board of trustees of Bates Technical College~~
- ~~(2) "Campus" - All lands and buildings devoted to, operated by, or maintained by Bates Technical College~~
- ~~(3) "Campus security officer" - Employee of the college who is responsible to the vice president of business & finance, or designee, for campus traffic control, parking, security, and safety.~~
- ~~(4) "College" - Bates Technical College~~
- ~~(5) "Safety & security supervisor" - The college's vice president of business and finance, or designee~~
- ~~(6) "Employee" - An individual appointed to the faculty, staff, or administration of the college~~
- ~~(7) "Guests/visitors" - Person or persons who come upon the campus as guests and person or persons who lawfully visit the campus~~
- ~~(8) "Continuing permits" - Permits issued to employees for an indefinite period of time~~
- ~~(9) "President" - President of Bates Technical College~~
- ~~(10) "President's designee" - Vice president of business and finance~~
- ~~(11) "Student permits" - Permits issued to students which are valid from the date of issue and for as long as the student is enrolled~~
- ~~(12) "Temporary permits" - Permits which are valid for a specific period designated on the permit~~
- ~~(13) "Vehicle" - Automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered))~~

(1) "Board" - The board of trustees of Bates Technical College, District 28;

(2) "Campus" - All lands and buildings devoted to, operated by, or maintained by Bates Technical College;

(3) "Campus public safety officer" - Employee of the college who reports to the campus safety sergeant or designee and is responsible for campus traffic control, parking, security, and safety;

(4) "Campus safety and security administrator" - The college's director of safety and security or designee;

(5) "College" - Bates Technical College, District 28;

(6) "Continuing permits" - Permits issued to employees for an indefinite period of time;

(7) "Employee" - An individual appointed to the faculty, staff, or administration of the college;

(8) "Guests or visitors" - Person or persons who come upon the campus as guests and who lawfully visit the campus;

(9) "President" - President of Bates Technical College, District 28;

(10) "President's designee" - The vice president of finance and administrative services will normally serve as the designee unless another designee has been appointed by the president or vice president of finance and administrative services;

(11) "Safety and security immediate supervisor" - The college's campus safety sergeant or designee;

(12) "Student permits" - Permits issued to students which are valid for a period designated on the permit;

(13) "Temporary permits" - Permits which are valid for a specific period designated on the permit; and

(14) "Vehicle" - Automobile, truck, motor-driven cycle, scooter, or any vehicle otherwise powered.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-030 Authorization for issuance of permits. The ~~((vice president of business & finance,))~~ director of safety and security or designee~~((;))~~ is authorized to issue parking permits to students, ~~((staff))~~ employees, and guests when the following is provided:

- (1) When the employee's or student's vehicle information is properly registered with the college.
- (2) When a guest or visitor temporary parking permit is necessary to enhance the business or operations of the college.

~~((Permits are available to))~~ Individuals ~~((who))~~ may ~~((wish to))~~ register additional vehicles. ~~((Only one vehicle registered to an))~~ However, each individual shall only be permitted to park ~~((on campus))~~ one registered vehicle on campus at any one time.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-035 Responsibility of person to whom permit is issued. The individual to whom a parking permit is issued shall be responsible for any violations of state, college, or city traffic rules and regulations involving the vehicle. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the above stated rules and regulations.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-040 Vehicle parking permits. (1) All employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus (~~for day classes~~).

(2) All ~~(persons)~~ students and employees parking on the campus shall secure and display a currently valid parking permit. All students will display a valid parking permit within five days from the student's date of registration ((or)). All employees will display a valid parking permit from the first day of employment.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-045 Visitor permits. All ~~(guests/visitors)~~ guests and visitors (including salespersons, vendors, etc.) may park in appropriate ~~(staff)~~ visitor parking and student parking areas after obtaining a temporary parking permit from the ~~(business)~~ office of campus public safety or appropriate department.

Visitors from other state or governmental agencies or higher education institutions may display their business card on the dashboard (or other clearly visible location) in lieu of obtaining a temporary parking permit for short-term business at the college.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-050 Display of permits. The parking permit ~~(issued by the college)~~ shall be visibly ~~(affixed on the inside of the rear window of the vehicle for which the permit was issued, on the lower left hand corner of the window as viewed from the rear of the vehicle. If this is not feasible then the permit shall be affixed to the driver's side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place)~~ displayed in accordance with all instructions provided when the parking permit is issued by the college.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-055 Transfer of permits. Parking permits are not transferable. Each ~~(new vehicle must be registered)~~ employee or student must register their vehicle(s) with the ~~(business office and be issued a separate parking permit)~~ campus public safety office. An employee or student may register multiple vehicles under one permit. However, only one registered vehicle, with the parking permit displayed, may be parked on the campus at any one time.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-060 Permit revocation. Permits are licenses ~~(and)~~ for vehicle operators to park on the college

grounds, are the property of the college, and may be revoked for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists~~(-);~~

(2) When a permit is used on an unregistered vehicle or by an unauthorized person~~(-);~~

(3) Falsification on the application for parking permits~~(-);~~

(4) Continued violations of parking and traffic regulations~~(-); and~~

(5) Counterfeiting or altering of the parking permit(s).

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-065 Right to ~~(refuse)~~ deny permit. The ~~(vice president of business and finance;)~~ director of safety and security or designee~~(-)~~ reserves the right to ~~(refuse the issuance of)~~ deny issuing a parking permit to anyone:

(1) Who has had a previous parking permit revoked(-); or

(2) Whose driving or parking conduct indicates a disregard for the rights or safety of others or oneself.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-070 Right to appeal permit ~~(revocation/refusal)~~ revocation or denial. ~~(When a parking permit has been revoked or has been refused or when a fine or penalty has been levied against a violator of the rules and regulations, such action by the vice president of business and finance;)~~ The following actions by the director of safety and security or designee(-) may be appealed:

(1) A parking permit has been revoked or refused; or

(2) A fine or penalty has been levied against a violator of the rules or regulations.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-080 Designation of parking. The parking spaces available on campus ~~(may)~~ will be allocated and designated by the ~~(vice president of business and finance;)~~ director of safety and security or designee~~(-; in such a manner as will best achieve the objectives of these rules and regulations)~~.

(1) Special provisions shall be made for physically disabled employees, students, and visitors. Physically disabled individuals utilizing disabled parking spaces must display in that vehicle a valid state-issued disabled parking permit or license plate. Temporary disabled parking permits will be issued by the ~~(business office)~~ disability support services office. In addition to the disabled parking permit, a valid college parking permit~~(-)~~ must be displayed on the vehicle.

(2) Guests who visit the campus for college related business for a maximum time of thirty minutes~~(-)~~ are not required to display a temporary parking permit ~~(is not required)~~. Visitors requiring parking for longer than thirty ~~((30))~~ minutes ~~(may)~~ should obtain a temporary parking

permit through the ~~((business office when verified by host))~~ appropriate hosting department.

(3) Parking spaces may be designated for special purposes as deemed necessary.

(4) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

(5) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-090 Regulatory signs, markings, barricades. The ~~((vice president of business and finance,))~~ director of safety and security or designee~~((s))~~ is authorized to make and erect signs, barricades, and other structures, and to paint marks and other directions upon the streets, ~~((entry/exits))~~ entry or exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus ~~((security))~~ public safety officer ~~((in the control and regulation of traffic and parking))~~ or designee.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-100 Speed limit. No vehicles shall be operated on the campus at a speed in excess of posted speed limits~~((s))~~ or ~~((such))~~ at a slower speed as is reasonable and prudent to the circumstances.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-110 Pedestrian right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian.

(2) Pedestrians shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

~~((2))~~ (3) When a sidewalk or crosswalk is provided, pedestrians shall utilize the sidewalk or crosswalk.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-130 Report of accidents. (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report such accident to the ~~((security))~~ campus public safety officer on duty or ~~((operations))~~ the office of campus public safety. Accidents occurring after the close of business shall be reported the next working day, except where serious injury or death has occurred 911 shall be contacted immediately. In addition, the operator shall file a state of Washington motor vehicle report ~~((within twenty-four hours))~~ by the end of the following business day after such accident.

(2) Other minor accidents may be reported to the ~~((security))~~ campus public safety officer on duty or ~~((operations office))~~ the director of safety and security for insurance record purposes.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-140 Impounding disabled ~~((and)), inoperative, or abandoned vehicles.~~ (1) Disabled ~~((or)),~~ inoperative, or abandoned vehicles shall not be parked on the campus for a period exceeding twenty-four hours, without authorization from the ~~((vice president of business and finance,))~~ director of safety and security or designee.

(2) Vehicles parked over twenty-four hours without authorization may be impounded and stored at the expense of either~~((s))~~ or both~~((s))~~ the owner and operator ~~((thereof))~~ of the vehicle.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-150 Violation of parking and traffic regulations. (1) Operators of illegally operated or parked vehicles shall be warned or cited through appropriate means that they are in violation of these regulations. All fines are payable at the ~~((business))~~ cashier's office.

(2) In instances where violations are repeated, and in the judgment of the ~~((vice president of business and finance,))~~ director of safety and security or designee~~((s))~~ with appropriate documented evidence, said vehicles may be impounded.

Vehicles parked blocking roadways, driveways, fire lanes, parked in a hazardous way or impeding college operations without authorization may be impounded immediately and stored at the expense of either or both the owner and operator of the vehicle.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-160 Fees. The board of trustees of Bates Technical College, District 28, shall set and review, as necessary, parking permit fees.

~~((1))~~ Fees shall be levied in accordance with the current published fee schedule.

AMENDATORY SECTION (Amending WSR 99-24-072, filed 11/29/99, effective 12/30/99)

WAC 495A-141-165 Fines and penalties. The ~~((vice president of business and finance,))~~ director of safety and security or designee~~((s))~~ is authorized to impose the following fines and penalties for violation of the regulations:

(1) A schedule of fines shall be set by the board of trustees. The schedule shall be published by the college on its website and included on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedules ~~((as))~~ established by the board of trustees for the following violations:

- (a) No valid parking permit displayed;
- (b) Occupying more than one parking space;

(c) Occupying (~~(space/area)~~) space or area not designated for parking;

(d) Parking in an area not authorized by the parking permit;

(e) Parking in reserved staff space without authorization;

(f) Disabled parking violation;

(g) Blocking or obstructing traffic (may be towed if creating a safety hazard);

(h) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);

(i) Parking in fire lane (may be towed if creating a safety hazard);

(j) Parking in a zone or area marked "no parking" may be towed if creating a safety hazard;

(k) Speeding; or

(l) (~~Reckless/negligent driving (1) 1st offense — Parking privileges~~) Reckless or negligent driving whereby the first offense may result in parking privileges being revoked on all campuses (~~revoked~~).

(3) At the discretion of the (~~(vice president of business and finance,)~~) director of safety and security or designee(;) an accumulation of citations by (~~(a staff member)~~) an employee may be turned over to a private collection agency (~~(for the collection of)~~) to collect past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas may be subject to a fine and may be impounded. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

(5) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(6) The college shall not be liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(7) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.

(8) Persons may appeal the issuance of a citation.

(9) In the event a student fails or refuses to pay an uncontested fine which has been outstanding in excess of five days, the vice president of (~~(business and)~~) finance(;) and administrative services or designee(;) may initiate the following actions:

(a) Student may not be able to obtain a transcript of credits until all fines are paid(;-); and

(b) Student may not receive a (~~(degree/diploma/certificate)~~) degree, diploma, or certificate of completion until all fines are paid.

AMENDATORY SECTION (Amending WSR 97-12-038, filed 5/30/97, effective 6/30/97)

WAC 495A-141-170 Appeal (~~(proceedings/appeal)~~) proceedings and appeal of fines and penalties. (1) Appeals must be presented in writing, giving full (~~(particulars,)~~) details of the incident, including listing witnesses, evidence, level of damage, time of day, etc.

(2) Appeals must be submitted to the (~~(vice president of business and finance)~~) campus safety sergeant or designee

within five business days from date of citation. A decision on the appeal shall be issued within ten college business days of the sergeant's receipt of the appeal.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, (~~(he/she)~~) they shall have five additional business days from receipt of the decision by the (~~(vice president of business and finance)~~) campus safety sergeant to appeal to the (~~(parking advisory committee)~~) director of safety and security for a final decision, to be issued within ten college business days of the director's receipt of the appeal.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495A-141-180 Parking advisory committee.

WSR 20-05-016

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed February 6, 2020, 3:57 p.m., effective March 8, 2020]

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

Purpose: These rule changes came from concerns raised by representatives of the adult family home industry regarding barriers to entry for certain provider and entity types, and are intended to address these issues and clarify other requirements for licensure that have been ambiguous. The anticipated effect is to reduce regulatory burdens for new qualified providers and to increase access to the adult family home industry and access to beds for residents.

Citation of Rules Affected by this Order: New WAC 388-76-10041 and 388-76-10201; and amending WAC 388-76-10000, 388-76-10003, 388-76-10020, 388-76-10035, 388-76-10037, 388-76-10060, 388-76-10063, 388-76-10064, 388-76-10074, 388-76-10085, 388-76-10090, 388-76-10095, 388-76-10105, 388-76-10106, 388-76-10107, 388-76-10120, 388-76-10125, 388-76-10129, 388-76-10130, 388-76-10145, and 388-76-10950.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.060.

Adopted under notice filed as WSR 19-21-116 on October 18, 2019.

Changes Other than Editing from Proposed to Adopted Version: No changes have been made since the supplemental proposal.

A final cost-benefit analysis is available by contacting Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, fax 253-395-5073, email libby.wagner@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 2, Amended 16, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 21, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 2, Amended 21, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 6, 2020.

Cheryl Strange
Secretary

AMENDATORY SECTION (Amending WSR 18-07-068, filed 3/16/18, effective 4/16/18)

WAC 388-76-10000 Definitions. "Abandonment" means action or inaction by a person or entity with a duty of care for a frail elder or vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment of a vulnerable adult.

(1) In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish.

(2) Abuse includes sexual abuse, mental abuse, physical abuse, and personal exploitation of a vulnerable adult, and improper use of restraint against a vulnerable adult which have the following meanings:

(a) **"Sexual abuse"** means any form of nonconsensual sexual conduct, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not consensual.

(b) **"Physical abuse"** means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, or prodding.

(c) **"Mental abuse"** means a willful verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. Mental abuse may include ridiculing, yelling, or swearing.

(d) **"Personal exploitation"** means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(e) **"Improper use of restraint"** means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline or in a manner that:

(i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW;

(ii) Is not medically authorized; or

(iii) Otherwise constitutes abuse under this section.

"Adult family home" or "AFH" means:

(1) A residential home in which a person or an entity is licensed to provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to a ~~((licensed operator))~~ provider, entity representative, resident manager, or caregiver, who resides in the home.

(2) As used in this chapter, the term "entity" includes corporations, partnerships, and limited liability companies, and the term "adult family home" includes the person or entity that is licensed to operate an adult family home.

"Affiliated with an applicant" means any person listed on the application as a partner, officer, director, resident manager, entity representative, or majority owner of the applying entity, or is the spouse or domestic partner of the applicant.

"Affiliated entity" means any entity owned, controlled, or managed by the applicant or licensed provider, or associated with a parent or subsidiary entity applying for, or holding, an adult family home license.

"Applicant" means:

(1) An individual, partnership, corporation, or other entity seeking a license to operate an adult family home; and

(2) For the following sections only, also includes an entity representative solely for the purposes of fulfilling requirements on behalf of the entity:

(a) WAC 388-76-10020(1);

(b) WAC 388-76-10035(1);

(c) WAC 388-76-10060;

(d) WAC 388-76-10064;

(e) WAC 388-76-10120;

(f) WAC 388-76-10125;

(g) WAC 388-76-10129;

(h) WAC 388-76-10130;

(i) WAC 388-76-10146(4);

(j) WAC 388-76-10265;

(k) WAC 388-76-10500; and

(l) WAC 388-76-10505.

"Capacity" means the maximum number of persons in need of personal or special care who are permitted to reside in an adult family home at a given time. Capacity includes:

(1) The number of related children or adults in the home who receive personal or special care and services; and

(2) The number of residents the adult family home may admit and retain (resident capacity), which is the number listed on the license.

"Caregiver" means any person eighteen years of age or older responsible for providing direct personal or special care to a resident and who is not the provider, entity representative, a student or volunteer.

"Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has a

temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

"Consent" means express written consent granted after the vulnerable adult or their legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

"Dementia" means a condition documented through the assessment process required by WAC 388-76-10335.

"Department" means the Washington state department of social and health services.

"Department case manager" means the department authorized staff person or designee assigned to negotiate, monitor, and facilitate a care and services plan for residents receiving services paid for by the department.

"Developmental disability" means the same as defined under WAC 388-823-0015.

"Direct supervision" means oversight by a person who has demonstrated competency in the basic training and specialty training if required, or who has been exempted from the basic training requirements and is:

- (1) On the premises; and
- (2) Quickly and easily available to the caregiver.

"Domestic partners" means two adults who meet the requirements for a valid state registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership.

"Entity representative" means the individual designated by an entity provider or entity applicant as its representative for the purposes of fulfilling the training and qualification requirements under this chapter that only an individual can fulfill where an entity cannot. The entity representative is responsible for overseeing the operation of the home. The entity representative does not hold the license on behalf of the entity.

"Financial exploitation" means the illegal or improper use, control over, or withholding of the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. Some examples of financial exploitation are given in RCW 74.34.-020(7).

"Financial solvency" means that the applicant or provider is able to meet debts or financial obligations with some money to spare.

~~("Entity representative" means the individual designated by a provider who is or will be responsible for the daily operation of the adult family home and who meets the requirements of this chapter and chapter 388-112A WAC.)~~

"Home" means adult family home.

"Imminent danger" or **"immediate threat"** means serious physical harm to or death of a resident has occurred, or there is a serious threat to the resident's life, health, or safety.

"Indirect supervision" means oversight by a person who is quickly and easily available to the caregiver, but not necessarily on-site and:

- (1) Has demonstrated competency in the basic and specialty training, if required; or
- (2) Is exempt from basic training requirements.

"Inspection" means a review by department personnel to determine the health, safety, and well-being of residents, and the adult family home's compliance with this chapter and chapters 70.128, 70.129, 74.34 RCW, and other applicable rules and regulations. The department's review may include an on-site visit.

"Management agreement" means a written, executed agreement between the adult family home and another individual or entity regarding the provision of certain services on behalf of the adult family home.

"Mandated reporter" means an employee of the department, law enforcement, officer, social worker, professional school personnel, individual provider, an employee of a facility, an employee of a social service, welfare, mental health, adult day health, adult day care, or hospice agency, county coroner or medical examiner, Christian Science practitioner, or health care provider subject to chapter 18.130 RCW. For the purpose of the definition of a mandated reporter, **"Facility"** means a residence licensed or required to be licensed under chapter 18.20 RCW (assisted living facilities), chapter 18.51 RCW (nursing homes), chapter 70.128 RCW (adult family homes), chapter 72.36 RCW (soldiers' homes), chapter 71A.20 RCW (residential habilitation centers), or any other facility licensed by the department.

"Mechanical restraint" means any device attached or adjacent to the vulnerable adult's body that they cannot easily remove and restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are:

- (a) Medically authorized, as required; and
- (b) Used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

"Medical device" as used in this chapter, means any piece of medical equipment used to treat a resident's assessed need.

(1) A medical device is not always a restraint and should not be used as a restraint;

(2) Some medical devices have considerable safety risks associated with use; and

(3) Examples of medical devices with known safety risks when used are transfer poles, Posey or lap belts, and side rails.

"Medication administration" means giving resident medications by a person legally authorized to do so, such as a physician, pharmacist, or nurse.

"Medication organizer" is a container with separate compartments for storing oral medications organized in daily doses.

"Mental illness" is defined as an axis I or II diagnosed mental illness as outlined in volume IV of the Diagnostic and Statistical Manual of Mental Disorders (a copy is available for review through the aging and disability services administration).

"Minimal" means violations that result in little or no negative outcome or little or no potential harm for a resident.

"Moderate" means violations that result in negative outcome and actual or potential harm for a resident.

"Multiple ((~~facility~~)) home provider" means a provider who is licensed to operate more than one adult family home.

"Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.-100.

"Nurse delegation" means a registered nurse transfers the performance of selected nursing tasks to competent nursing assistants, home care aides, or qualified long-term care workers in selected situations. The registered nurse delegating the task retains the responsibility and accountability for the nursing care of the resident.

"Over-the-counter medication" is any medication that can be purchased without a prescriptive order, including but not limited to vitamin, mineral, or herbal preparations.

"Permanent restraining order" means a restraining order or order of protection issued either following a hearing, or by stipulation of the parties. A "permanent restraining order" order may be in force for a specific time period (for example, one year), after which it expires.

"Personal care services" means both physical assistance and prompting and supervising the performance of direct personal care tasks as determined by the resident's needs and does not include assistance with tasks performed by a licensed health professional.

"Physical restraint" means application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include briefly holding without undue force a vulnerable adult in order to calm or comfort them, or holding a vulnerable adult's hand to safely escort them from one area to another.

"Placement agency" is an "elder or vulnerable adult referral agency" as defined in chapter 18.330 RCW and means a business or person who receives a fee from or on behalf of a vulnerable adult seeking a referral to care services or supportive housing or who receives a fee from a care services provider or supportive housing provider because of any referral provided to or on behalf of a vulnerable adult.

"Practitioner" includes a physician, osteopathic physician, podiatric physician, pharmacist, licensed practical nurse, registered nurse, advanced registered nurse practitioner, dentist, and physician assistant licensed in the state of Washington.

"Prescribed medication" refers to any medication (legend drug, controlled substance, and over-the-counter) that is prescribed by an authorized practitioner.

"Provider" means:

(1) Any ((~~person~~)) individual who is licensed to operate an adult family home and meets the requirements of this chapter; ((~~or~~))

(2) Any corporation, partnership, ((~~or~~)) limited liability company, or other entity that is licensed under this chapter to operate an adult family home and meets the requirements of this chapter; and

(3) For the following sections only, also includes an entity representative solely for the purposes of fulfilling requirements on behalf of the entity:

(a) WAC 388-76-10020(1);

(b) WAC 388-76-10035(1);

(c) WAC 388-76-10060;

(d) WAC 388-76-10064;

(e) WAC 388-76-10120;

(f) WAC 388-76-10125;

(g) WAC 388-76-10129;

(h) WAC 388-76-10130;

(i) WAC 388-76-10146(4);

(j) WAC 388-76-10265;

(k) WAC 388-76-10500; and

(l) WAC 388-76-10505.

"Psychopharmacologic medications" means the class of prescription medications, which includes but is not limited to antipsychotics, antianxiety medications, and antidepressants, capable of affecting the mind, emotions, and behavior.

"Recurring" or "repeated" means that the department has cited the adult family home for a violation of applicable licensing laws or rules and the circumstances of (1) or (2) of this definition are present and if the previous violation in subsection (1) or (2) of this definition was pursuant to a law or rule that has changed at the time of the new violation, a citation to the equivalent current rule or law is sufficient:

(1) The department previously imposed an enforcement remedy for a violation of the same section of law or rule for substantially the same problem following any type of inspection within the preceding thirty-six months.

(2) The department previously cited a violation under the same section of law or rule for substantially the same problem following any type of inspection on two occasions within the preceding thirty-six months.

"Resident" means any adult unrelated to the provider who lives in the adult family home and who is in need of care. Except as specified elsewhere in this chapter, for decision-making purposes, the term "resident" includes the resident's surrogate decision maker acting under state law.

"Resident manager" means a person employed or designated by the provider to manage the adult family home and who meets the requirements of this chapter.

"Serious" means violations that either result in one or more negative outcomes and significant actual harm to residents that does not constitute imminent danger, or there is a reasonable predictability of recurring actions, practices, situations, or incidents with potential for causing significant harm to a resident, or both.

"Severity" means the seriousness of a violation as determined by actual or potential negative outcomes for residents and subsequent actual or potential for harm. Outcomes include any negative effect on the resident's physical, mental, or psychosocial well-being (such as safety, quality of life, quality of care).

"Significant change" means:

(1) A lasting change, decline, or improvement in the resident's baseline physical, mental, or psychosocial status;

(2) The change is significant enough so either the current assessment, or negotiated care plan, or both, do not reflect the resident's current status; and

(3) A new assessment may be needed when the resident's condition does not return to baseline within a two week period of time.

"Special care" means care beyond personal care services as defined in this section.

"Staff" means any person who is employed or used by an adult family home, directly or by contract, to provide care and services to any residents.

Staff must meet all the requirements in this chapter and chapter 388-112A WAC.

"Temporary restraining order" means a restraining order or order of protection that expired without a hearing, was dismissed following an initial hearing, or was dismissed by stipulation of the parties before an initial hearing.

"Uncorrected" means the department has cited a violation of WAC or RCW following an inspection and the violation remains uncorrected at the time of a subsequent inspection for the specific purpose of verifying whether such violation has been corrected.

"Unsupervised" means not in the presence of:

(1) Another employee or volunteer from the same business or organization; or

(2) Any relative or guardian of any of the children or individuals with developmental disabilities or vulnerable adults to which the employee, student, or volunteer has access during the course of their employment or involvement with the business or organization.

"Usable floor space" means resident bedroom floor space exclusive of:

(1) Toilet rooms;

(2) Closets;

(3) Lockers;

(4) Wardrobes;

(5) Vestibules; and

(6) The space required for the door to swing if the bedroom door opens into the resident bedroom.

~~("Water hazard" means any body of water over twenty-four inches in depth that can be accessed by a resident, and includes but is not limited to:~~

~~(1) In-ground, above-ground, and on-ground pools;~~

~~(2) Hot tubs, spas;~~

~~(3) Fixed-in-place wading pools;~~

~~(4) Decorative water features;~~

~~(5) Ponds; or~~

~~(6) Natural bodies of water such as streams, lakes, rivers, and oceans.)~~

"Vulnerable adult" includes a person:

(1) Sixty years of age or older who has the functional, mental, or physical inability to care for themselves;

(2) Found incapacitated under chapter 11.88 RCW;

(3) Who has a developmental disability as defined under RCW 71A.10.020;

(4) Admitted to any facility;

(5) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW;

(6) Receiving services from an individual provider; or

(7) With a functional disability who lives in their own home, who is directing and supervising a paid personal aide to perform a health care task as authorized by RCW 74.39.050.

"Water hazard" means any body of water over twenty-four inches in depth that can be accessed by a resident, and includes but is not limited to:

(1) In-ground, above-ground, and on-ground pools;

(2) Hot tubs, spas;

(3) Fixed-in-place wading pools;

(4) Decorative water features;

(5) Ponds; or

(6) Natural bodies of water such as streams, lakes, rivers, and oceans.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10003 Department access. (1) During the initial licensing of the home, the applicant must allow the department staff to inspect the entire premises including all of the home's rooms, buildings, grounds, and equipment and all pertinent records ~~((during the initial licensing of the home))~~.

(2) During inspections after initial licensing is complete, the adult family home must allow the department staff to examine all areas and articles in the home that are used to provide care or support to residents, including the physical premises and residents' records and accounts. The physical premises includes the buildings, grounds, and equipment, as well as all areas of the home for the purpose of checking smoke detectors, fire extinguishers, and posting of the emergency evacuation floor plan. The ~~((provider's))~~ personal records of adult family home staff unrelated to the operation of the adult family home are not subject to department ~~((review))~~ inspection. ~~((The provider's))~~ A separate bedroom used by adult family home staff will not be subject to review and inspection unless it is used to provide direct care to a resident.

(3) During complaint investigations, the adult family home must give department staff access to the entire premises and all records related to the residents or operation of the home. Department staff are authorized to interview the provider, family members, and individuals residing in the home including residents.

AMENDATORY SECTION (Amending WSR 10-03-064, filed 1/15/10, effective 2/15/10)

WAC 388-76-10020 License—Ability to provide care and services. The provider must have the:

(1) Understanding, ability, emotional stability and physical health necessary to meet the psychosocial, personal, and special care needs of the vulnerable adults under the home's care; and

(2) Ability to meet all personal and business financial obligations.

AMENDATORY SECTION (Amending WSR 18-20-015, filed 9/21/18, effective 10/22/18)

WAC 388-76-10035 License requirements—Multiple adult family home providers. The department will only consider an application for more than one home if the applicant has:

- (1) Evidence of successful completion of the ~~((forty-eight hour residential care administrator's))~~ adult family home administrator training to meet the applicable requirements of chapter 388-112A WAC;
- (2) The ability to operate more than one home;
- (3) The following plans for each home the applicant intends to operate. Each of the following plans must be updated and maintained:
 - (a) A twenty-four hour a day, seven day a week staffing plan;
 - (b) A plan for managing the daily operations of each home; and
 - (c) A plan for emergencies, deliveries, staff and visitor parking~~((:));~~;
 - (4) A demonstrated history of financial solvency related to the ability to provide care and services; and
 - (5) ~~((An entity representative or))~~ A different resident manager at each home who is responsible for the care of each resident at all times.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

WAC 388-76-10037 License requirements—Multiple adult family homes—Additional homes. The department will only accept and process an application for an additional license as follows:

- (1) For a second home, if the applicant has maintained the first adult family home license for at least twenty-four months with no enforcement actions as listed in RCW 70.128-160(2) related to a significant violation of chapters 70.128, 70.129 or 74.34 RCW, this chapter, or other applicable laws and regulations; and
- (2) For a third or additional homes as follows:
 - (a) When twelve months have passed since the previous adult family home license was granted and the department has taken no enforcement actions against the applicant's currently licensed adult family homes during the twelve months prior to application; or
 - (b) When less than twelve months have passed since the previous adult family home license was granted; and
 - (i) The applications are due to the change in ownership of existing adult family homes that are currently licensed; and
 - (ii) No enforcement action was taken against any of the applicant's currently licensed homes during the twelve months prior to application.

NEW SECTION

WAC 388-76-10041 License—Change of personnel. An entity provider must:

- (1) Notify the department when officers, directors, or entity representatives change, or when any owner is added and what percent of ownership is granted;
- (2) Provide at least one point of contact for the owner, board of directors, or other governing body and if the entity has a board of directors, the provider must post in the home in a visible location in a common area information on at least one board meeting per twelve month period where all residents, their representatives, adult family home staff, the department, representatives of resident advocacy programs, and the long-term care ombuds can view it; and
- (3) Provide written notice to all residents and the department when the entity representative changes as soon as possible upon realizing the need for a change.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10060 Application—Department orientation class—Required. (1) An applicant or any person who has not held an adult family home license within the last twelve months must attend a department approved orientation class before ~~((receiving))~~ submitting an application ~~((form; and))~~.

(2) If an applicant has not obtained an adult family home license within one calendar year of submitting the application to the department the applicant must attend department orientation again.

(3) A new entity representative in a currently-licensed adult family home must attend a department-approved orientation class within one hundred and twenty days of assuming the role, unless:

- (a) They have completed the course in the previous twenty-four months; or
- (b) They worked as an entity representative or provider in an adult family home in the last twelve months.

AMENDATORY SECTION (Amending WSR 18-20-015, filed 9/21/18, effective 10/22/18)

WAC 388-76-10063 Application—General training requirements. An applicant must ensure that ~~((each person))~~ any individual provider, entity representative, or resident manager listed on the application has successfully completed the training ~~((#))~~ that is required for their role under this chapter and chapter 388-112A WAC.

AMENDATORY SECTION (Amending WSR 18-20-015, filed 9/21/18, effective 10/22/18)

WAC 388-76-10064 Adult family home administrator training requirements. (1) ~~((The applicant and the entity representative))~~ Applicants and entity representatives must successfully complete the department approved adult family home administration class as required in chapter 388-112A WAC.

(2) An applicant ~~((and))~~ who operates or is the entity representative ~~((may not be required to take))~~ in a currently licensed home and has already taken the adult family home administrator ~~((class if there is a change in ownership and the applicant and entity representative are already participants in~~

~~the operation of a currently licensed home)) training is not required to take the class again. However, a currently licensed provider or current entity representative who has not successfully completed the adult family home administrator training must take the class before submitting an application for a new license.~~

~~(3) ((An applicant and entity representative must take the adult family home administrator class when the application is for an additional licensed home and the class has not already been successfully taken.~~

~~(4) The class must be a minimum of forty-eight hours of classroom time and approved by the department.~~

~~(5)) Under exceptional circumstances, the department may waive the administrator training class for up to four months if the application meets all the other requirements for licensure and all the components of WAC 388-76-10074 or the requirements for a provisional license per RCW 70.128.-064.~~

AMENDATORY SECTION (Amending WSR 16-01-171, filed 12/22/15, effective 1/22/16)

WAC 388-76-10074 Application—Waiver of fees.

The department may authorize a one-time waiver of the application fees for a change of ownership or relocation, if the situation meets all of the following conditions~~((;))~~:

(1) The current provider has experienced an exceptional circumstance such as~~((;))~~:

~~(a) The death or incapacity of a spouse who was also named on the license; or~~

~~(b)) the diagnosis of a terminal or debilitating illness that prevents them from running the adult family home; ((and))~~

(2) Residents will be forced to move if a new provider is not licensed; ~~((and))~~

(3) Full payment of the licensing fee would cause the applicant a financial hardship; ~~((and))~~

(4) The application has been approved for priority processing by the local field office per WAC 388-76-10107; and

(5) Neither the applicant nor the current provider has requested a waiver of fees in the past.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10085 Application—~~((Individual or coprovider))~~ Affiliated facilities. The applicant must include in the application a list of all facilities or homes in which the applicant ~~((or))~~, persons affiliated with the applicant, or affiliated entities provided care and services to children or vulnerable adults within the last ten years.

AMENDATORY SECTION (Amending WSR 10-04-008, filed 1/22/10, effective 2/22/10)

WAC 388-76-10090 Application—Entity application. An entity submitting an application must:

(1) Include a list of all facilities or homes in which the applicant or persons affiliated with the applicant, managerial employee, or owner of five percent or more of the entity pro-

vided care and services to children or vulnerable adults within the last ten years;

(2) Designate an entity representative who:

(a) Fulfills the training and qualification requirements under this chapter that only an individual can fulfill where an entity cannot;

~~(b) Is responsible on behalf of the entity for the ((daily)) operations of the adult family home;~~

~~((b)) (c) Will be considered the department's primary contact person on behalf of the entity; ((and~~

~~(e)) (d) May act as ((both the entity representative and)) the resident manager in only one home((-);~~

~~(e) May be an officer, director, member, or owner of the entity, but in the case that they are not, the entity provider must have a plan under WAC 388-76-10201 to ensure that at no time will the entity provider lack an entity representative that meets the requirements of subsection (2)(a) of this section; and~~

~~(f) May be designated as the entity representative for only one entity provider;~~

(3) Designate a resident manager for the home if the entity representative is not the designated resident manager in subsection ~~((2)(e)) (2)(d)~~ of this section; and

(4) Identify all DSHS-licensed facilities or homes owned by any affiliated entity.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10095 Application—Identification of ~~((landlord))~~ property owner—Required. (1) Applicants must name the ~~((landlord))~~ property owner of the building if the building to be used as an adult family home is leased, under contract, or rented and the ~~((landlord))~~ property owner takes an active interest in the operation of the home.

(2) An active interest includes but is not limited to:

(a) The charging of rent as a percentage of the business;

(b) Assistance with start-up and/or operational costs;

(c) Collection of resident fees;

(d) Recruitment of residents;

(e) Management oversight;

(f) Assessment and/or negotiated care plan development of residents; ~~((or))~~

(g) The provision of personal or special care of residents;

or

(h) Property ownership by an affiliated entity.

AMENDATORY SECTION (Amending WSR 12-01-004, filed 12/7/11, effective 1/7/12)

WAC 388-76-10105 Application—Change of ownership. (1) Under this section, "control of the provider" means the possession, directly or indirectly, of the power to direct the management, operation and/or policies of the adult family home, whether through ownership, voting control, by agreement, by contract, or otherwise.

(2) A change of ownership of an adult family home requires both a new license application and a new license.

(3) A change of ownership occurs when there is a change in:

(a) The provider; or

(b) The control of a provider.

(4) Events (~~which~~) that constitute a change of ownership include, but are not limited to:

(a) The form of legal organization of the adult family home is changed, such as when an adult family home forms:

- (i) A partnership;
- (ii) A corporation;
- (iii) A limited liability company; or

(iv) When it merges with another legal organization(~~(-)~~);

(b) The adult family home transfers business operations and management responsibility to another party, whether or not there is a partial or whole transfer of real property, personal property, or both(~~(-)~~);

(c) ~~((Two people are both licensed as a married couple or domestic partners to operate an adult family home and an event, such as a separation, divorce, or death, results in only one person operating the home.~~

~~((d))~~ Dissolution of a business partnership that is licensed to operate the adult family home(~~(-)~~);

~~((e))~~ (d) If the adult family home is ((a corporation and the corporation)) an entity and the entity:

- (i) Is dissolved;
- (ii) Merges with another ~~((corporation))~~ entity, resulting in a change in the control of the provider; ~~((e))~~
- (iii) Consolidates with one or more ~~((corporations))~~ entities to form a new ~~((corporation))~~ entity; or
- (iv) Whether by a single transaction or multiple transactions ~~((within a continuous twenty-four month))~~ over any time period, transfers fifty percent or more of its shares to one or more of the following:

(A) New or former ~~((shareholders))~~ owners; or

(B) Present ~~((shareholders))~~ owners, each having less than five percent of the ~~((shares))~~ ownership interest before the initial transaction(~~(-)~~); or

~~((f))~~ (e) Any other event or combination of events that results in a substitution, elimination, or withdrawal of the provider's control of the adult family home.

(5) Events which do not by themselves constitute a change in ownership include:

(a) For a nonprofit entity only, a change of a member or members of the board of directors;

(b) A change in entity representative; or

(c) Two people are both licensed as a married couple or domestic partners to operate an adult family home and an event, such as separation, divorce, or death, results in only one person operating the home.

(6) The new owner:

(a) Must obtain a new license from the department before transfer of ownership;

(b) Must not begin operation of the adult family home until the department has granted the license unless a provisional license has been requested and granted for exceptional circumstances per RCW 70.128.064;

(c) Must correct all deficiencies that exist at the time of the ownership change;

(d) Is subject to the provisions of chapters 70.128, 70.129, 74.34 RCW, this chapter and other applicable laws and regulations; ~~((and))~~

(e) Must ensure that any funds in the resident's accounts at the time of the ownership change remain in an equivalent

account. If any funds in resident's accounts are moved, the new owner must promptly notify residents or resident's representative in writing of the name, address, and location of the new depository; and

(f) Must provide the department with a copy of the written notice of the change of ownership that was given to each resident, or applicable resident representatives.

AMENDATORY SECTION (Amending WSR 10-14-058, filed 6/30/10, effective 7/31/10)

WAC 388-76-10106 Change of ownership—Notice of department and residents. (1) The current adult family home owner must provide written notice to the department(~~(-)~~) and residents or applicable resident representatives(~~(-)~~) sixty calendar days prior to the date of the proposed change of ownership; and

(2) The home must include the following information in the written notice:

(a) Names of the present owner and prospective owner, and if the present or prospective owner is an entity, include the names of each partner, member, officer, and director of the entity, and of any affiliated entities;

(b) Name and address of the adult family home for which the ownership is being changed;

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

~~((d))~~ Date notice was provided;

(d) The resident's right to decide whether they want to stay or move; and

(e) Any change in the home's policies or operations that could impact a resident's ability to continue to live in the home. For example, if the new owner will be changing the home's policy on serving medicaid eligible residents, that change might impact a resident's ability to continue receiving services in the home.

AMENDATORY SECTION (Amending WSR 16-01-171, filed 12/22/15, effective 1/22/16)

WAC 388-76-10107 Priority processing—Change of ownership and relocation. (1) In order to prevent disruption to residents, currently licensed providers may request in writing that the department give priority processing to an applicant seeking to be licensed as the new provider of an existing, licensed adult family home in the event of a change of ownership or relocation.

(2) If priority processing is granted, the requirement that written notification be provided to the department and residents or applicable resident representatives sixty days prior to the change of ownership may be waived. Notice will be required as early as possible if this requirement is waived.

AMENDATORY SECTION (Amending WSR 14-14-028, filed 6/24/14, effective 7/25/14)

WAC 388-76-10120 License—Must be denied. The adult family home license will not be granted if:

(1) The applicant has not successfully completed a department-approved ~~((forty-eight hour))~~ adult family home administration and business planning class except as provided in WAC 388-76-10064(~~(-)~~);

(2) It has been less than twenty years since the applicant surrendered or relinquished an adult family home license after receiving notice of the department's initiation of a denial, suspension, nonrenewal or revocation of the license((-); or

(3) The applicant (~~(or)~~), the (~~(applicant's)~~) spouse((-); or domestic partner of an applicant who is a sole proprietor, the spouse or domestic partner of an entity representative with an ownership interest in the business, or any partner, officer, director, managerial employee or majority owner of the applying entity:

(a) Has a history of significant noncompliance with federal or state laws or regulations in the provision of care or services to children or vulnerable adults;

(b) Has prior violations of federal or state laws or regulations relating to residential care facilities resulting in revocation, suspension, or nonrenewal of a license or contract with the department within the past ten years;

(c) Has a conviction or pending criminal charge for a crime that is automatically disqualifying under chapter 388-113 WAC; or

(d) Has one or more of the following disqualifying negative actions:

(i) A court has issued a permanent restraining order or order of protection, either active or expired, against the person that was based upon abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult;

(ii) The person is a registered sex offender;

(iii) The person is on a registry based upon a final finding of abuse, neglect or financial exploitation of a vulnerable adult, unless the finding was made by adult protective services prior to October 2003;

(iv) A founded finding of abuse or neglect of a child was made against the person, unless the finding was made by child protective services prior to October 1, 1998;

(v) The individual was found in any dependency action to have sexually assaulted or exploited any child or to have physically abused any child;

(vi) The individual was found by a court in a domestic relations proceeding under Title 26 RCW, or under any comparable state or federal law, to have sexually abused or exploited any child or to have physically abused any child;

(vii) The individual has had a contract or license denied, terminated, revoked, or suspended due to abuse, neglect, financial exploitation, or mistreatment of a child or vulnerable adult; or

(viii) The individual has relinquished a license or terminated a contract because an agency was taking an action against the individual related to alleged abuse, neglect, financial exploitation or mistreatment of a child or vulnerable adult.

AMENDATORY SECTION (Amending WSR 15-03-037, filed 1/12/15, effective 2/12/15)

WAC 388-76-10125 License—May be denied. The adult family home license may be denied if the applicant or the applicant's spouse, domestic partner, or any partner, officer, director, managerial employee or majority owner of the applying entity:

(1) Has any conviction or pending criminal charge for crime that is not automatically disqualifying under chapter 388-113 WAC, but that the department determines is reasonably related to the competency of the person to be involved in the ownership or operation of an adult family home;

(2) Has abused, neglected, or financially exploited a vulnerable adult, unless denial is required under WAC 388-76-10120((-);

(3) Has engaged in the illegal use, sale or distribution of drugs or excessive use of alcohol or drugs without the evidence of rehabilitation;

(4) Has been found in any final decision of a federal or state agency to have abandoned, neglected, abused or financially exploited a vulnerable adult, unless such decision requires a license denial under WAC 388-76-10120;

(5) Has had a license for the care of children or vulnerable adults denied, suspended, revoked, or not renewed((-); in connection with the operation of any facility for the care of children or vulnerable adults, relinquished or returned a license, or did not seek license renewal following written notification that the licensing agency intended to deny, suspend, or revoke the license, unless such action requires a license denial under WAC 388-76-10120;

(6) Has a history of prior violations of chapter 70.128 RCW or any law regulating residential care facilities that resulted in revocation, suspension, or nonrenewal of a license;

(7) Has been enjoined from operating a facility for the care and services of children or adults;

(8) Has had a medicaid or medicare provider agreement or any other contract for the care and treatment of children or vulnerable adults, terminated, cancelled, suspended, or not renewed by any public agency, including a state medicaid agency;

(9) Has been the subject of a sanction or corrective or remedial action taken by federal, state, county, or municipal officials or safety officials related to the care or treatment of children or vulnerable adults;

(10) Has obtained or attempted to obtain a license from the department by fraudulent means or misrepresentation;

(11) Knowingly, or with reason to know, made a false statement of material fact on his or her application for a license or any data attached to the application, or in any matter involving the department;

(12) Permitted, aided, or abetted the commission of any illegal act on the adult family home premises;

(13) Willfully prevented or interfered with or failed to cooperate with any inspection, investigation, or monitoring visit made by the department, including refusal to permit authorized department representatives to interview residents or have access to their records;

(14) Failed or refused to comply with:

(a) A condition imposed on a license or a stop placement order; or

(b) The requirements of chapters 70.128, 70.129, 74.34 RCW, this chapter or other applicable laws and regulations((-);

(15) Misappropriated property of a resident, unless such action requires a license denial under WAC 388-76-10120;

(16) Exceeded licensed capacity in the operation of an adult family home;

(17) Operated a facility for the care of children or adults without a license or with a revoked license;

(18) When providing care to children or vulnerable adults, has had resident trust funds or assets seized by the Internal Revenue Service or a state entity for failure to pay income or payroll taxes;

(19) Failed to meet financial obligations as the obligations fell due in the normal course of owning or operating a business involved in the provision of care and services to children or vulnerable adults;

(20) Has failed to meet personal financial obligations, or if the applicant is an entity, has failed to meet the entity's financial obligation, or both;

(21) Interfered with a long-term care ombuds or department staff in the performance of his or her duties;

(22) Has not demonstrated financial solvency or management experience in its currently licensed homes, or has not demonstrated the ability to meet other relevant safety, health, and operating standards pertaining to the operation of multiple homes, including ways to mitigate the potential impact of vehicular traffic related to the operation of the homes; ~~((or))~~

(23) The home is currently licensed:

(a) As an assisted living facility; or

(b) To provide care for children in the same home, unless:

(i) It is necessary in order to allow a resident's child(ren) to live in the same home as the resident or to allow a resident who turns eighteen to remain in the home;

(ii) The applicant provides satisfactory evidence to the department of the home's capacity to meet the needs of children and adults residing in the home; and

(iii) The total number of ~~((persons))~~ residents receiving care and services in the home does not exceed the number permitted by the licensed capacity of the home~~(-);~~;

(24) Failed to give the department access to all parts of the home as authorized under RCW 70.128.090~~(-);~~;

(25) Has an ownership interest in one or more currently licensed adult family homes or additional applications and does not meet the requirements of being a multiple home provider; or

(26) Has demonstrated any other factors that give evidence the individual lacks the appropriate character, competence, and suitability to provide care or services to vulnerable adults.

AMENDATORY SECTION (Amending WSR 18-20-015, filed 9/21/18, effective 10/22/18)

WAC 388-76-10129 Qualifications—Adult family home personnel. ~~((1) The adult family home must ensure that ((the following are qualified and meet all of the applicable requirements of this chapter and chapter 388-112A WAC:~~

~~((4))) any person employed or used by the adult family home, directly or by contract, ((by an adult family home, including)) is qualified and meets all of the applicable requirements of this chapter and chapter 388-112A WAC. This may include, but is not limited to:~~

(a) The provider;

(b) Entity representative;

(c) Resident manager;

(d) Staff; and

(e) Caregivers.

(2) Every home must have a designated resident manager. The provider or entity representative can also be the designated resident manager, but an individual can only be the designated resident manager for one home at a time.

(3) For entities licensed after the effective date of this section, an individual can only be the entity representative for one entity provider.

AMENDATORY SECTION (Amending WSR 18-20-015, filed 9/21/18, effective 10/22/18)

WAC 388-76-10130 Qualifications—Provider, entity representative, and resident manager. The adult family home must ensure that the provider, entity representative on behalf of an entity provider, and resident manager have the following minimum qualifications:

(1) Be twenty-one years of age or older;

(2) Have a United States high school diploma or high school equivalency certificate as provided in RCW 28B.50.536, or any English or translated government document of the following:

(a) Successful completion of government approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction a year for twelve years, or no less than twelve thousand hours of instruction;

(b) Graduation from a foreign college, foreign university, or United States community college with a two-year diploma, such as an associate's degree;

(c) Admission to, or completion of course work at a foreign or United States college or university for which credit was awarded;

(d) Graduation from a foreign or United States college or university, including award of a bachelor's degree;

(e) Admission to, or completion of postgraduate course work at, a United States college or university for which credits were awarded, including award of a master's degree; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education was required~~(-);~~;

(3) Completion of the training requirements that were in effect on the date they were hired or became licensed providers, including the requirements described in chapter 388-112A WAC;

(4) Have good moral and responsible character and reputation;

(5) Be literate and able to communicate in the English language, and assure that a person is on staff and available at the home who is capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read, understand and implement resident negotiated care plans~~(-);~~;

(6) ~~((Assure that there is a mechanism))~~ Have the ability to communicate with ((the resident)) residents in ((his or

her)) their primary language (~~(either)~~), including through a qualified person on-site or readily available at all times, or other reasonable accommodations, such as a language line((-);

(7) Be able to carry out the management and administrative requirements of chapters 70.128, 70.129 and 74.34 RCW, this chapter and other applicable laws and regulations;

(8) Have completed at least one thousand hours of successful direct care experience in the previous sixty months obtained after age eighteen to vulnerable adults in a licensed or contracted setting before operating or managing a home. Individuals holding one of the following professional licenses are exempt from this requirement:

(a) Physician licensed under chapter 18.71 RCW;

(b) Osteopathic physician licensed under chapter 18.57 RCW;

(c) Osteopathic physician assistant licensed under chapter 18.57A RCW;

(d) Physician assistant licensed under chapter 18.71A RCW; or

(e) Registered nurse, advanced registered nurse practitioner, or licensed practical nurse licensed under chapter 18.79 RCW((-);

(9) Have no disqualifying criminal convictions or pending criminal charges under chapter 388-113 WAC;

(10) Have none of the negative actions listed in WAC 388-76-10180;

(11) Obtain and keep valid cardiopulmonary resuscitation (CPR) and first-aid card or certificate as required in chapter 388-112A WAC; and

(12) Have tuberculosis screening to establish tuberculosis status per this chapter.

AMENDATORY SECTION (Amending WSR 18-20-015, filed 9/21/18, effective 10/22/18)

WAC 388-76-10145 Qualifications—Licensed nurse as provider, entity representative, or resident manager. The adult family home must ensure that a licensed nurse who is a provider, entity representative, or resident manager:

(1) Meets (~~(all minimum)~~) the relevant qualifications (~~(for providers, entity representatives, or resident managers)~~) for their role listed in WAC 388-76-10130; and

(2) Has a current valid cardiopulmonary resuscitation (CPR) card or certificate as required in chapter 388-112A WAC.

AMENDATORY SECTION (Amending WSR 07-21-080, filed 10/16/07, effective 1/1/08)

WAC 388-76-10950 Remedies—History and actions by individuals. The department will consider the history and actions of the following individual or combination of individuals when imposing remedies:

(1) Applicant;

(2) Provider;

(3) Entity representative;

(4) Person affiliated with the applicant;

(5) Resident manager;

(6) A partner, officer, director or managerial employee of the entity;

(7) Spouse of the provider or entity representative;

(8) An owner:

(a) Of fifty-one percent or more of the entity; or

(b) Who exercises control over the daily operations of the home((-);

(9) A caregiver; (~~(or)~~)

(10) Any person who:

(a) Has unsupervised access to residents in the home;

(~~(and)~~) or

(b) Lives in the home but who is not a resident; or

(11) Any affiliated entities.

NEW SECTION

WAC 388-76-10201 Succession plan. (1) The adult family home must have a written plan addressing how they will continue to meet the requirements of this chapter and provide care and services to residents in the event that the provider or entity representative is unable to fulfill their duties in the home and make it available upon request of the department.

(2) If an emergency or other exceptional circumstance requires a change of ownership due to the inability of a provider to continue to operate the home, an applicant who meets the qualifications to be a provider may apply for a provisional license that would allow the home to continue to operate. The applicant must also apply for a change of ownership at the same time. The department will have the discretion to determine if the circumstances warrant a provisional license.

WSR 20-05-019

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 20-21—Filed February 7, 2020, 9:29 a.m., effective March 9, 2020]

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

Purpose: Recent clam and oyster population survey data, recreational harvest projections, and negotiations affecting intertidal treaty and nontreaty fisheries, along with public health considerations, call for recreational clam and oyster seasons to be adjusted. Seasons will be opened or extended on some public beaches and closed, removed, or shortened on others. This proposal reflects those openings and closures.

Citation of Rules Affected by this Order: Amending WAC 220-330-110 Clams other than razor clams, and mussels—Areas and seasons and 220-330-140 Oysters—Areas and seasons.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04-055 [77.04.055], 77.12.045, and 77.12.047.

Adopted under notice filed as WSR 20-02-082 on December 27, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 5, 2020.

Kelly Susewind
Director

AMENDATORY SECTION (Amending WSR 19-08-044, filed 3/29/19, effective 4/29/19)

WAC 220-330-110 Clams other than razor clams, and mussels—Areas and seasons. It is ~~((permissible))~~ lawful to take, dig for, and possess clams and mussels for personal use from public tidelands year-round, except the following restrictions apply to the public tidelands at the beaches listed below:

- (1) Ala Spit: All public tidelands of Ala Spit are open May 1 through May 31 only.
- (2) Alki Park: Closed year-round.
- (3) Alki Point: Closed year-round.
- (4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.
- (5) Bay View State Park: Closed year-round.
- (6) Belfair State Park: Open ~~((year-round))~~ January 1 through May 31 and August 1 through December 31 only.
- (7) Blaine Marine Park: Closed year-round.
- (8) Blake Island State Park Marina: Closed year-round.
- (9) Blowers Bluff North: Closed year-round.
- (10) Brown's Point Lighthouse: Closed year-round.
- (11) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn ~~((due west))~~ from the southern boundary of Burfoot Park west to the opposite shore near 68th Avenue N.W. are closed year-round.
- (12) Cama Beach State Park: Closed year-round.
- (13) Camano Island State Park: Closed year-round.
- (14) Chuckanut Bay: All tidelands of Chuckanut Bay north of the ~~((BNSF))~~ railroad trestle are closed year-round.
- (15) Coupeville: Closed year-round.
- (16) Cultus Bay: Closed year-round.
- (17) Dave Mackie County Park: Closed year-round.
- (18) Des Moines City Park: Closed year-round.
- (19) Discovery Park: Closed year-round.
- (20) DNR-142: Closed year-round.
- (21) DNR-144 (Sleeper): Closed year-round.
- (22) Dockton County Park: Closed year-round.
- (23) Dosewallips State Park: The area defined by boundary markers and signs posted on the beach is open ~~((August))~~ June 15 through September ((7)) 30 only.

(24) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers and signs posted on the beach.

(25) Drayton ~~((West))~~ Harbor: All public tidelands of Drayton Harbor are ~~((closed))~~ open year-round, except tidelands identified as ~~((approved))~~ prohibited or unclassified by the department of health and defined by boundary markers and signs posted on the beach are ~~((open))~~ closed year-round.

(26) Duckabush: Open November 1 through April 30 only.

(27) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands: Open May 15 through September 30 only.

(28) Eagle Creek: Open June 1 through August 31 only.

(29) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.

(30) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

(31) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.

(32) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

(33) Fay Bainbridge Park: Closed year-round.

(34) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.

(35) Freeland County Park: Open October 1 through May 31 only.

(36) Frye Cove County Park: Open May 1 through May 31 only.

(37) Fudge Point State Park: Closed year-round.

(38) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

(39) Golden Gardens: Closed year-round.

(40) Graveyard Spit: Closed year-round.

(41) Guss Island: All tidelands of Guss Island are closed year-round.

(42) Hoodspport: Tidelands at Hoodspport Salmon Hatchery are closed year-round.

(43) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

(44) Howarth Park/Darlington Beach: Closed year-round.

(45) Illahee State Park: Open April 1 through July 31 only.

(46) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September ~~((7))~~ 30 only.

(47) Joemma Beach State Park: Closed year-round.

(48) Kayak Point County Park: Closed year-round.

(49) Kitsap Memorial State Park: Closed year-round.

(50) Kopachuck State Park: Open April 1 through May 31 only.

(51) Lent Landing (Port Washington Narrows): Closed year-round.

(52) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.

(53) Lincoln Park: Closed year-round.

(54) Lions Park (Bremerton): Closed year-round.

(55) Lofall: Closed year-round.

(56) Long Island Oyster Reserve, Diamond Point and Pinnacle Rock (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.

(57) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.

(58) Long Point West: Closed year-round.

(59) Lower Roto Vista Park: Closed year-round.

(60) March Point Recreation Area: Closed year-round.

(61) McNeil Island: All tidelands of McNeil Island are closed year-round.

(62) Meadowdale County Park: Closed year-round.

(63) Mee-Kwa-Mooks Park: Closed year-round.

(64) Monroe Landing: Closed year-round.

(65) Mukilteo: Closed year-round.

(66) Mystery Bay State Park: Open October 1 through April 30 only.

(67) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are closed year-round.

(68) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.

(69) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

(70) North Bay (Case Inlet): All state-owned tidelands north of the power transmission lines and those extending 1,900 feet south of the power transmission lines along the eastern shore are open March 1 through April 30 and September 1 through September 30, from one hour before official sunrise until one hour after official sunset only.

(71) North Beach County Park: Closed year-round.

(72) Oak Bay County Park: (~~Open April 1 through April 30 only~~) Closed year-round.

(73) Oak Harbor: Closed year-round.

(74) Oak Harbor Beach Park: Closed year-round.

(75) Oak Harbor City Park: Closed year-round.

(76) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

(77) Old Mill County Park (Silverdale): Closed year-round.

(78) Olympia Shoal: Closed year-round.

(79) Pat Carey Vista Park: Closed year-round.

(80) Penrose Point State Park: Open March 1 through April 30 only, except that portion of Mayo Cove within the commercially prohibited growing area is closed year-round.

(81) Picnic Point County Park: Closed year-round.

(82) Pitship Point: Closed year-round.

(83) Pitt Island: All tidelands on Pitt Island are closed year-round.

(84) Pleasant Harbor State Park: Closed year-round.

(85) Pleasant Harbor WDFW Boat Launch: Closed year-round.

(86) Point Defiance: Closed year-round.

(87) Point No Point South: Closed year-round.

(88) Point Whitney Lagoon: Open January 1 through ~~(April 15)~~ May 31 only.

(89) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through ~~(April 15)~~ May 31 only.

(90) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

(91) Port Gamble Heritage Park Tidelands: Open ~~(year-round)~~ January 1 through May 15 and July 15 through December 31 only.

(92) Port Gardner: Closed year-round.

(93) Port Townsend Ship Canal/Portage Beach: Open January 1 through ~~(May 31)~~ April 15 only.

(94) Post Point: Closed year-round.

(95) Potlatch DNR tidelands: Open April 1 through July ~~(7)~~ 31 only.

(96) Potlatch State Park: Open April 1 through July ~~(7)~~ 31 only.

(97) Priest Point County Park: Closed year-round.

(98) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

(99) Quilcene Bay Tidelands: 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 year-round, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

(100) Retsil: Closed year-round.

(101) Richmond Beach Saltwater Park: Closed year-round.

(102) Salt Creek Recreation Area (DNR-419): Closed year-round.

(103) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

(104) Saltwater State Park: Closed year-round.

(105) Samish Bay: Public tidelands of Samish Bay between Scotts Point and ~~(an unnamed)~~ a point on the shore ((latitude N48.5745°; longitude W122.4440°)) (48° 34.47'N, 122° 26.64'W) are closed year-round.

(106) Scenic Beach State Park: Closed year-round.

(107) Seahurst County Park: Closed year-round.

(108) Semiahmoo County Park: Closed year-round.

(109) Semiahmoo Marina: Closed year-round.

(110) Sequim Bay State Park: Open January 1 through June 30 only.

(111) Shine Tidelands State Park: Open January 1 through May 15 only.

(112) Silverdale Waterfront Park: Closed year-round.

(113) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road

and Beach Drive East northerly to Point Herron are closed year-round.

(114) Skagit Bay Estuary Wildlife Areas: All public tidelands of Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

(115) South Carkeek Park: Closed year-round.

(116) Southworth: Closed year-round.

(117) Spencer Spit State Park: Open March 1 through July 31 only.

(118) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

(119) Taylor Bay: Closed year-round.

(120) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

(121) Triton Cove Tidelands: Open June 1 through August 31 only.

(122) Twanoh State Park: Open August ~~((+))~~ 15 through September 30 only.

(123) Walker County Park: Closed year-round.

(124) West Dewatto: DNR Beach 44A open July 1 through September 30 only.

(125) West Pass Access: Closed year-round.

(126) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is open ~~((July 15))~~ August 1 through September ~~((15))~~ 30 only.

(127) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

(128) Wolfe Property State Park: Open January 1 through May 15 only.

(129) Woodard Bay Natural Resource Conservation Area: Closed year-round.

(130) It is ~~((permissible))~~ lawful to take, dig for, and possess clams ~~((cockles, borers,))~~ and mussels, not including razor clams, for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

~~((Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.))~~

AMENDATORY SECTION (Amending WSR 19-08-044, filed 3/29/19, effective 4/29/19)

WAC 220-330-140 Oysters—Areas and seasons. It is ~~((permissible))~~ lawful to take and possess oysters for personal use from public tidelands year-round except the following restrictions apply to the public tidelands at the beaches listed below:

(1) Ala Spit: All public tidelands of Ala Spit open May 1 through May 31 only.

(2) Alki Park: Closed year-round.

(3) Alki Point: Closed year-round.

(4) Bay Center Oyster Reserve (Willapa Harbor reserves): Palix River channel, extending from the Palix

River bridge to beyond Bay Center to the north of Goose Point, is closed year-round.

(5) Bay View State Park: Closed year-round.

(6) Belfair State Park: Open January 1 through May 31 and August 1 through December 31 only.

~~((7))~~ (7) Blaine Marine Park: Closed year-round.

~~((7))~~ (8) Blake Island State Park Marina: Closed year-round.

~~((8))~~ (9) Blowers Bluff North: Closed year-round.

~~((9))~~ (10) Brown's Point Lighthouse: Closed year-round.

~~((10))~~ (11) Budd Inlet: All state-owned tidelands of Budd Inlet south of a line drawn from the southern boundary of Burfoot Park west to the opposite shore near 68th Avenue N.W. are closed year-round.

~~((11))~~ (12) Cama Beach State Park: Closed year-round.

~~((12))~~ (13) Camano Island State Park: Closed year-round.

~~((13))~~ (14) Chuckanut Bay: All tidelands of Chuckanut Bay north of the ~~((BNSF))~~ railroad trestle are closed year-round.

~~((14))~~ (15) Coupeville: Closed year-round.

~~((15))~~ (16) Cultus Bay: Closed year-round.

~~((16))~~ (17) Dave Mackie County Park: Closed year-round.

~~((17))~~ (18) Des Moines City Park: Closed year-round.

~~((18))~~ (19) Discovery Park: Closed year-round.

~~((19))~~ (20) DNR-142: Closed year-round.

~~((20))~~ (21) DNR-144 (Sleeper): Closed year-round.

~~((21))~~ (22) Dockton County Park: Closed year-round.

~~((22))~~ (23) Dosewallips State Park: Open year-round only in the area defined by boundary markers and signs posted on the beach.

~~((23))~~ (24) Dosewallips State Park South: Closed year-round south of the line defined by boundary markers and signs posted on the beach.

~~((24))~~ (25) Drayton ~~((West))~~ Harbor: All public tidelands of Drayton Harbor are ~~((closed))~~ open year-round, except the tidelands identified as ~~((approved))~~ prohibited or approved by the department of health and defined by boundary markers and signs posted on the beach are ~~((open))~~ closed year-round.

~~((25))~~ (26) Duckabush: Open November 1 through April 30 only.

~~((26))~~ (27) Dungeness Spit/National Wildlife Refuge: Open May 15 through September 30 only.

~~((27))~~ (28) East San de Fuca: Tidelands east of the Rolling Hills Glencairn Community dock are closed year-round.

~~((28))~~ (29) Eld Inlet Oyster Reserves (Mud Bay reserves): Closed year-round.

~~((29))~~ (30) English Camp: Tidelands between the National Park Service dinghy dock to the southern park boundary are closed year-round.

~~((30))~~ (31) Evergreen Rotary Park (Port Washington Narrows): Closed year-round.

~~((31))~~ (32) Fay Bainbridge Park: Closed year-round.

~~((32))~~ (33) Fort Flagler State Park: Open January 1 through April 15 and July 1 through December 31 only, except that portion of Rat Island and the spit west and south

of the park boundary is closed year-round from two white posts on the north end of the island at the vegetation line south to the end of the island.

~~((33))~~ (34) Freeland County Park: Open October 1 through May 31 only.

~~((34))~~ (35) Frye Cove County Park: Open May 1 through May 31 only.

~~((35))~~ (36) Fudge Point State Park: Closed year-round.

~~((36))~~ (37) Gertrude Island: All tidelands of Gertrude Island are closed year-round.

~~((37))~~ (38) Golden Gardens: Closed year-round.

~~((38))~~ (39) Graveyard Spit: Closed year-round.

~~((39))~~ (40) Guss Island: All tidelands of Guss Island are closed year-round.

~~((40))~~ (41) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed year-round.

~~((41))~~ (42) Hope Island State Park (South Puget Sound): Open May 1 through May 31 only.

~~((42))~~ (43) Howarth Park/Darlington Beach: Closed year-round.

~~((43))~~ (44) Illahee State Park: Open April 1 through July 31 only.

~~((44))~~ (45) Indian Island County Park/Lagoon Beach: From the jetty boundary with Port Townsend Ship Canal east to the beach access stairs on Flagler Road near milepost 4 open August 15 through September ~~((7))~~ 30 only.

~~((45))~~ (46) Joemma Beach State Park: Closed year-round.

~~((46))~~ (47) Kayak Point County Park: Closed year-round.

~~((47))~~ (48) Kitsap Memorial State Park: Closed year-round.

~~((48))~~ (49) Kopachuck State Park: Open April 1 through May 31 only.

~~((49))~~ (50) Lent Landing (Port Washington Narrows): Closed year-round.

~~((50))~~ (51) Liberty Bay: All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed year-round, except the western shoreline of Liberty Bay from the unincorporated Kitsap County line south to Virginia Point is open October 1 through April 30 only.

~~((51))~~ (52) Lincoln Park: Closed year-round.

~~((52))~~ (53) Lions Park (Bremerton): Closed year-round.

~~((53))~~ (54) Lofall: Closed year-round.

~~((54))~~ (55) Long Island Oyster Reserve, Diamond Point and Pinnacle Rock (Willapa Harbor reserves): Diamond Point on the northwest side of Long Island between reserve monuments 39 and 41 and Pinnacle Rock on the southwest side of Long Island between reserve monuments 58 and 59 is open year-round.

~~((55))~~ (56) Long Island Slough Oyster Reserve (Willapa Harbor reserves): Closed year-round.

~~((56))~~ (57) Long Point West: Closed year-round.

~~((57))~~ (58) Lower Roto Vista Park: Closed year-round.

~~((58))~~ (59) March Point Recreation Area: Closed year-round.

~~((59))~~ (60) McNeil Island: All tidelands of McNeil Island are closed year-round.

~~((60))~~ (61) Meadowdale County Park: Closed year-round.

~~((61))~~ (62) Mee-Kwa-Mooks Park: Closed year-round.

~~((62))~~ (63) Monroe Landing: Closed year-round.

~~((63))~~ (64) Mukilteo: Closed year-round.

~~((64))~~ (65) Mystery Bay State Park: Open October 1 through April 30 only.

~~((65))~~ (66) Nahcotta Tidelands: State-owned tidelands east of the Willapa Bay Field Station and Nahcotta Tidelands interpretive site are open year-round.

~~((66))~~ (67) Nemah Oyster Reserve (Willapa Harbor reserves): Oyster reserves between reserve monuments 10 and 11 are closed year-round.

~~((67))~~ (68) Nisqually National Wildlife Refuge: All state-owned tidelands of the Nisqually River delta south of a line drawn from Luhr Beach boat ramp to Sequelitchew Creek are closed year-round.

~~((68))~~ (69) North Bay (Case Inlet): All state-owned tidelands north of the power transmission lines and those extending 1,900 feet south of the power transmission lines along the eastern shore are open March 1 through April 30 and September 1 through September 30, from one hour before official sunrise until one hour after official sunset only.

~~((69))~~ (70) North Beach County Park: Closed year-round.

~~((70))~~ (71) Oak Bay County Park: ~~((Open April 1 through April 30 only))~~ Closed year-round.

~~((71))~~ (72) Oak Harbor: Closed year-round.

~~((72))~~ (73) Oak Harbor Beach Park: Closed year-round.

~~((73))~~ (74) Oak Harbor City Park: Closed year-round.

~~((74))~~ (75) Oakland Bay: State-owned oyster reserves are open year-round except in areas defined by boundary markers and signs posted on the beach.

~~((75))~~ (76) Old Mill County Park (Silverdale): Closed year-round.

~~((76))~~ (77) Olympia Shoal: Closed year-round.

~~((77))~~ (78) Pat Carey Vista Park: Closed year-round.

~~((78))~~ (79) Penrose Point State Park: Open March 1 through April 30 only, except that part of Mayo Cove within the commercially prohibited growing area is closed year-round.

~~((79))~~ (80) Pitship Point: Closed year-round.

~~((80))~~ (81) Picnic Point County Park: Closed year-round.

~~((81))~~ (82) Pitt Island: Closed year-round.

~~((82))~~ (83) Pleasant Harbor State Park: Closed year-round.

~~((83))~~ (84) Pleasant Harbor WDFW Boat Launch: Closed year-round.

~~((84))~~ (85) Point Defiance: Closed year-round.

~~((85))~~ (86) Point No Point South: Closed year-round.

~~((86))~~ (87) Point Whitney Lagoon: Open January 1 through July 31 only.

~~((87))~~ (88) Point Whitney Tidelands (excluding Point Whitney Lagoon): Open January 1 through July 31 only.

~~((88))~~ (89) Port Angeles Harbor: All public tidelands of Port Angeles Harbor and interior tidelands of Ediz Hook are closed year-round.

~~((89))~~ (90) Port Gamble Heritage Park Tidelands: Open ~~(year-round)~~ January 1 through May 15 and July 15 through December 31 only.

~~((90))~~ (91) Port Gardner: Closed year-round.

~~((91))~~ (92) Port Townsend Ship Canal/Portage Beach: Open January 1 through ~~(May 31)~~ April 15 only.

~~((92))~~ (93) Post Point: Closed year-round.

~~((93))~~ (94) Potlatch DNR Tidelands: Open April 1 through July ~~(7)~~ 31 only.

~~((94))~~ (95) Potlatch State Park: Open April 1 through July ~~(7)~~ 31 only.

~~((95))~~ (96) Priest Point County Park: Closed year-round.

~~((96))~~ (97) Purdy Spit County Park: The southern shore of the spit from the boat ramp east to the southern utility tower near Purdy Bridge is open April 1 through April 30 only.

~~((97))~~ (98) Quilcene Bay Tidelands: All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed year-round except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open year-round.

~~((98))~~ (99) Retsil: Closed year-round.

~~((99))~~ (100) Richmond Beach Saltwater Park: Closed year-round.

~~((100))~~ (101) Salt Creek Recreation Area (DNR-419): Closed year-round.

~~((101))~~ (102) Saltair Beach (Kingston Ferry Terminal): Closed year-round.

~~((102))~~ (103) Saltwater State Park: Closed year-round.

~~((103))~~ (104) Samish Bay: Public tidelands of Samish Bay between Scotts Point and ~~(an unnamed)~~ a point on the shore ((latitude N48.5745°; longitude W122.4440°)) (48° 34.47'N, 122°26.64'W) are closed year-round.

~~((104))~~ (105) Scenic Beach State Park: Closed year-round.

~~((105))~~ (106) Seahurst County Park: Closed year-round.

~~((106))~~ (107) Semiahmoo County Park: Closed year-round.

~~((107))~~ (108) Semiahmoo Marina: Closed year-round.

~~((108))~~ (109) Sequim Bay State Park: Open January 1 through June 30 only.

~~((109))~~ (110) Shine Tidelands State Park: Open January 1 through May 15 only.

~~((110))~~ (111) Silverdale Waterfront Park: Closed year-round.

~~((111))~~ (112) Sinclair Inlet: All public tidelands of Sinclair Inlet west of a line drawn from the intersection of Bancroft Road and Beach Drive East northerly to Point Herron are closed year-round.

~~((112))~~ (113) Skagit Bay Estuary Wildlife Areas: All public tidelands of the Skagit Bay Estuary Wildlife Area, Fir Island Farms Reserve Wildlife Area, Island Wildlife Area, Camano Island Wildlife Area and Leque Island Wildlife Area are closed year-round.

~~((113))~~ (114) South Carkeek Park: Closed year-round.

~~((114))~~ (115) Southworth: Closed year-round.

~~((115))~~ (116) Spencer Spit State Park: Open March 1 through July 31 only.

~~((116))~~ (117) Stuart Island State Park - Reid Harbor (South Beach): Closed year-round.

~~((117))~~ (118) Taylor Bay: Closed year-round.

~~((118))~~ (119) Totten Inlet Oyster Reserve (Oyster Bay reserves): Closed year-round.

~~((119))~~ (120) Walker County Park: Closed year-round.

~~((120))~~ (121) West Pass Access: Closed year-round.

~~((121))~~ (122) West Penn Cove: From the property boundary at the Grasser's Lagoon access on Highway 20 to the dock extending across the tidelands from Captain Whidbey Inn on Madrona Road is open ~~(July 15)~~ August 1 through September ~~(45)~~ 30 only.

~~((122))~~ (123) Willapa River Oyster Reserve (Willapa Harbor reserves): Reserves located in the Willapa River channel extending west and upriver from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel are closed year-round.

~~((123))~~ (124) Wolfe Property State Park: Open January 1 through May 15 only.

~~((124))~~ (125) Woodard Bay Natural Resource Conservation Area: Closed year-round.

(126) It is ~~((permissible))~~ lawful to take and possess oysters for personal use from the Pacific Ocean beaches from November 1 through March 31 only.

~~((Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.))~~

WSR 20-05-020

PERMANENT RULES

DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed February 7, 2020, 10:08 a.m., effective March 9, 2020]

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

Purpose: WAC 246-922-230 (podiatric physicians) Prohibited transactions, the podiatric medical board (board) adopted an amendment that prohibits podiatric physicians and surgeons from adjusting or modifying prefabricated orthotic devices and selling them as custom fabricated or custom made devices.

Citation of Rules Affected by this Order: Amending WAC 246-922-230.

Statutory Authority for Adoption: RCW 18.22.005, 18.22.015, and 18.130.050.

Adopted under notice filed as WSR 19-19-052 on September 13, 2019.

Changes Other than Editing from Proposed to Adopted Version: During the official rule-making comment period, the board received a request from the Washington State Podiatric Medical Association to revise the proposed rule language published with the office of the code reviser under WSR 19-19-052. The requested revision would change the language to be adopted as follows:

"(1) A podiatric physician and surgeon is prohibited from selling adjusted or modified prefabricated orthotic devices as custom fabricated or custom made devices."

The board agreed that the suggested revision makes a clearer statement of the prohibition, that such a change would not be a substantive change since it didn't change the meaning of the amendment, and adopted the rule with the suggested edit.

A final cost-benefit analysis is available by contacting Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 360-833-6388 or 711, email podiatric@doh.wa.gov, website www.doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: December 5, 2019.

Randy Anderson, DPM
Chair

AMENDATORY SECTION (Amending WSR 91-10-041, filed 4/25/91, effective 5/26/91)

WAC 246-922-230 Prohibited transactions. (1) A podiatric physician and surgeon is prohibited from selling adjusted or modified prefabricated orthotic devices as custom fabricated or custom made devices.

(2) A podiatric physician and surgeon shall not compensate or give anything of value to a representative of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual podiatric physician and surgeon in a news item.

WSR 20-05-022
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 20-23—Filed February 7, 2020, 1:39 p.m., effective March 9, 2020]

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

Purpose: In an effort to simplify sturgeon sport rules and improve conservation efforts for sturgeon in Washington, a number of regulation updates are proposed, including:

1. Update Columbia River sturgeon spawning sanctuaries to include an expansion in time for all sanctuaries

upstream of Bonneville to remain closed through August 31st, and to include an expansion in area for the sanctuary in John Day Reservoir (below McNary Dam) and in the Hanford Reach (below Priest Rapids Dam). The purpose of these proposed rules are to minimize handling stress of mature female sturgeon during the post-spawn period, with the intended benefits of decreasing mortality rates of oversize sturgeon and increasing spawning success.

2. Shifting retention fisheries upstream of McNary Dam to catch-and-release only as a precautionary measure to conserve sturgeon populations due to a lack of recent monitoring data.

3. Closing night fishing for sturgeon in the Chehalis River to comply with statewide simplification rules.

4. Improving clarity on sturgeon catch-and-release regulations to further define what fish must be released in all areas, regardless of whether a slot-limit is in effect.

5. Defining oversize sturgeon as fish larger than fifty-five inches fork length.

6. Simplifying and clarifying statewide sturgeon regulations (WAC 220-316-010) to comply with agency standards and improve readability.

Citation of Rules Affected by this Order: Amending WAC 220-310-100 Fish handling rules—Removal from water and 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, and 77.12.047.

Adopted under notice filed as WSR 19-18-069 on September 3, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 13, 2019.

Larry M. Carpenter, Chair
Fish and Wildlife Commission

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-310-100 Fish handling rules—Removal from water. In order to protect fish that are required to be released:

(1) ~~((It is unlawful to totally or partially remove oversize sturgeon from the water.~~

(2))) It is unlawful to totally or partially remove six-gill shark from the water.

~~((3))~~ (2) In all freshwater areas, except the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to totally remove salmon, steelhead, Dolly Varden or bull trout from the water if it is unlawful to retain those salmon, steelhead, Dolly Varden or bull trout or if the angler subsequently releases the salmon, steelhead, Dolly Varden or bull trout.

~~((4))~~ (3) In Marine Areas 5 through 13, it is unlawful to bring wild salmon or a species of salmon aboard a vessel if it is unlawful to retain that salmon. For purposes of this subsection, "aboard" means inside the gunnel of a vessel.

~~((5))~~ (4) In Marine Area 2-2 east of the Buoy 13 line, salmon required to be released may not be totally removed from the water, except anglers fishing from vessels thirty feet or longer as shown on their state registration or Coast Guard documentation are exempt from this subsection.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is unlawful to fish for or retain green sturgeon.

~~((The following limits and requirements apply in areas where it is permissible to catch sturgeon for release or retention:~~

~~((a))~~ It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.

~~((b) It is unlawful to fail to release undersize or over-size))~~ (3) Any sturgeon that cannot lawfully be retained must be released immediately.

~~((c) It is permissible to use artificial scent with bait when fishing for white sturgeon.~~

~~((d))~~ (4) It is unlawful to totally or partially remove oversized sturgeon from the water. Oversized sturgeon are defined as: Any sturgeon larger than 55 inches fork length.

(5) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.

~~((e) It is unlawful to fish for or possess sturgeon from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.~~

(3) It is permissible to catch and release white sturgeon in saltwater waterways year-round. However, for freshwater waterways, including freshwater Puget Sound tributaries, it is permissible to catch and release white sturgeon only when the season is open for salmon or game fish, except in the Snohomish River from mouth to Highway 9 Bridge it is permissible to catch and release sturgeon year-round.

(4) It is permissible to catch and release, but unlawful to retain, white sturgeon in the following areas:

(a) Coastal waters and tributaries of coastal waters;

(b) Puget Sound waters and tributaries of Puget Sound;

(c) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County);

(d) Columbia River and tributaries from a true north-south line through Buoy 10 (the mouth) upstream to Chief Joseph Dam, unless otherwise provided; and

(e) Snake River and tributaries from the mouth upstream to the border with Oregon, unless otherwise provided.

(5) White sturgeon retention is allowed in the areas open to fishing and following rules as specified in WAC 220-312-060:

(a) Columbia River:

(i) Columbia River and tributaries from Bonneville Dam upstream to McNary Dam: January 1 through July 31.

(ii) Columbia River and tributaries from McNary Dam upstream to Priest Rapids Dam: February 1 through July 31.

(b) Snake River: From the Snake River mouth (also called the Snake River Confluence Protection Area) upstream to Ice Harbor Dam: February 1 through July 31.

(6) The following waters are closed to fishing for sturgeon:

(a) Columbia River:

(i) Mouth to Bonneville Dam:

(A) Year round from Bonneville Dam downstream to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line);

(B) May 1 through August 31 from Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line).

(ii) Bonneville Dam to McNary Dam:

(A) May 1 through July 31 from The Dalles Dam downstream 1.8 miles to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore.

(B) May 1 through July 31 from John Day Dam downstream 2.4 miles to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon.

(C) May 1 through July 31 from McNary Dam downstream to the Highway 82 (395) Bridge.

(iii) McNary Dam to Priest Rapids Dam:

(A) May 1 through July 31 from Priest Rapids Dam downstream 2.5 miles to the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).

(B) October 23 through January 31 from the Old Hanford townsite wooden power line towers to Vernita Bridge.

(iv) Chief Joseph Dam upstream:

(A) Columbia River and its tributaries.

(B) Roosevelt Lake and its tributaries.

(b) Snake River Mouth to Ice Harbor Dam: May 1 through July 31 from the downstream end of Goose Island upstream 1.5 miles to Ice Harbor Dam.

(7) The following limits and requirements apply in areas where it is permissible to retain sturgeon:

(a) The daily limit is one white sturgeon.

(b) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.

(c) The annual personal-use limit for white sturgeon from April 1 through March 31 is two fish, regardless of where the angler takes the sturgeon.

(d) The maximum fork length is 54 inches.

~~(e) The minimum fork length is 38 inches, except the minimum fork length is 43 inches in:~~

~~(i) The mainstem Columbia and its tributaries from The Dalles Dam to Priest Rapids Dam; and~~

~~(ii) The Snake River from the Snake River Confluence Protection Area to Ice Harbor Dam.~~

~~(f) Once an angler reaches his or her annual limit of white sturgeon, he or she may continue to fish for white sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, unless otherwise provided by department rule, so long as the angler releases all subsequent sturgeon immediately.~~

~~(g) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.~~

~~(8)) (6) The daily limit for white sturgeon is one fish.~~

~~(7) The annual limit for white sturgeon is two fish, regardless of where the angler takes the sturgeon. After an angler reaches their annual limit of white sturgeon, catch and release fishing is permitted in areas open to catch and release fishing.~~

~~(8) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.~~

~~(9) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.~~

~~(10) Statewide night closure for white sturgeon fishing.~~

~~(11) Coastal marine areas: Open year-round catch and release only.~~

~~(12) Coastal tributaries:~~

~~(a) Open when season is open for salmon or game fish.~~

~~(b) Catch and release only.~~

~~(13) Puget Sound marine areas: Open year-round catch and release only.~~

~~(14) Puget Sound tributaries:~~

~~(a) Open when season is open for salmon or game fish; except: Snohomish River from mouth to Highway 9 Bridge; Open year-round.~~

~~(b) Catch and release only.~~

~~(15) Columbia River and tributaries (except Snake River):~~

~~(a) From a true north-south line through Buoy 10 (the mouth) upstream to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line; including Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Open year-round catch and release only when season is open for salmon or game fish.~~

~~(b) From a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line) to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line):~~

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(c) From a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the new powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line) to the Bonneville Dam: Closed.

(d) From Bonneville Dam to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore:

(i) Open January 1 through April 30 for retention: Minimum fork-length 38 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(e) From a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore to The Dalles Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 38 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(f) From The Dalles Dam to a line crossing the Columbia River at a right angle to the thread of the river located at the west end of the grain silo at Rufus, Oregon:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(g) From a line crossing the Columbia River at a right angle to the thread of the river located at the west end of the grain silo at Rufus, Oregon to John Day Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(h) From John Day Dam to a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(i) From a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundations to McNary Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(j) From McNary Dam to Vernita Bridge: Open year-round catch and release only when season is open for salmon or game fish.

(k) From Vernita Bridge to Priest Rapids Dam:

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(l) From Priest Rapids Dam to Chief Joseph Dam: Open year-round catch and release only when season is open for salmon or game fish.

(m) From Chief Joseph Dam to Grand Coulee Dam and tributaries: Closed.

(n) Roosevelt Lake and tributaries: Closed.

(16) Snake River and tributaries:

(a) From the Snake River mouth (from the Burbank to Pasco railroad bridge) upstream to the downstream end of Goose Island: Open year-round catch and release only when season is open for salmon or game fish.

(b) From the downstream end of Goose Island upstream to Ice Harbor Dam:

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(c) From Ice Harbor Dam upstream to the border with Oregon: Open year-round catch and release only when season is open for salmon or game fish.

(17) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested sturgeon. If the person has harvested sturgeon, the violation is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.

((9)) (18) It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.

WSR 20-05-024

PERMANENT RULES DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed February 7, 2020, 4:38 p.m., effective March 9, 2020]

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

Purpose: Revise preemployment and volunteer background check requirements to implement the Family First Prevention Services Act as it pertains to the department of children, youth, and families (DCYF)-licensed group care

facilities. Specifically, require all employees working in DCYF-licensed group care facilities, including those not working directly with children, and volunteers who provide direct care to children in these facilities to undergo fingerprint-based background checks and out-of-state child abuse and neglect registry checks for every state of residence during the five years preceding the background check application.

Citation of Rules Affected by this Order: Amending WAC 110-04-0010, 110-04-0020, 110-04-0030, 110-04-0040, 110-04-0060, 110-04-0070, 110-04-0080, 110-04-0100, 110-04-0110, 110-04-0120, 110-04-0130, 110-04-0140, 110-04-0150, 110-145-1305, 110-145-1325, 110-145-1330, 110-145-1400, and 110-145-1550.

Statutory Authority for Adoption: RCW 43.43.832, 74.13.031, and 74.15.030.

Other Authority: P.L. 115-12

Adopted under notice filed as WSR 20-02-032 on December 19, 2019.

Changes Other than Editing from Proposed to Adopted Version: In WAC 110-04-0020, "up to twenty-one years of age and pursuing a high school or equivalency courts [course] of study (GED/HSEC), or vocational program" restored in definition of "children."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 18, Repealed 0; Federal Rules or Standards: New 0, Amended 18, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 7, 2020.

Brenda Villarreal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0010 What is the purpose of this chapter? This chapter establishes rules for background checks conducted by ~~((children's administration (CA) at))~~ the department of ~~((social and health services (DSHS)))~~ children, youth, and families (DCYF) for child welfare purposes and does not apply to background checks conducted for child care or early learning purposes as they are addressed in chapter 110-06 WAC. The department does background checks on individuals who are licensed, certified, contracted, employed in a group care facility, or authorized to care for or have unsupervised access to children. Background checks are conducted to find and evaluate any history of criminal convictions or civil adjudication proceedings, including those

involving abuse, abandonment, financial exploitation, or neglect of a child or vulnerable adult.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0020 What definitions apply to WAC ((388-06A-0100 through 388-06A-0260)) 110-04-0030 through 110-04-0180 of this chapter? The following definitions apply to WAC ((388-06A-0100 through 388-06A-0260)) 110-04-0030 through 110-04-0180 of this chapter:

"Authorized" or **"authorization"** means not disqualified by the department to work in a group care facility or have unsupervised access to children. This includes persons who are certified, contracted, allowed to receive payments from department funded programs, or volunteer.

~~("CA" means children's administration, department of social and health services. Children's administration is the cluster of programs within DSHS responsible for the provision of licensing of foster homes, group facilities/programs and child placing agencies, child protective services, child welfare services, and other services to children and their families.)~~

"Certification" means((
(+)) department or child placing agency (CPA) approval of a person, foster home, or facility that ((does not legally need to be licensed, but wishes to have evidence that they met the minimum)) is exempt from licensing but meets the licensing requirements.

~~((2) Department licensing of a child placing agency to certify and supervise foster home and group care programs.)~~

"Children" means a person who is one of the following:

- ((+)) (a) Under eighteen years old;
- ((2)) (b) Up to twenty-one years of age and pursuing a high school or equivalency course of study (GED/HSEC)(;) or vocational program;
- ((3)) (c) Up to twenty-one years of age and participating in the extended foster care program; or
- ((4)) (d) Up to ((twenty one)) twenty-five years of age and under the custody of ((the Washington state)) juvenile rehabilitation ((administration)).

"Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44 or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right to administratively challenge such findings.

"Department" or ~~((DSHS))~~ **"DCYF"** means the department of ~~((social and health services (DSHS)))~~ children, youth, and families.

"I" and **"you"** refers to anyone who has unsupervised access to children in a home, facility, or program. This includes, but is not limited to, persons seeking employment,

a volunteer opportunity, an internship, a contract, certification, or a license for a home or facility.

~~"((DLR)) Licensing division" or "LD"~~ means the licensing division ~~((of licensed resources within children's administration. DLR))~~ within DCYF. LD licenses and monitors foster homes, child placing agencies, and licensed group care facilities.

~~"("I" and "you" refers to anyone who has unsupervised access to children in a home, facility, or program. This includes, but is not limited to, persons seeking employment, a volunteer opportunity, an internship, a contract, certification, or a license for a home or facility.)~~

"Licensor" means either:

~~((1) A DLR))~~ (a) An LD employee who recommends approvals for, or monitors licenses or certifications for facilities and agencies ~~((established under this chapter))~~ that provide or certify foster family homes or group care facilities under chapters 110-145, 110-147, and 110-148 WAC; or

~~((2))~~ (b) An employee of a child-placing agency who certifies or monitors foster homes supervised by the child-placing agency.

"Unsupervised" means will not or may not be in the presence of:

~~((1))~~ (a) The licensee, another employee or volunteer from the same business or organization as the applicant who has not been disqualified by the background check; or

~~((2))~~ (b) Another individual who has been previously approved by ~~((children's administration))~~ DCYF.

"We" refers to the department, including licensors and ~~((social workers))~~ caseworkers.

"WSP" refers to the Washington state patrol.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0030 Why are background checks done? ~~((The children's administration))~~ DCYF does background checks to help safeguard the health, safety, and well-being of children in out of home care. By doing background checks, the department reduces the risk of harm to children from individuals ~~((that))~~ who have been convicted of certain crimes. The department's regulations require the evaluation of your background to determine your character, suitability, and competence before you are issued a license, contract, certificate, ~~((or authorized))~~ authorization to be employed at a group care facility, or authorization to have unsupervised access to children.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0040 Who must have background checks? (1) Under RCW 74.15.030, prior to authorizing unsupervised access to children, the department requires background checks on all providers who may have unsupervised access to children. This includes licensed, certified, or contracted providers, their current or prospective employees and prospective adoptive parents as defined in RCW 26.33-.020.

(2) Under RCW 74.15.030, prior to authorizing unsupervised access to children, the department also requires back-

ground checks on other individuals who may have unsupervised access to children in department licensed or contracted homes, or facilities that provide care. The department requires background checks on all of the following people:

(a) A volunteer or intern with regular or unsupervised access to children.

(b) Any person who regularly has unsupervised access to a child. However, a background check is not required when a caregiver approves the unsupervised access for a normal childhood activity that lasts less than seventy-two hours, as stated in RCW 74.13.710.

(c) A relative other than a parent who may be caring for a child.

(d) A person who is at least sixteen years old and resides in a foster, relative, or other suitable person's home and is not a foster child.

(e) A person who is younger than sixteen years old in situations where it may be warranted to ensure the safety of children in out-of-home care. The department may require a background check for persons younger than sixteen years old in situations where it may be warranted to ensure the safety of children in out-of-home care.

(3) Any person employed at a group care facility, including those not directly working with children.

(4) Under RCW 13.34.138, prior to returning a dependent child home, the department requires a background check on all adults residing in the home, including the parents.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0060 Does the background check process apply to new and renewal licenses, certification, contracts, authorizations to be employees at a group care facility, and authorizations to have unsupervised access to children? For ((children's administration)) DCYF, these regulations apply to all applications for new and renewal licenses, contracts, certifications, authorizations to be employees at a group care facility, and authorizations to have unsupervised access to children that are processed by ((the children's administration)) DCYF after the effective date of this chapter.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0070 What happens if I ((don't)) do not comply with the background check requirement? The department will deny, suspend, or revoke your license, contract, or certification, or disqualify you to care for children if you or someone on the premises of your home or facility having unsupervised access, or an employee at a group care facility does not comply with the department's requirement for a background check.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0080 What does the background check cover? (1) The department must review criminal convictions and pending charges based on identifying information pro-

vided by you. The background check may include, but is not limited to, the following information sources:

- (a) Washington state patrol.
- (b) Washington courts.
- (c) Department of corrections.
- (d) Department of health.
- (e) Civil adjudication proceedings.
- (f) Applicant's self-disclosure.
- (g) Out-of-state law enforcement and court records.

(2) Background checks conducted for ((children's administration)) DCYF also includes:

(a) A review of child protective services case files information or other applicable information system.

(b) Administrative hearing decisions related to any DSHS or DCYF license that has been revoked, suspended, or denied.

(3) In addition to the requirements in subsections (1) ((through)) and (2) of this section, background checks conducted by ((children's administration)) DCYF for placement of a child in out-of-home care, including foster homes, group care facilities, adoptive homes, relative placements, and placement with other suitable persons under chapter 13.34 RCW, include the following for each person over eighteen years of age residing in the home, all staff working in a group care facility, including those not directly working with children, and group care volunteers who provide direct care:

(a) Child abuse and neglect registries in each state a person has lived in, in the five years prior to conducting the background check.

(b) Washington state patrol (WSP) and Federal Bureau of Investigation (FBI) fingerprint-based background checks regardless of how long you have resided in Washington.

(4) Except as required in ((WAC 388-06A-0150 (4)(b), children's administration)) subsection (3)(b) of this section, DCYF will conduct a fingerprint-based background check on any individual who has resided in the state less than three consecutive years before application.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0100 Will a criminal conviction permanently prohibit me from being licensed, contracted, certified, authorized to be employed at a group care facility, or authorized to have unsupervised access to children? (1) There are convictions for certain crimes that will permanently prohibit you from being licensed, contracted, certified, authorized to be employed at a group care facility, or authorized to have unsupervised access to children. Those felony convictions are as follows:

- (a) Child abuse and/or neglect;
- (b) Spousal abuse;
- (c) A crime against a child (including child pornography);
- (d) A crime involving violence (including rape, sexual assault, or homicide but not including other physical assault or battery); or
- (e) Any federal or out-of-state conviction for an offense that under the laws of this state would disqualify you from

having unsupervised access to children in any home or facility.

(2) If you are convicted of one of the crimes listed in WAC ((388-06A-0170)) 110-04-0100 (1)(a) through (e), you will not be able to:

- (a) Receive a license to provide care to children;
- (b) Be approved for adoption of a child;
- (c) Be a contractor;
- (d) Be employed by a licensed agency or contractor, if you will have unsupervised access to children;
- (e) Be authorized to be employed at a group care facility even if you do not work directly with children;
- (f) Volunteer or participate as an intern in a home or facility that offers care to children; or
- ((f)) (g) Provide any type of care to children, if the care is funded by the state.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0110 Are there other criminal convictions that will prohibit me from being licensed, contracted, certified, authorized to be employed at a group care facility, or authorized to have unsupervised access to children or from working with children? The department must disqualify you from licensing, contracting, certification, authorization for employment at a group care facility, or ((from having)) authorization for unsupervised access to children if it has been less than five years from a conviction for the following crimes:

(1) Any felony physical assault or battery offense not included in WAC ((388-06A-0170)) 110-04-0100;

(2) Any felony violation of the following drug-related crimes:

(a) The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances (see chapter 69.52 RCW);

(b) The Legend Drug Act (prescription drugs, see chapter 69.41 RCW);

(c) The Precursor Drug Act (substances used in making controlled substances, see chapter 69.43 RCW);

(d) The Uniform Controlled Substances Act (illegal drugs or substances, see chapter 69.50 RCW); or

(e) Unlawfully manufacturing, delivering, or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes.

(3) Any federal or out-of-state conviction for an offense that under the laws of Washington state would disqualify you for no less than five years from being authorized to be employed at a group care facility or having unsupervised access to children.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0120 If I have a conviction, may I ever be authorized to be employed at a group care facility or have unsupervised access to children? (1) In two situations, ((DSHS)) DCYF may find a person with convictions able to be authorized to be employed at a group care facility or have unsupervised access to children:

(a) If the conviction for any crime listed in WAC ((388-06A-0180)) 110-04-0110 occurred more than five years ago; or

(b) If the conviction was for a crime other than those listed in WAC ((388-06A-0170 or 388-06A-0180)) 110-04-0100 or 110-04-0110.

(2) In both of these situations, ((DSHS)) DCYF must review your background to determine your character, suitability, and competence to have unsupervised access to children. In this review, ((DSHS)) DCYF must consider the following factors:

(a) The amount of time that has passed since you were convicted;

(b) The seriousness of the crime that led to the conviction;

(c) The number and types of other convictions in your background;

(d) Your age at the time of conviction;

(e) Documentation indicating you ((has)) have successfully completed all court-ordered programs and restitution;

(f) Your behavior since the conviction; and

(g) The vulnerability of those that would be under your care.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0130 Will I be disqualified if there are pending criminal charges on my background check? (1) The department will not license, contract, certify, authorize employment at a group care facility, or authorize ((a person to have)) unsupervised access to children to a person who ((have)) has a criminal charge pending for a disqualifying crime:

(a) Described in the Adoption and Safe Families Act of 1997((, or a criminal charge pending for a disqualifying crime)); or

(b) That relates directly to child safety, permanence, or well-being.

(2) You may reapply for a license, contract, certification, or approval to have unsupervised access to children by providing proof to the department that the charge against you has been dropped or that you were acquitted.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0140 Will you license, contract, authorize my employment at a group care facility, or authorize me to have unsupervised access to children if my conviction has been expunged, vacated from my record, or I have been pardoned for a crime? If you receive a pardon or a court of law acts to expunge or vacate a conviction on your record, the crime will not be considered a conviction for the purposes of licensing, contracting, certification, authorization for employment at a group care facility, or authorization for unsupervised access to children.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-04-0150 How will I know the status of the background check? (1) If you have been approved by the background check:

(a) The department will notify you ~~((;))~~ and your prospective employer ~~((, or your))~~ or supervisor ~~((;))~~ if you have requested a contract, authorization to be employed at a group care facility, or approval for unsupervised access to children.

(b) The department will not directly notify you, and will instead continue the process for approving your application if you have requested a license or certification to care for children.

(2) If you have been disqualified by the background check:

(a) The department will notify you in writing and include any laws and rules that require disqualification;

(b) The department will also notify the care provider, the prospective employer, or the licensor; and

(c) You will not receive a license, contract, certification, or be authorized to be employed at a group care facility or have unsupervised access to children.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1305 What definitions do I need to know to understand this chapter? The following words and terms are for the purpose of this chapter and are important to understand these requirements:

"Abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child as defined in RCW 26.44.020.

"Adult" means a person eighteen years old or older, not in the care of the department.

"Agency" is defined in RCW 74.15.020(1).

"Assessment" means the appraisal or evaluation of a child's physical, mental, social ~~((and/or))~~ and emotional condition.

"Business hours" means hours during the day in which state business is commonly conducted. Typically the hours between 9 a.m. and 5 p.m. on weekdays are considered to be standard hours of operation.

~~("CA" means children's administration.)~~

"Capacity" means the age range, gender, and maximum number of children on your current license.

"Care provider" means any person who is licensed or authorized to provide care for children ~~((and/or))~~ and cleared to have unsupervised access to children under the authority of a license.

"Case manager" means a facility employee who coordinates the planning efforts of all the persons working on behalf of a child.

"Chapter" means chapter ~~((388-145))~~ 110-145 WAC.

"Child," "children," or "youth" for this chapter, means a person who is one of the following:

~~((1))~~ (a) Under eighteen years old;

~~((2))~~ (b) Up to twenty-one years of age and enrolled in services through the department of social and health services developmental disabilities administration (DDA) the day

prior to ~~((his or her))~~ their eighteenth birthday and pursuing either a high school or equivalency course of study (GED/HSEC), or vocational program;

~~((3))~~ (c) Up to twenty-one years of age and participates in the extended foster care program;

~~((4))~~ (d) Up to twenty-one years of age with intellectual and developmental disabilities;

~~((5))~~ (e) Up to ~~((twenty-one))~~ twenty-five years of age and under the custody of ~~((the Washington state))~~ juvenile ~~((justice))~~ rehabilitation ~~((administration))~~.

"Child placing agency" or "CPA" means an agency licensed to place children for temporary care, continued care, or adoption.

"Compliance agreement" means a written improvement plan to address the changes needed to meet licensing requirements.

"Crisis residential center (secure)" means a licensed facility open twenty-four-hours a day, seven days a week that provides temporary residential placement, assessment and services in a secure facility to prevent youth from leaving the facility without permission per RCW 13.32A.030(15).

"Crisis residential center (semi-secure)" means a licensed facility open twenty-four hours a day, seven days a week that provides temporary residential placement, assessment and services for runaway youth and youth in conflict with their family ~~((and/or))~~ or in need of emergency placement.

"CW" means the division of child welfare within DCYF. CW provides case management to children and families involved in the child welfare system.

"Day treatment" is a specialized service that provides educational and therapeutic group experiences for emotionally disturbed children.

~~("DCFS" means the division of children and family services within children's administration. DCFS provides case management to children and families involved in the child welfare system.)~~

"DDA" means the developmental disabilities administration. DDA provides services and case management to children and adults who meet the eligibility criteria.

"Deescalation" means strategies used to defuse a volatile situation, to assist a child to regain behavior control, and to avoid a physical restraint or other behavioral intervention.

"Department" or ~~((DSHS))~~ "DCYF" means the department of ~~((social and health services))~~ children, youth, and families.

"Developmental disability" is a disability as defined in RCW 71A.10.020.

"Direct care ~~((staff))~~" means ~~((persons who provide daily))~~ direct, hands-on personal care and supervision ~~((and direct care))~~ to group care children and youth.

~~("DLR" means the division of licensed resources within children's administration. DLR licenses and monitors foster homes, child placing agencies and licensed group care facilities.)~~

"DOH" means the department of health.

"Electronic monitoring" means video or audio monitoring or recording used to watch or listen to children as a way to monitor their behavior.

"Emergency respite center (ERC)" means a licensed facility that may be commonly known as a crisis nursery, which provides emergency or crisis care for nondependent children birth through seventeen years for up to seventy-two hours to prevent child abuse (~~(and/or)~~) or neglect per RCW 74.15.020(d). ERCs may choose to be open up to twenty-four hours a day, seven days a week. Facilities may also provide family assessment, family support services and referral to community services.

"FBI" means the Federal Bureau of Investigation.

"Group care" is a general term for a licensed facility that is maintained and operated for a group of children on a twenty-four-hour basis to provide a safe and healthy living environment that meets the developmental needs of the children in care per RCW 74.15.020 (1)(f).

"Group home" is a specific license for residential care that provides care and supervision for children or youth.

"Group receiving center" means a licensed facility that provides the basic needs of food, shelter, and supervision for children placed by the department, generally for thirty or fewer days.

"Guns or weapons" means any device intended to shoot projectiles under pressure or that can be used to attack. These include but are not limited to BB guns, pellet guns, air rifles, stun guns, antique guns, handguns, rifles, shotguns, and archery equipment.

"Health care staff" means anyone providing qualified medical consultation to your staff or medical care to the children and youth in your care.

"Hearing" means the administrative review process conducted by an administrative law judge.

"I, my, you, and your" refers to an applicant for a license issued under this chapter, and to any party holding a license under this chapter.

"Infant" means a child less than twelve months of age.

"Intellectual and developmental disability" means children with deficits in general mental abilities and impairment in everyday adaptive functioning.

"Interim facility" means an overnight youth shelter, emergency respite center or a resource and assessment center.

"LD" means the licensing division of DCYF. LD licenses and monitors foster homes, child placing agencies, and licensed group care facilities.

"License" means a permit issued by us that your facility meets the licensing standards established in this chapter.

"Licensed health care provider" means an MD (medical doctor), DO (doctor of osteopathy), ND (doctor of naturopathy), PA (physician's assistant), or an ARNP (advanced registered nurse practitioner).

"Local fire authority" means your local fire inspection authority having jurisdiction in the area where your facility is located.

"Maternity service" as defined in RCW 74.15.020. These are also referred to as pregnant and parenting youth programs.

"Medically fragile" means the condition of a child who requires the availability of twenty-four-hour skilled care from a health care professional or specially trained staff or volunteers in a group care setting. These conditions may be present all the time or frequently occurring. If the technology, sup-

port and services being received by the medically fragile children are interrupted or denied, the child may, without immediate health care intervention, experience death.

"Missing child" means any child less than eighteen years of age in licensed care or under the care, custody, and authority of ~~((CA))~~ DCYF and the child's whereabouts are unknown ~~((and/or))~~, the child has left care without the permission of the child's caregiver or ~~((CA))~~ DCYF, or both. This does not include children in a dependency guardianship.

"Multidisciplinary teams (MDT)" means groups formed to assist children who are considered at risk youth or children in need of services, and their parents.

"Negative action" means a court order, court judgment, or adverse action taken by an agency, in any state, federal, local, tribal, or foreign jurisdiction, that results in a finding against the applicant reasonably related to the individual's suitability, and competence to care for or have unsupervised access to children in out-of-home care. This may include, but is not limited to:

~~((1))~~ (a) A decision issued by an administrative law judge;

~~((2))~~ (b) A final determination, decision, or finding made by an agency following an investigation;

~~((3))~~ (c) An adverse licensing action, including termination, revocation, or denial of a license or certification, or if there is a pending adverse action, the voluntary surrender of a license, certification, or contract in lieu of an adverse action;

~~((4))~~ (d) A revocation, denial, or restriction placed on any professional license; or

~~((5))~~ (e) A final decision of a disciplinary board.

"Nonambulatory" means not able to walk or exit to safety without the physical assistance of another individual.

"Out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian.

"Overnight youth shelter" means a licensed nonprofit agency that provides overnight shelter to homeless or run-away youth in need of emergency sleeping arrangements.

"Probationary license" means a license issued as part of a corrective action to an individual or agency that has previously been issued a full license but is out of compliance with minimum licensing requirements and has entered into an agreement aimed at correcting deficiencies.

"Property or premises" means a facility's buildings and adjoining grounds that are managed by a person or agency in charge.

"Psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior. These include antipsychotic, antidepressant, and anti-anxiety medications.

"Relative" means a person who is related to a child per RCW 74.15.020.

"Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, (excluding Saturdays, Sundays, and holidays) to children who have been removed from their parent's or guardian's care by child protective services or law enforcement.

"Staff" or "staff member" means a person who provides services for your facility and is paid by your facility. The definition of staff member includes paid interns.

"Staffed residential home" means a licensed facility that provides twenty-four-hour care to six or fewer children who require more supervision than can be provided in a foster home.

"Treatment plan" means individual plans that identify the service needs of the child, including the child's parent or guardian, and identifies the treatment goals and strategies for achieving those goals.

~~("Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.)~~

"Volunteer" means a person who provides ~~((direct care))~~ services for your facility without compensation~~(, for your facility)~~.

~~"Washington state patrol fire protection bureau" or "WSP/FPB" means the state fire marshal.~~

~~"We, our, and us" refers to ((the department of social and health services, including DLR and DCFS)) DCYF and its staff.~~

"Young child" refers to a child age twelve months through eight years old.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1325 What is required to apply for a group care facility license? (1) You, the person responsible for the license, must submit a completed application which is available from the ~~((division of licensed resources, children's administration))~~ DCYF LD.

(2) You must submit a completed background authorization form for your executive director, agency staff, including those not directly working with children, consultants, ~~((interns,))~~ volunteers, and anyone ~~((who may have unsupervised access to children))~~ paid by the facility per chapter ~~((388-06A))~~ 110-04 WAC.

(3) You must ensure that ~~((an))~~ all paid agency ~~((employee who may have unsupervised access to))~~ staff and any other paid adults working at your facility, including those not directly working with children, complete a FBI fingerprint check and a child abuse and neglect history check of every state in which the individual has lived in the preceding five years prior to conducting the background check.

(4) You must ensure that agency volunteers ~~((or interns that have lived outside of Washington state during any portion of the previous three years))~~ who provide direct care complete a FBI fingerprint check and a child abuse and neglect history check of every state in which the individual has lived in the preceding five years prior to conducting the background check.

(5) You must ensure that ~~((no employee,))~~ agency volunteers ~~((or subcontractor has unsupervised access to children until you are notified by children's administration that a background check was completed that qualifies the individual to have unsupervised access.))~~ who do not provide direct care and have lived outside of Washington state during any portion of the previous three years complete a FBI fingerprint check.

(6) You must ensure all staff, volunteers, or subcontractors meet the requirements in chapter 110-04 WAC. An individual is not authorized to work in the facility until DCYF issues a background check clearance authorization for the individual.

(7) If you have both a license issued by ~~((DLR))~~ LD and a contract with the department, you must adhere to the most stringent background check requirement.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1330 How does the department determine my suitability to become a licensed provider or ~~((an employee, intern,))~~ a staff member or volunteer of a licensed provider? (1) The department determines your suitability as a licensed provider after receiving your application, background ~~((authorization(s)))~~ authorizations for those listed in WAC ~~((388-145-1325(2)))~~ 110-145-1325, and all required documentation outlined in this chapter.

(2) The department determines the suitability of a licensee, ~~((employee, intern))~~ staff member, or volunteer after receiving their background authorization referenced in subsection (1) ~~((above))~~ of this section.

(3) You, your ~~((employees, interns))~~ staff members, and volunteers must not have had a license or contract denied or revoked from an agency that regulates the care of children or vulnerable adults, unless the department determines that you do not pose a risk to a child's safety, well-being and long-term stability.

(4) You, your ~~((employees, interns))~~ staff members, and volunteers must not have been found to have committed abuse or neglect of a child or vulnerable adult, unless the department determines that you do not pose a risk to a child's safety, well-being, and long-term stability.

(5) You must demonstrate that you, your ~~((employees, interns))~~ staff members, and volunteers have:

(a) The understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, cultural, and social needs of the children under your care; and

(b) The ability to furnish children with a nurturing, respectful, and supportive environment.

(6) At any time, we may require you, your ~~((employees, interns))~~ staff members, and volunteers to give us additional information. We may also require an evaluation of your facility or property, or of a staff ~~((person))~~ member or volunteer working for your facility or agency, by an evaluator we recommend. Any evaluation requested by the department will be at your expense. The evaluator must be given written permission to share information with us prior to and throughout the evaluation process.

(7) Any ~~((employee, intern,))~~ staff member or volunteer who is found to have misrepresented or provided fraudulent information may be disqualified.

(8) Before granting or renewing a license, your licensor will assess your ability to provide a safe environment for children and to provide the quality of care needed by children placed in your care. Your licensor will also determine that you meet training requirements.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1400 Must prospective and current ~~((employees,)) staff and volunteers~~~~((interns, and subcontractors)) be disqualified from having access to the children in my facility?~~ (1) The department must disqualify prospective and current ~~((employees,)) staff and~~ volunteers~~((interns, and subcontractors))~~ if they do not meet the regulations of this chapter ~~((388-145-WAC)), or cannot have unsupervised access to children because of their background check as outlined in chapter ~~((388-06A)) 110-04 WAC.~~~~

(2) The department must disqualify prospective and current ~~((employees, interns)) staff and~~ volunteers, and subcontractors if they have had a negative action taken on a license or contract, or have had a license denied or revoked by an agency that regulates the care of children or vulnerable adults, unless the department determines that the individual does not pose a risk to a child's safety, well-being, and long-term stability.

(3) ~~((Applicant's, employees, interns,)) Applicants, staff, and~~ volunteers~~((and subcontractors))~~ must demonstrate that they have the understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, cultural, and social needs of the children under their care.

(4) The department will notify the licensee ~~((if a)) when~~ prospective ~~((or current employee, intern, volunteer, or subcontractor is)) staff and volunteers are~~ disqualified from having unsupervised access to children. Hiring a person disqualified by ~~((DSHS)) DCYF~~ or continuing to allow unsupervised access to children by a person disqualified by ~~((DSHS)) DCYF~~ could also lead to denial, suspension, or revocation of your license issued under this chapter.

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-145-1550 What changes must I report to my licensor? ~~((4))~~ You must immediately report to your licensor changes in the original licensing application. You must report:

~~((a))~~ (1) Changes in your location, including address or phone number;

~~((b))~~ (2) Changes in your program description or population served, including the maximum number, age ranges, and sex of children you wish to serve;

~~((c))~~ (3) Changes in the structure of your facility or premises from events causing damage, such as a fire, or from remodeling;

~~((d))~~ (4) Additional staff~~((, employees, interns, contractors))~~ or volunteers~~((s))~~ who might have unsupervised contact with the children in care;

~~((e))~~ (5) Significant changes in the physical condition of you ~~((or)), your staff, or~~ volunteers affecting the ability to provide care in your facility;

~~((f))~~ (6) Staff or volunteer arrests or convictions of which you are aware that occur between the date of your license and the expiration date of your license;

~~((g))~~ (7) Any staff changes including the executive director, program manager, or master's level consultants;

~~((h))~~ (8) Death, retirement, or incapacity of the person who holds the license;

~~((i))~~ (9) Changes in the name of your licensed corporation, or the name by which your facility is commonly known and/or your articles of incorporation and bylaws.

WSR 20-05-042
PERMANENT RULES
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed February 12, 2020, 11:56 a.m., effective March 14, 2020]

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

Purpose: This change to the rules is needed to update rules governing parking on the capitol grounds in order to:

- Align the rules with current parking practices, policies and statutory requirements;
- Not present barriers when implementing improved processes and practices;
- Make sure the rules are easily and quickly understood; and
- Not replicate/duplicate other parking requirements.

Citation of Rules Affected by this Order: Repealing WAC 200-200-600 Effective date; and amending WAC 200-200-015 Definitions, 200-200-020 Objectives of traffic regulations, 200-200-030 Traffic control, 200-200-070 Speed, 200-200-080 Regulatory signs and directions, 200-200-085 Marking, 200-200-140 Special traffic and parking regulations and restrictions authorized, 200-200-186 Parking time limits in metered areas, 200-200-187 Parking and spaces, 200-200-188 Tourists and visitors, 200-200-190 Parking within designated spaces, 200-200-200 Authorization for issuance of permits, 200-200-220 Allocation of parking permits, 200-200-350 General, 200-200-351 Impoundment without prior notice, 200-200-360 Parking infractions and fines—Towing, 200-200-361 Suspension and/or revocation of parking privileges, and 200-200-371 Hearing procedure—Suspension and/or revocation of parking privileges and removal, suspension, or revocation from parking waiting list.

Statutory Authority for Adoption: RCW 43.19.125 Capitol buildings and grounds—Custody and control, 46.08.150 Control of traffic on capitol grounds, and 43.19.011 Director—Powers and duties, 46.08.020 Precedence over local vehicle and traffic regulations.

Other Authority: RCW 46.08.150 Control of traffic on capitol grounds.

Adopted under notice filed as WSR 20-01-174 on December 18, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 19, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 19, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 12, 2020.

Jack Zeigler
Policy and Rules Manager

AMENDATORY SECTION (Amending WSR 15-23-062, filed 11/13/15, effective 12/14/15)

WAC 200-200-015 Definitions. As used in this chapter, the following terms shall mean:

(1) "Building and grounds," "state capitol grounds," "capitol campus" defined. Those buildings and grounds over which the department of enterprise services exercises custody and control under RCW 43.19.125, 46.08.150, 79.24.300 through 79.24.320, and 79.24.710, which includes, but is not limited to, the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building, Capitol Lake, Marathon Park, Heritage Park, Centennial Park, ways open to the public, and adjoining lands and roadways, including the portion of Deschutes Parkway adjoining state lands.

(2) "Director" defined. The director of the department of enterprise services and any designee of the director.

~~((2))~~ (3) "Disabled" defined. Any person who has made application to the department of licensing and displays a valid permit under chapter 46.19 RCW.

(4) "Employee" defined. Any person assigned to a state facility, including state employees, vendors and their staff, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at the facility.

(5) "Impound"/"impoundment" defined. To take and hold ~~((an unauthorized vehicle in legal custody))~~ a vehicle, consistent with law, at the direction of a law enforcement officer, the director or designee, subject to the procedures outlined in this chapter and in chapter 46.55 RCW. Such definition includes towing of an unauthorized vehicle.

~~((3))~~ "Presiding officer" defined. Pursuant to RCW 34.05.485, a "presiding officer" is an individual(s) who is appointed by the director to preside over administrative hearings and render a decision regarding the suspension or revocation of parking privileges and removal, suspension, or revocation from parking waiting list under this chapter.

(4) "Reviewing officer" defined. Pursuant to RCW 34.05.491, a "reviewing officer" is an individual(s) who is appointed by the director to review the decisions by the presiding officer and is authorized to grant appropriate administrative relief upon review.

(5) "State capitol grounds" defined. Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

~~(6) "Unauthorized vehicle defined." An "unauthorized vehicle" is a vehicle which is parked for any length of time on state capitol grounds and:~~

~~(a) Does not display the permit required for that area; and/or~~

~~(b) Is not otherwise authorized to park in that area; and/or~~

~~(c) Is parked in a metered parking area for a consecutive period longer than the time permitted for parking in that area; and/or~~

~~(d) Is parked in a metered parking area with insufficient payment to use the space it occupies; and/or~~

~~(e) Is parked in a parking space designated for disabled individuals and such vehicle does not display a valid special license plate or placard; and/or~~

~~(f) Is parked in a parking space reserved for use by another vehicle; and/or~~

~~(g) Is parked in an area not designated for parking.~~

~~(7))~~ (6) "Vehicle" defined. ~~((All mechanical transportation devices defined as vehicles in the motor vehicle laws and of the state of Washington including motoreycles and motor-driven cycles.))~~ Vehicle is defined the same as RCW 46.04.-670 as amended by chapter 170, Laws of 2019, which includes bicycles among other vehicles.

(7) "Visitor" defined. Any person parking on the capitol campus or visiting a state facility who is not employed by the state or any employee whose primary duty station not located on the capitol campus at that facility.

(8) "Way open to the public ~~((defined.))~~ defined. Any road, alley, lane, parking area, parking structure, path, or any place private or otherwise adapted to and fitted for travel that is in common use by the public with the consent expressed or implied of the owner or owners, and further shall mean public play grounds, school grounds, recreation grounds, parks, park ways, park drives, park paths.

~~((9))~~ "Employee defined." Any person assigned to a state facility, including state employees and the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at the facility.

~~(10) "Disabled defined." Any person who has made application to the department of licensing and displays a valid permit.~~

~~(11) "Visitor defined." Any person parking at a state facility who is not employed at that facility.))~~

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-020 Objectives of traffic regulations. The objectives of these traffic regulations are:

(1) To protect and control pedestrian and vehicular traffic;

(2) To ~~((assure access at all times for))~~ make sure emergency equipment is accessible at all times;

(3) To facilitate the work of state government by assuring access for its vehicles and those of its employees and visitors and by assigning the limited parking space for the most efficient use.

- (4) To promote energy conservation.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-030 Traffic control. The motor vehicle laws and other traffic laws of the state of Washington codified under Title 46 RCW, Motor vehicles and other locations are applicable to pedestrian and vehicular traffic on the state capitol grounds, and are hereby adopted and made a part hereof by reference. In case of conflict between the provisions of the motor vehicle laws or other traffic laws of the state of Washington and these regulations, the laws of Washington shall govern.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-070 Speed. Vehicles on the state capitol grounds may not be operated at a speed in excess of 20 miles per hour ((or in excess of such lower speed as is reasonable and prudent in the circumstances or as may be)) unless otherwise posted. Vehicles in parking garages and lots located on the state capitol grounds may not be operated at a speed in excess of 12 miles per hour.

AMENDATORY SECTION (Amending WSR 15-23-062, filed 11/13/15, effective 12/14/15)

WAC 200-200-080 Regulatory signs, markings, barricades, and directions. Pedestrians and drivers of vehicles shall obey regulatory signs ((posted)), markings, and barricades placed by the director. Pedestrians and drivers of vehicles shall also comply with directions given in the control and regulation of traffic by uniformed state patrol officers and department of enterprise services parking controllers. No person shall move or alter any sign, barricade or other structure used for traffic and/or parking regulation, including painted stripes or marking utilized in traffic and parking control, without the authorization of the director.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-085 Marking. The marking of streets, parking lots and garages shall ((be as follows)) include, but not be limited to, the following:

- (1) Yellow areas—No standing.
- (2) White areas—Crosswalks (no stopping in crosswalks) and parking stalls (no stopping in parking stalls without a permit or payment of fee).
- (3) White areas with hash marks or stripes (ADA stall permitted use only).
- (4) Red areas—((No stopping-)) Emergency parking only and fire lanes (no stopping in emergency parking and fire lanes).
- (5) Green areas—Electric vehicle stalls for charging purposes in accordance to RCW 46.08.185.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-140 ((Special)) Temporary traffic and parking regulations and restrictions authorized. ((Upon special occasions causing additional heavy traffic and during emergencies)) As determined appropriate for the management of the state capitol buildings and grounds, the director may impose ((emergency)) temporary traffic and parking regulations and restrictions.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-186 Parking time limits in metered areas or areas subject to a time restriction. ((On normal working days between 7:00 a.m. and 5:00 p.m.)) (1) No person or entity shall park any vehicle on the state capitol grounds or in any area designated as metered parking for a consecutive period of time longer than that period of time for which parking is permitted in such areas, irrespective of the amount of time for which parking has been paid.

(2) Vehicles moved from one parking space to another or from one lot to another shall be assumed to have been parked continuously from the time they are initially parked in any ((metered)) time restricted area.

(3) A showing that the time period between when a vehicle is twice found parked in any ((metered)) time restricted area((s)) on the same day is more than the time allowed for parking in ((metered)) time restricted areas shall constitute a prima facie presumption that the vehicle has been parked in violation of this section.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-187 Parking zones, areas, and spaces. The director ((shall)) may formulate plans for the marking and numbering of parking zones, areas, and spaces and ((shall)) designate parking zones, areas, and spaces for visitors, service vehicles, employees, and others ((as well as)). The director may establish parking restrictions and designate zones, areas, and spaces in which parking is prohibited and vehicles are subject to impound. The director may designate and set aside specific parking and travel areas for vehicles for ((motorcycles, motor-driven cycles, and/or bicycles, and they may be operated or parked only in those)) specific purposes and may restrict their parking or operations to specified areas.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-188 Tourists and visitors. Tourists and visitors may park vehicles ((without fee in)) in any free or pay areas designated for their use, subject to the traffic and control regulations ((, or in metered parking areas on the state capitol grounds provided, however, that the prescribed parking fee shall be paid prior to parking. Employees of the state of Washington who are employed on the state capitol grounds may not park in spaces set aside and marked for visitors, tourists, and other special purposes between the hours

of 7:00 a.m. and 5:00 p.m. on normal working days, unless authorized to do so by the director).

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-190 Parking within designated spaces.

No vehicle shall be parked regardless of size so as to occupy any portion of more than one parking space as designated in the parking area, or so as to occupy any portion of a fire lane or other area in which parking is prohibited. No parking space shall be occupied by more than one vehicle at any given time, except as authorized by the director. Failure to comply with this rule constitutes a traffic violation pursuant to RCW 46.08.170.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-200 Authorization for issuance of permits. All parking on state capitol grounds (~~(excluding parking in metered areas)~~) shall be authorized through the issuance of valid parking permits unless otherwise authorized. These permits shall be issued by the director to state officials, state employees, state agencies for official cars, and to such other individuals as determined by the director to require parking to aid in carrying out state business. These permits shall not be transferred from one vehicle to another except as authorized by the director. All parking subject to permit on state capitol grounds shall be for official purposes only. Parking spaces may not be used for other purposes such as the conduct of private business or the storage of personal property.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-220 Allocation of parking permits.

Parking permits shall be allocated by the director in such manner as will best ~~((effectuate))~~ achieve the objectives of these regulations. Unless in the director's opinion the objectives of these regulations would otherwise be better served, the director shall observe the following priorities in the issuance of permits:

- (1) Disabled state employees and officials;
- (2) Car pools consisting of three or more persons per vehicle;
- (3) Other state employees, state officials, state agencies, and nonstate parkers.

AMENDATORY SECTION (Amending WSR 19-14-004, filed 6/20/19, effective 6/20/19)

WAC 200-200-235 Permits for demonstrations, parades, processions. In order ~~((not))~~ to not disrupt the orderly flow of pedestrian or vehicular traffic on the state capitol grounds, a person or group of persons desiring to conduct a demonstration, parade or procession of seventy-five or more people on the state capitol grounds shall apply to the department for a permit using the process outlined in chapter ~~((200-200))~~ 200-220 WAC.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-350 ~~((General))~~ Capitol campus employees. ~~((Parking regulations on state capitol grounds are subject to enforcement between 6:00 a.m. and 6:00 p.m., Monday through Friday, excluding holidays.))~~ Employees assigned to a state facility located on the capitol campus may not park in spaces set aside and marked for visitors, tourists, and other special purposes unless authorized to do so by the director.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-351 Impoundment without prior notice. A vehicle may be impounded without prior notice having been made to notify the owner of the possibility of this action in the following circumstances:

- (1) When in the judgment of the Washington state patrol the vehicle is obstructing or may impede the flow of traffic; ~~((or))~~
- (2) When in the judgment of the Washington state patrol the vehicle poses an immediate threat to public safety; or
- (3) When otherwise allowed by law.

AMENDATORY SECTION (Amending WSR 11-23-093, filed 11/17/11, effective 11/17/11)

WAC 200-200-360 Parking infractions and fines—Towing. Any ~~((unauthorized vehicle, as defined in this chapter, shall))~~ vehicle in violation of this chapter may be cited for a traffic infraction ~~((in accordance with RCW 46.08.170. Repeat offenders are those receiving more than three notices of traffic infractions within a twelve month period. Repeat offenders are subject to towing in accordance with chapter 46.55 RCW))~~ and subject to impoundment as provided by law under RCW 46.08.170.

AMENDATORY SECTION (Amending WSR 15-23-062, filed 11/13/15, effective 12/14/15)

WAC 200-200-361 Suspension and/or revocation of parking privileges. Repeated use of assigned parking spaces by unauthorized vehicles or for nonofficial purposes or for the storage of personal property and/or the repeated transfer of parking permits from one vehicle to another ~~((and/or being a repeat offender))~~ as defined in WAC 200-200-360 may result in the suspension or revocation of parking privileges. Violations may result in suspension and/or revocation of any permits issued to the violator and/or removal, suspension, and/or revocation from the parking waiting list for parking on state capitol grounds.

AMENDATORY SECTION (Amending WSR 15-23-062, filed 11/13/15, effective 12/14/15)

WAC 200-200-371 Hearing procedure—Suspension and/or revocation of parking privileges and removal, suspension, or revocation from parking waiting list. ~~((+))~~ Contested hearings held pursuant to WAC 200-200-370 shall

be conducted as brief adjudicative proceedings according to RCW 34.05.482(~~(, 34.05.485, 34.05.488, 34.05.491 and 34.05.494.~~

~~(2) Upon receipt of a written request for a hearing, the presiding officer shall provide the contesting party an opportunity to be informed of the agency's view of the matter and an opportunity to explain the contesting party's view of the matter.~~

~~(3) Within ten days of this opportunity, the presiding officer shall serve upon the contesting party and the agency, a brief written statement of the reasons for the decision. Such statement shall include notice that the contesting party may request an agency administrative review of that decision. The contesting party must request such review either orally or in writing within twenty-one days of service of the written statement. Service is deemed to be completed upon deposit in the United States mail as evidenced by the postmark.~~

~~(4) If no agency review is so requested by the contesting party, the agency may, on its own motion, review the brief written statement of the presiding officer. Action less favorable to the contesting party may not be taken by the reviewing officer without notice to that party and an opportunity to explain that party's view of the matter.~~

~~(5) If no review is taken by the agency or by the contesting party, then the brief written statement of the presiding officer becomes the final order and no further administrative or judicial review is available.~~

~~(6) If review is requested, the reviewing officer shall give the contesting party and the agency an opportunity to present their respective views of the matter. Within twenty-one days of receipt of the request for review, the reviewing officer shall issue a final order which includes a brief statement of the reasons for the decision. The final order shall include notice of any judicial review available under the Administrative Procedure Act, chapter 34.05 RCW.~~

~~(7) Any of the time limits set forth in this hearing process may be waived by the contesting party)) through 34.05.494.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 200-200-600 Effective date.

WSR 20-05-046

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 13, 2020, 9:22 a.m., effective March 15, 2020]

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

Purpose: Permanent adoption of these amendments is necessary to expand TANF time limit extensions to families experiencing homelessness and to eliminate permanent WorkFirst noncompliance sanction disqualifications.

Citation of Rules Affected by this Order: Amending WAC 388-310-1600, 388-400-0005, and 388-484-0006.

Statutory Authority for Adoption: RCW 41.05.021, 74.04.050, 74.04.055, 74.04.057, 74.08.025, 74.08.090, 74.09.035, 74.09.530, 74.62.030; chapters 74.08A, 74.12 RCW.

Adopted under notice filed as WSR 19-21-076 on October 14, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 3, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: February 12, 2020.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-20-104, filed 9/30/14, effective 11/1/14)

WAC 388-310-1600 WorkFirst—Sanctions. ((Effective November 1, 2014.))

(1) What WorkFirst requirements do I have to meet?

You must do the following when you are a mandatory WorkFirst participant:

(a) Give the department the information we need to develop your individual responsibility plan (IRP) (see WAC 388-310-0500);

(b) Show that you are participating fully to meet all of the requirements listed on your individual responsibility plan;

(c) Go to scheduled appointments listed in your individual responsibility plan;

(d) Follow the participation and attendance rules of the people who provide your assigned WorkFirst services or activities; and

(e) Accept available paid employment when it meets the criteria in WAC 388-310-1500.

(2) What happens if I don't meet WorkFirst requirements?

(a) If you do not meet WorkFirst requirements, we will send you a letter telling you what you did not do, and inviting you to a noncompliance case staffing. The letter will also schedule a home visit that will happen if you don't attend your noncompliance case staffing. We may schedule an alternative meeting, instead of a home visit, when there are safety or access issues.

(i) A noncompliance case staffing is a meeting with you, your case manager, and other people who are working with your family, such as representatives from tribes, community or technical colleges, employment security, the children's administration, family violence advocacy providers or lim-

ited-English proficient (LEP) pathway providers to review your situation and compliance with your participation requirements.

(ii) You will be notified when your noncompliance case staffing is scheduled so you can attend.

(iii) You may invite anyone you want to come with you to your noncompliance case staffing.

(b) You will have ten days to contact us so we can talk with you about your situation. You can contact us in writing, by phone, by going to the noncompliance case staffing appointment described in the letter, or by asking for an individual appointment.

(c) If you do not contact us within ten days, we will make sure you have been screened for family violence and other barriers to participation and that we provided necessary supplemental accommodations as required by chapter 388-472 WAC. We will use existing information to decide whether:

(i) You were unable to do what was required; or

(ii) You were able, but refused, to do what was required.

(d) If you had a good reason not to do a required activity we will work with you and may change the requirements in your individual responsibility plan if a different WorkFirst activity would help you move towards independence and employment sooner. If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an individual responsibility plan to help you with your situation, including referrals to appropriate services.

(e) If you do not attend your noncompliance case staffing, and we determine you did not have a good reason, we will conduct the home visit (or alternative meeting) to review your circumstances and discuss next steps and options.

(3) What is considered a good reason for not doing what WorkFirst requires?

You have a good reason if you were not able to do what WorkFirst requires (or get an excused absence, described in WAC 388-310-0500(5)) due to a significant problem or event outside your control. Some examples of good reasons include, but are not limited to:

(a) You had an emergent or severe physical, mental or emotional condition, confirmed by a licensed health care professional that interfered with your ability to participate;

(b) You were threatened with or subjected to family violence;

(c) You could not locate child care for your children under thirteen years that was:

(i) Affordable (did not cost you more than your copayment would under the working connections child care program in chapter ~~((170-290))~~ 110-15 WAC);

(ii) Appropriate (licensed, certified or approved under federal, state or tribal law and regulations for the type of care you use and you were able to choose, within locally available options, who would provide it); and

(iii) Within a reasonable distance (within reach without traveling farther than is normally expected in your community).

(d) You could not locate other care services for an incapacitated person who lives with you and your children.

(e) You had an immediate legal problem, such as an eviction notice; or

(f) You are a person who gets necessary supplemental accommodation (NSA) services under chapter 388-472 WAC and your limitation kept you from participating. If you have a good reason because you need NSA services, we will review your accommodation plan.

(4) What happens in my noncompliance case staffing?

(a) At your noncompliance case staffing we will ensure you were offered the opportunity to participate and discuss with you:

(i) Whether you had a good reason for not meeting WorkFirst requirements.

(ii) What happens if you are sanctioned;

(iii) How you can participate and get out of sanction status;

(iv) How you and your family benefit when you participate in WorkFirst activities;

(v) That your case may be closed after you have been in sanction status for two months in a row;

(vi) How you plan to care for and support your children if your case is closed. We will also discuss the safety of your family, as needed, using the guidelines under RCW 26.44-030; and

(vii) How to reapply if your case is closed(~~and~~

~~(viii) That upon your third sanction case closure after March 1, 2007, you may be permanently disqualified from receiving TANF/SFA. If you are permanently disqualified, your entire household is ineligible for TANF/SFA).~~

(b) If you do not come to your noncompliance case staffing, we will make a decision based on the information we have and send you a letter letting you know whether we found that you had a good reason for not meeting WorkFirst requirements.

(5) What happens if we do a home visit because you didn't attend your noncompliance case staffing?

If you didn't attend your noncompliance case staffing, and we determined you did not have a good reason for failure to meet WorkFirst requirements, we will attempt to contact you during your scheduled home visit (or alternative meeting).

(a) If we are able to contact you, we will review the information that we planned to discuss at your noncompliance case staffing, including whether you had a good reason for failing to meet WorkFirst requirements and how you can participate and get out of sanction status. If you don't have a good reason, we will follow the process to place you in sanction status.

(b) If we are unable to contact you, we will follow the process to place you in sanction status based on the determination we made at your noncompliance case staffing.

(6) What if we decide that you did not have a good reason for not meeting WorkFirst requirements?

(a) Before you are placed in sanction, a supervisory level employee will review your case to make sure:

(i) You knew what was required;

(ii) You were told how to end your sanction;

(iii) We tried to talk to you and encourage you to participate; and

(iv) You were given a chance to tell us if you were unable to do what we required.

(b) If we decide that you did not have a good reason for not meeting WorkFirst requirements, and a supervisory level employee approves the sanction and sanction penalties, we will send you a letter that tells you:

- (i) What you failed to do;
- (ii) That you are in sanction status;
- (iii) Penalties that will be applied to your grant;
- (iv) When the penalties will be applied;
- (v) How to request an administrative hearing if you disagree with this decision; and
- (vi) How to end the penalties and get out of sanction status.

(c) If your case is closed because you failed to attend your noncompliance case staffing and home visit (or alternative meeting), this information will be included in your termination letter.

(d) We will also provide you with information about resources you may need if your case is closed. If you are sanctioned, then we will actively attempt to contact you another way so we can talk to you about the benefits of participation and how to end your sanction.

(7) What is sanction status?

When you are a mandatory WorkFirst participant, you must follow WorkFirst requirements to qualify for your full grant. If you or someone else on your grant doesn't do what is required and you can't prove that you had a good reason, you are placed in WorkFirst sanction status.

(8) Are there penalties when you or someone in your household goes into sanction status?

When you or someone in your household is in sanction status, we impose penalties. The penalties last until you or the household member meet WorkFirst requirements. There are different penalties depending on if you attended your noncompliance case staffing or home visit (or alternative meeting). Your household will only enter sanction status if we determine that you or someone else in your household did not have a good reason for failing to meet the WorkFirst requirements.

(a) If you attended your noncompliance case staffing or home visit (or alternative meeting) and entered sanction status, you will receive a grant reduction sanction penalty.

(i) Your grant is reduced by one person's share or forty percent, whichever is more.

(ii) The reduction is effective the first of the month following ten-day notice from the department; and

(iii) Your case may be closed effective the first of the month after your grant has been reduced for two months in a row.

(b) If you did not attend your noncompliance case staffing or home visit (or alternative meeting) and entered sanction status you will receive a case closure sanction penalty.

(i) Your case may be closed the first of the month following the ten-day notice from the department.

(ii) If your case is reopened under subsection (14)(b), you will remain in sanction status and receive a grant reduction sanction penalty.

(A) Your grant is reduced by one person's share or forty percent, whichever is more.

(B) The reduction is effective the first of the month that your grant is reopened; and

(C) Your case may be closed effective the first of the month after your grant has been reduced for two months in a row.

(9) What happens before your case is closed due to sanction?

Before we close your case due to sanction status, we will send you a letter to tell you:

- (a) What you failed to do;
- (b) When your case will be closed;
- (c) How you can request an administrative hearing if you disagree with this decision;
- (d) How you can end your penalties and keep your case open (if you are able to participate for four weeks in a row before we close your case); and

(e) How your participation before your case is closed can be used to meet the participation requirement in subsection (13).

(10) What happens if my sanction grant reduction penalty started before November 1, 2014?

If you are in sanction and entered sanction before November 1, 2014, your case may be closed after you have been in sanction for four months in a row.

(11) How do I end the penalties and get out of sanction status?

To end the penalties and get out of sanction status:

(a) You must provide the information we requested to develop your individual responsibility plan; and/or

(b) Start and continue to do your required WorkFirst activities for four weeks in a row (that is, twenty-eight calendar days). The four weeks starts on the day you complete your comprehensive evaluation and you agree to your individual responsibility plan activities.

(12) What happens when I get out of sanction status before my case is closed?

When you get out of sanction status before your case is closed, your grant will be restored to the level you are eligible for beginning the first of the month following your four weeks of participation. For example, if you finished your four weeks of participation on June 15, your grant would be restored on July 1.

(13) What if I reapply for TANF or SFA and I was in sanction status when my case closed?

If your case closed due to sanction, you will need to follow the sanction reapplication process in subsection (14). If your case closed for another reason while you were in sanction status and is reopened, you will reopen in month two of sanction status.

(14) What if I reapply for TANF or SFA after my case is closed due to sanction?

(a) Except as specified in subsection (14)(b) if you reapply for TANF or SFA after your case is closed due to sanction, you must participate for four weeks in a row before you can receive cash. Once you have met your four week participation requirement, your cash benefits will start, going back to the date we had all the other information we needed to make an eligibility decision.

(b) We will take the actions below if you received the sanction penalty in subsection (8)(b), you reapply for TANF or SFA after your case is closed due to sanction and you complete the interview required under WAC 388-452-0005 by

the end of the month that your benefits stopped. For example, if your benefits stop effective July 1, you must reapply and complete the interview by July 31. If you meet this time-frame:

(i) We will undo your case closure sanction penalty(~~and we will not count the closure toward permanent disqualification under subsection (15))~~); and(~~(5)~~)

(ii) If you are determined eligible, we will reopen your grant in sanction status with a grant reduction sanction penalty, going back to the effective date of your case closure.

~~((15) What happens if a supervisory level employee approves case closure for the third time?~~

~~If we close your case for sanction at least three times after March 1, 2007, you will be permanently disqualified from receiving TANF/SFA. If you are permanently disqualified, any household you are in will also be ineligible for TANF/SFA.))~~

AMENDATORY SECTION (Amending WSR 14-10-046, filed 4/30/14, effective 6/1/14)

WAC 388-400-0005 Who is eligible for temporary assistance for needy families? (1) You can get temporary assistance for needy families (TANF), if you:

(a) Can be in a TANF/SFA assistance unit as allowed under WAC 388-408-0015 through 388-408-0030;

(b) Meet the citizenship/alien status requirements of WAC 388-424-0010;

(c) Live in the state of Washington. A child must live with a caretaker relative, guardian, or custodian who meets the state residency requirements of WAC 388-468-0005;

(d) Do not live in a public institution unless specifically allowed under RCW 74.08.025;

(e) Meet TANF/SFA:

(i) Income requirements under chapter 388-450 WAC;

(ii) Resource requirements under chapter 388-470 WAC; and

(iii) Transfer of property requirements under chapter 388-488 WAC.

(f) Assign your rights to child support as required under WAC 388-422-0005;

(g) Cooperate with the division of child support (DCS) as required under WAC 388-422-0010 by helping them:

(i) Prove who is the father of children applying for or getting TANF or SFA; and

(ii) Collect child support.

(h) Tell us your Social Security number as required under WAC 388-476-0005;

(i) Cooperate in a review of your eligibility as required under WAC 388-434-0005;

(j) Cooperate in a quality assurance review as required under WAC 388-464-0001;

(k) Participate in the WorkFirst program as required under chapter 388-310 WAC;

(l) Report changes of circumstances as required under WAC 388-418-0005; and

(m) Complete a mid-certification review and provide proof of any changes as required under WAC 388-418-0011.

(2) If you apply for TANF, have not received TANF or SFA within the past thirty days, and will be a mandatory

WorkFirst participant as described in WAC 388-310-0200 once approved, you must complete a WorkFirst orientation before we approve your application.

(3) If you are an adult, you must have an eligible child living with you or you must be pregnant and meet the requirements of WAC 388-462-0010.

(4) If you are an unmarried pregnant teen or teen parent:

(a) Your living arrangements must meet the requirements of WAC 388-486-0005; and

(b) You must attend school as required under WAC 388-486-0010.

(5) In addition to rules listed in subsection (1) of this section, a child must meet the following rules to get TANF:

(a) Meet the age requirements under WAC 388-404-0005; and

(b) Live in the home of a relative, court-ordered guardian, court-ordered custodian, or other adult acting *in loco parentis* as required under WAC 388-454-0005; or

(c) If the child lives with a parent or other adult relative that provides care for the child, that adult cannot have used up their sixty-month lifetime limit of TANF or SFA cash benefits as defined in WAC 388-484-0005(~~(5) or~~

~~(d) If the child lives with a parent who provides care for the child, that adult cannot have been permanently disqualified from receiving TANF/SFA due to noncompliance sanction as defined in WAC 388-310-1600)).~~

(6) You cannot get TANF if you have been:

(a) Convicted of certain felonies and other crimes under WAC 388-442-0010; or

(b) Convicted of unlawful practices to get public assistance under WAC 388-446-0005 or 388-446-0010.

(7) If you are a client in a household which is eligible for a tribal TANF program, you cannot receive state and tribal TANF in the same month.

AMENDATORY SECTION (Amending WSR 15-24-056, filed 11/24/15, effective 1/1/16)

WAC 388-484-0006 TANF/SFA time limit extensions. (1) **What happens after I receive sixty or more months of TANF/SFA cash assistance?**

After you receive sixty or more months of TANF/SFA cash assistance according to WAC 388-484-0005, you may qualify for additional months of cash assistance. We call these additional months of TANF/SFA cash assistance a hardship TANF/SFA time limit extension.

(2) **Who is eligible for a hardship TANF/SFA time limit extension?**

You are eligible for a hardship TANF/SFA time limit extension if you are on TANF, are otherwise eligible for TANF, or are an ineligible parent, and you have received sixty cumulative months of TANF and:

(a) You are approved for one of the exemptions from mandatory participation according to WAC 388-310-0350 (1)(a) through (d) or you are an ineligible parent who meets the criteria for an exemption from mandatory WorkFirst participation; or

(b) You:

(i) Are a supplemental security income recipient or a Social Security disability insurance recipient; or

(ii) Are at least sixty-five years old, blind as defined by the Social Security Administration or disabled as determined under chapter 388-449 WAC; or

(iii) Have an open child welfare case with a state or tribal government and this is the first time you have had a child dependent under RCW 13.34.030 in this or another state or had a child a ward of a tribal court; or

(iv) Are working in unsubsidized employment for thirty-two hours or more per week; or

(v) Document that you meet the family violence option criteria in WAC 388-61-001 and are participating satisfactorily in specialized activities needed to address your family violence according to a service plan developed by a person trained in family violence or have a good reason, as described in WAC 388-310-1600(3) for failure to participate satisfactorily in specialized activities; or

(vi) Are homeless as described in RCW 43.185C.010 (12).

(3) Who reviews and approves a hardship time limit extension?

(a) Your case manager or social worker will review your case and determine whether a hardship time limit extension type will be approved.

(b) This review will not happen until after you have received at least fifty-two months of assistance but before you reach your time limit or lose cash assistance due to the time limit.

(c) Before you reach your time limit or lose cash assistance due to the time limit, the department will send you a notice that tells you whether a hardship time limit extension will be approved when your time limit expires and how to request an administrative hearing if you disagree with the decision.

(4) When I have an individual responsibility plan, do my WorkFirst participation requirements change when I receive a hardship TANF/SFA time limit extension?

(a) Even if you qualify for a hardship TANF/SFA time limit extension you will still be required to participate as required in your individual responsibility plan (WAC 388-310-0500). You must still meet all of the WorkFirst participation requirements listed in chapter 388-310 WAC while you receive a hardship TANF/SFA time limit extension.

(b) If you do not participate in the WorkFirst activities required by your individual responsibility plan, and you do not have a good reason under WAC 388-310-1600, the department will follow the sanction rules in WAC 388-310-1600.

(5) Do my benefits change if I receive a hardship TANF/SFA time limit extension?

(a) You are still a TANF/SFA recipient or an ineligible parent who is receiving TANF/SFA cash assistance on behalf of your child and your cash assistance, services, or supports will not change as long as you continue to meet all other TANF/SFA eligibility requirements.

(b) During the hardship TANF/SFA time limit extension, you must continue to meet all other TANF/SFA eligibility requirements. If you no longer meet TANF/SFA eligibility criteria during your hardship time limit extension, your benefits will end.

(6) How long will a hardship TANF/SFA time limit extension last?

(a) We will review your hardship TANF/SFA time limit extension and your case periodically for changes in family circumstances:

(i) If you are extended under WAC 388-484-0006 (2)(a), (b)(i) or (ii) then we will review your extension at least every twelve months;

(ii) If you are extended under WAC 388-484-0006 (2)(b)(iii), (iv), ~~((v))~~ (v), or (vi) then we will review your extension at least every six months.

(b) Your hardship TANF/SFA time limit extension may be renewed for as long as you continue to meet the criteria to qualify for a hardship time limit extension.

(c) If during the extension period we get proof that your circumstances have changed, we may review your case and determine if you continue to qualify for a hardship TANF/SFA time limit extension. When you no longer qualify for a hardship TANF/SFA time limit extension we will stop your TANF/SFA cash assistance. You will be notified of your case closing and will be given the opportunity to request an administrative hearing before your benefits will stop.

WSR 20-05-047

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 13, 2020, 9:27 a.m., effective March 15, 2020]

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

Purpose: Permanent adoption of these amendments is necessary for basic food eligibility determinations involving students of higher education who are "anticipating participation" in a work study position, as defined in RCW 43.20A.-760.

Citation of Rules Affected by this Order: Amending WAC 388-482-0005.

Statutory Authority for Adoption: RCW 43.20A.760, 74.04.500, 74.04.510, 74.08A.120.

Adopted under notice filed as WSR 19-22-043 on November 1, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 12, 2020.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-19-025, filed 9/12/18, effective 10/13/18)

WAC 388-482-0005 How does being a student of higher education ((~~impact~~)) affect my eligibility for the Washington basic food program? (1) For basic food, we consider you a student of higher education if you are:

(a) Age eighteen through forty-nine;
(b) Physically and mentally able to work (we determine if you are unable to work);

(c) Enrolled in an institution of higher education at least half-time as defined by the institution; and

(d) Enrolled in coursework considered to be higher education.

(2) An institution of higher education is:

(a) Any educational institution that requires a high school diploma or high school equivalency certificate;

(b) A business, trade, or vocational school that requires a high school diploma or high school equivalency; or

(c) A two-year or four-year college or university that offers a degree but does not require a high school diploma or high school equivalency.

(3) If you are a student of higher education, you must also meet one of the following conditions to be eligible for basic food:

(a) You have paid employment and work an average of at least twenty hours per week each month;

(b) You are self-employed, work, and earn at least the amount you would earn working an average of twenty hours per week at the federal minimum wage each month; or

(c) You were participating in a state or federal work study program during the regular school year.

(i) To qualify under this condition, you must:

(A) Have approval for work study at the time of application for basic food;

(B) Have work study that is approved for the school term; and

(C) Anticipate actually working during that time.

(ii) The work study exemption begins:

(A) The month in which the school term starts; or

(B) The month work study is approved, whichever is later.

(iii) Once begun, the work study exemption shall continue until:

(A) The end of the month in which the school term ends;

or

(B) We find out you refused a work study assignment.

(d) You are responsible for more than half the care of a dependent person in your assistance unit (AU) who is age five or younger;

(e) You are responsible for more than half the care of a dependent person in your AU who is between age six and eleven, if we have determined that there is not adequate child care available during the school year to allow you to:

(i) Attend class and satisfy the twenty-hour work requirement; or

(ii) Take part in a work study program.

(f) You are a single parent responsible for the care of your natural, step, or adopted child who is eleven or younger;

(g) You are an adult who has the parental responsibility of a child who is age eleven or younger if none of the following people live in the home:

(i) The child's parents; or

(ii) Your spouse.

(h) You participate in the WorkFirst program under WAC 388-310-0200;

(i) You receive TANF or SFA benefits;

(j) You attend an institution of higher education through:

(i) The Workforce Investment Act (WIA);

(ii) The basic food employment and training program under chapter 388-444 WAC;

(iii) An approved state or local employment and training program; or

(iv) Section 236 of the Trade Act of 1974.

~~(4) ((If you are a student of higher education and the only reason you are eligible for basic food is because you are participating in work study, you are only eligible while you work and receive money from work study. If your work study stops during the summer months, you must meet another condition to be an eligible student during this period.~~

~~(5))~~ (5) If you are a student of higher education, your status as a student:

(a) Begins the first day of the school term; and

(b) Continues through vacations. This includes the summer break if you plan to return to school for the next term.

~~((6))~~ (5) We do not consider you a student of higher education if you:

(a) Graduate;

(b) Are suspended or expelled;

(c) Drop out; or

(d) Do not intend to register for the next normal school term other than summer school.

WSR 20-05-066

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed February 14, 2020, 4:01 p.m., effective March 16, 2020]

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

Purpose: The agency is revising these sections as follows:

WAC 182-546-5100:

(1) Adding "and related" to broker definition;

(2) Revising the definition of "extended stay" to mean a period of time spanning thirty consecutive days, revising the definition of "short stay" to mean a period of time up to twenty-nine days, and adding a definition for service animal;

(3) Revising transportation mode definition to include public bus and commercial bus.

WAC 182-546-5550:

(1) Revising subsection (1)(e) to include "such as braces/crutches, wheelchairs" for DME;

(2) Revising (exclusion and limitations) to include substance use disorder;

(3) Revising where nonemergency transportation is not provided;

(4) Clarifying that nonemergency transportation for clients in the program of all-inclusive care for elderly (PACE) program is the responsibility of the PACE contractor and is not provided through brokers;

(5) Removing medical care services (MCS) limitations to avoid confusion about MCS program's scope of coverage;

(6) Adding that service animals can be transported with clients.

WAC 182-546-5900:

(1) Adding a requirement that brokers may not authorize payment for alcohol, cannabis, or other nonfood items;

(2) Clarifying that for short stays the cost of meals may not exceed the state per diem rate.

WAC 182-546-6200:

(1) Revising subsection (3) to "transportation-related services" require itemized receipts.

Citation of Rules Affected by this Order: Amending WAC 182-546-5100, 182-546-5550, 182-546-5900, and 182-546-6200.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: 42 C.F.R. 431.53, 42 C.F.R. 440.170.

Adopted under notice filed as WSR 20-02-102 on December 31, 2019.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: February 14, 2020.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-12-022, filed 5/20/16, effective 6/20/16)

WAC 182-546-5100 Nonemergency transportation—Definitions. The following definitions and those found in chapter 182-500 WAC apply to nonemergency medical brokered transportation. Unless otherwise defined in WAC 182-546-5200 through 182-546-6000, medical terms are used as commonly defined within the scope of professional medical practice in the state of Washington.

"Ambulance" - See WAC 182-546-0001.

"Broker" - An organization or entity contracted with the medicaid agency to arrange nonemergency transportation and related services for clients.

"Drop off point" - The location authorized by the transportation broker for the client's trip to end.

"Escort" - A person authorized by the transportation broker to accompany and be transported with a client to a health care service. An escort's transportation may be authorized depending on the client's age, mental state or capacity, safety requirements, mobility skills, communication skills, or cultural issues.

"Extended stay" - A period of time spanning ~~((seven))~~ thirty consecutive days or longer for which a client receives health care services outside of ~~((his or her))~~ their local community and for which ~~((he or she))~~ they may request assistance with meals and lodging.

"Guardian" - A person who is legally responsible for a client and who may be required to be present when a client is receiving health care services.

"Local community" - The client's city or town of residence or nearest location to residence.

"Local provider" - A provider, as defined in WAC 182-500-0085, who delivers covered health care service within the client's local community, and the treatment facility where the services are delivered within the client's local community.

"Lodging and meals" - Temporary housing and meals provided during a client's out-of-area medical stay.

"Mode" - A method of transportation assistance used by the general public that an individual client can use in a specific situation. Methods that may be considered include, but are not limited to:

- Air transport;
- ~~((Bus fares))~~ Public bus;
- Commercial bus;
- Ferries/water taxis;
- Gas vouchers/gas cards;
- Grouped or shared-ride vehicles;
- Mileage reimbursement;
- Parking;
- Stretcher vans or cars;
- Taxi;
- Tickets;
- Tolls;
- Train;
- Volunteer drivers;
- Walking or other personal conveyance; and
- Wheelchair vans.

"Noncompliance or noncompliant" - When a client:

- Fails to appear at the pickup point of the trip at the scheduled pickup time;

- Misuses or abuses agency-paid medical, transportation, or other services;

- Fails to comply with the rules, procedures, or policies of the agency or those of the agency's transportation brokers, the brokers' subcontracted transportation providers, or health care service providers;

- Poses a direct threat to the health or safety of self or others; or

- Engages in violent, seriously disruptive, or illegal conduct.

"Pickup point" - The location authorized by the agency's transportation broker for the client's trip to begin.

"Return trip" - The return of the client to the client's residence, or another authorized drop-off point, from the location where a covered health care service has occurred.

"Service animal" - An animal individually trained to work or perform tasks for an individual with a disability. The work or task an animal has been trained to provide must be directly related to the individual's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the American with Disabilities Act.

"Short stay" - A period of time (~~(spanning one to six)~~) up to twenty-nine days for which a client receives health care services outside of (~~(his or her)~~) their local community and for which (~~(he or she)~~) they may request assistance with meals and lodging.

"Stretcher car or van" - A vehicle that can legally transport a client in a prone or supine position when the client does not require medical attention en route.

"Stretcher trip" - A transportation service that requires a client to be transported in a prone or supine position without medical attention during the trip. This may be by stretcher, board, gurney, or other appropriate device. Medical or safety requirements must be the basis for transporting a client in the prone or supine position.

"Transportation provider" - A person or company under contract with a broker to provide trips to eligible clients.

"Trip" - Transportation one-way from the pickup point to the drop off point by an authorized transportation provider.

"Urgent care" - An unplanned appointment for a covered medical service with verification from an attending physician or facility that the client must be seen that day or the following day.

AMENDATORY SECTION (Amending WSR 16-12-022, filed 5/20/16, effective 6/20/16)

WAC 182-546-5550 Nonemergency transportation—Exclusions and limitations. (1) The following service categories listed in WAC 182-501-0060 are subject to the following exclusions and limitations:

(a) Adult day health (ADH) - Nonemergency transportation for ADH services is not provided through the brokers. ADH providers are responsible for arranging or providing transportation to ADH services.

(b) Ambulance - Nonemergency ambulance transportation is not provided through the brokers except as specified in WAC 182-546-5200 (2)(e).

(c) Emergency department (ED) - When a client is discharged from the ED, brokers may provide transportation to another medicaid-covered service or to the client's residence only.

(d) Hospice services - Nonemergency transportation is not provided through the brokers when the health care service is related to a client's hospice diagnosis. See WAC 182-551-1210.

(e) Medical equipment, durable (DME) - Nonemergency transportation is not provided through the brokers for DME

services, except for complex rehabilitation technology (CRT) and DME equipment that needs to be fitted to the client (such as braces/crutches, wheelchairs).

(f) Medical nutrition services - Nonemergency transportation is not provided through the brokers to pick up medical nutrition products.

(g) Medical supplies/equipment, nondurable (MSE) - Nonemergency transportation is not provided through the brokers for MSE services.

(h) The following mental health and substance use disorder services:

(i) Nonemergency transportation brokers generally provide one round trip per day (~~(to or from a mental health service)~~). The broker must request agency approval for additional trips for off-site activities.

(ii) Nonemergency transportation of an involuntarily detained person under the Involuntary Treatment Act (ITA) is not a service provided or authorized by transportation brokers. Involuntary transportation is a service provided by an ambulance or a designated ITA transportation provider. (~~(See WAC 182-546-4000.~~

~~(i) Chemical dependency services—)~~ (iii) Nonemergency transportation is not provided through the brokers to or from (~~(the following:~~

~~(i) Residential treatment, intensive inpatient, or long-term treatment at certified facilities which are institutes for mental diseases (IMDs), as defined in WAC 182-500-0050;~~

~~(ii) Recovery house; and~~

~~(iii) Information and assistance services which include))~~ information and assistance services which include:

(A) Alcohol and drug information school;

(B) Information and crisis services; and

(C) Emergency service patrol.

(i) Program of all-inclusive care for the elderly (PACE)-nonemergency transportation for clients in the PACE program is not provided through the brokers. The PACE contractor is responsible for transportation to PACE services.

(2) (~~(Transportation may be provided to facilities identified by the agency as non-IMDs, and therefore eligible to receive medicaid funds (refer to the Catalog of Federal Domestic Assistance (CFDA) program number 93.778).~~

~~(3) The state-funded medical care services (MCS) program has a limitation on trips. Nonemergency transportation for mental health services and substance abuse services is not provided through the brokers. The medicaid agency does pay for nonemergency transportation to and from medical services listed in WAC 182-501-0060, excluding mental health services and substance abuse services, and subject to any other limitations in this chapter or other program rules))~~ Service animals as defined in WAC 182-546-5100 may be transported with clients.

~~((4))~~ (3) The following programs do not have a benefit for brokered nonemergency transportation through the agency:

(a) Federal medicare savings and state-funded medicare buy-in programs (see chapter 182-517 WAC);

(b) Family planning services - Nonemergency transportation is not provided for clients that are enrolled only in (~~(FAKE CHARGE OF)~~) family planning only services; and

(c) Alien emergency medical (AEM) - See WAC 182-507-0115.

AMENDATORY SECTION (Amending WSR 15-03-050, filed 1/14/15, effective 2/14/15)

WAC 182-546-5900 Nonemergency transportation—Meals, lodging, escort/guardian. (1) The medicaid agency may pay for meals and lodging for clients who must be transported to health care services outside of the client's local community. The agency's transportation brokers determine when meals and lodging are necessary based on a client's individual need.

(2) Brokers may authorize payment for meals and lodging for up to one calendar month. Extensions beyond the initial calendar month must be prior authorized by the broker on a month-to-month, week-to-week, or as-needed basis.

(3) Brokers may not authorize payment for alcohol, cannabis, or other nonfood items.

(4) Brokers follow the agency's guidelines in determining the reasonable costs of meals and lodging. The agency's guidelines are:

(a) The reasonable cost of lodging for short and extended stays is measured against state per diem rates.

(b) For short stays, the cost of meals (~~is measured against~~) may not exceed the state per diem rate.

(c) For extended stays, the reasonable cost of meals is measured against the state's basic food program. The maximum monthly allowable meal cost for extended stays is not to exceed the client's calculated monthly food benefit (~~or state per diem rates~~).

~~((4))~~ (5) The agency pays for the transportation of an authorized escort, including meals and lodging, when all of the following apply:

(a) The client is present, except as stated in subsection (5) of this section; and

(b) The broker determines the transportation costs of an escort is necessary based upon the client's age, mental state or capacity, safety requirements, mobility requirements, communication or translation requirements, or cultural issues.

~~((5))~~ (6) The agency may authorize and pay for the transportation of an authorized escort or guardian, with or without the presence of the client, if the broker determines, and documents, that the presence of the authorized escort or guardian is necessary to ensure that the client has access to medically necessary care.

~~((6))~~ (7) Lodging and meals for all out-of-state non-emergency transportation must be prior authorized by the agency. Border areas as defined by WAC 182-501-0175 are considered in-state under this section and subsequent sections.

AMENDATORY SECTION (Amending WSR 15-03-050, filed 1/14/15, effective 2/14/15)

WAC 182-546-6200 Nonemergency transportation—Reimbursement. (1) To be reimbursed for trips, meals, or lodging, the requestor must receive prior authorization from the broker at least two business days in advance of the client's travel.

(2) A client must request reimbursement of preauthorized expenditures for trips, meals, or lodging within thirty days after (~~his or her~~) their medical appointment. The broker may consider reimbursement requests beyond thirty days if a client shows good cause as defined in WAC 388-02-0020 for having not requested reimbursement within thirty days.

(3) To be reimbursed for (~~mileage, fuel, parking, bridge tolls, or ferry fees~~) transportation-related services, the requestor must provide the broker with legible copies of:

(a) Itemized receipt(s);

(b) The operator's valid driver's license;

(c) Valid vehicle registration; and

(d) Proof of insurance for the vehicle/operator at the time of the trip.

(4) The medicaid agency or the broker may retroactively authorize and reimburse for transportation costs, including meals and lodging when:

(a) A client is approved for a delayed certification period as defined in WAC 182-500-0025, or for a retroactive eligibility period as defined in WAC 182-500-0095, or is retroactively eligible for a medically needy program which requires a spenddown as defined in WAC 182-500-0100;

(b) The transportation costs were not used to meet a client spenddown liability in accordance with WAC 182-519-0110;

(c) The transportation costs for which retroactive reimbursement is requested falls within the period of retroactive eligibility or delayed certification;

(d) The client received medically necessary services that were covered by the client's medical program for the date(s) of service for which retroactive reimbursement is requested; and

(e) The request for retroactive reimbursement is made within sixty days from the date of eligibility notification (award letter), not to exceed eight months from the date(s) of service for which reimbursement is requested.

(5) When transportation cost(s) are retroactively authorized, the reimbursement amount must not exceed the reimbursement amount that would have been authorized prior to the date(s) of service.

(6) To be paid by the broker for nonemergency transportation services:

(a) Ambulance providers must be subcontracted with the broker in accordance with WAC 182-546-5200.

(b) Nonambulance providers must be subcontracted with the broker in accordance with WAC 182-546-5200.

(7) The agency, through its contracted brokers, does not pay for nonemergency transportation when:

(a) The health care service the client is requesting transportation to or from is not a service covered by the client's medical program;

(b) The covered health care service is within three-quarters of a mile from the pick-up point, except when:

(i) The client's documented and verifiable medical condition and personal capabilities demonstrates that the client is not able to walk three-quarters mile distance;

(ii) The trip involves an area that the broker determines is not physically accessible to the client; or

(iii) The trip involves an area that the agency's broker considers to be unsafe for the client, other riders, or the driver.

(c) The client has personal or informal transportation resources that are available and appropriate to the clients' needs;

(d) Fixed-route public transportation service is available to the client within three-quarters of a mile walking distance. Exceptions to this rule may be granted by the transportation broker when the need for more specialized transportation is documented. Examples of such a need may be the client's use of a portable ventilator, a walker, or a quad cane; or

(e) The mode of transport that the client requests is not necessary, suitable, or appropriate to the client's medical condition.

WSR 20-05-068

PERMANENT RULES

HORSE RACING COMMISSION

[Filed February 18, 2020, 8:27 a.m., effective March 20, 2020]

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

Purpose: To add the proper use of bisphosphonates on race horses and prohibit their use on horses under the age of four.

Citation of Rules Affected by this Order: Amending WAC 260-70-545.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 20-02-108 on January 2, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 14, 2020.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 18-07-016, filed 3/9/18, effective 4/9/18)

WAC 260-70-545 Prohibited practices. The following are prohibited practices:

(1) The possession or use of any drug, substance, or medication if the use may endanger the health or welfare of

the horse or endanger the safety of the rider, or which may adversely affect the integrity of racing; or

(2) The possession or use of a drug or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in human or animal without the approval of the official veterinarian, or any substance forbidden by an official veterinarian.

(3) The possession and/or use of blood doping agents including, but not limited to, those listed below, on the premises of a facility under the jurisdiction of the commission:

- (a) Aminoimidazole carboxamide ribonucleotide (AICAR);
- (b) Darbepoetin;
- (c) Equine growth hormone;
- (d) Erythropoietin;
- (e) Hemopure;
- (f) Myo-inositol trispyrophosphate (ITPP);
- (g) Oxyglobin;
- (h) Thymosin beta; and
- (i) Venoms or derivatives thereof.

(4) No person shall at any time administer any other doping agent to a horse except pursuant to a valid therapeutic, evidence-based treatment plan.

(a) Other doping agent means a substance that has a pharmacologic potential to alter materially the performance of a horse and has no generally accepted medical use in a horse when treated, and is:

(i) Capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory, or urinary mammalian systems including, but not limited to, endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers, and agents that directly or indirectly affect or manipulate gene expression; but

(ii) Not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.

(b) Evidence-based treatment plan means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent and a determination that recognized therapeutic alternatives do not exist and is developed in good faith to treat a medical need of a horse.

(5) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy unless the following conditions are met:

(a) Any treated horse may not race or workout for a minimum of ten days following treatment;

(b) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines may only be used by veterinarians licensed by the commission and only approved machines at a previously disclosed location may be used;

(c) The practicing veterinarian has filed a report with an official veterinarian notifying the commission that an Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine is on association grounds;

(d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments are reported to an official

veterinarian on the prescribed form not later than twenty-four hours after treatment.

The horse will be added to a list of ineligible horses. This list will be kept in the race office and be posted in an accessible location.

(6) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within twenty-four hours prior to the post time of the race in which the horse is entered and without the prior approval of an official veterinarian.

(7) The use of bisphosphonates to any horse under four years of age is prohibited. Horses four years of age or older may only be administered bisphosphonates as follows:

(a) Only bisphosphonates that are FDA approved for use in horses may be administered according to label requirements and only for diagnosed cases of navicular disease;

(b) Administration of bisphosphonates must be reported to the commission as required in WAC 260-70-540; and

(c) The horse will be placed on the official veterinarian's list for a minimum of one hundred eighty days after the last administration. The horse must work as required in WAC 260-70-580 prior to return to racing.

WSR 20-05-069

PERMANENT RULES

HORSE RACING COMMISSION

[Filed February 18, 2020, 8:28 a.m., effective March 20, 2020]

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

Purpose: To update the penalty matrix to reflect added and updated WACs and to increase certain penalties to assist the stewards in compliance.

Citation of Rules Affected by this Order: Amending WAC 260-84 [260-84-060].

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 20-02-112 on January 2, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 14, 2020.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 18-09-060, filed 4/16/18, effective 5/17/18)

WAC 260-84-060 Penalty matrixes. (1) Unless provided for elsewhere, the imposition of reprimands, fines and suspensions will be based on the following penalty matrixes:

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace or improper conduct WAC 260-36-120 or 260-80-140	Warning to \$(200) <u>250</u> and/or suspension	Warning to \$500 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010 or 260-36-260	\$100	\$200	\$300
Unlicensed or improperly licensed personnel WAC 260-36-150 and 260-36-260	\$100	\$200	\$300
Violation of any claiming rule in chapter 260- 60 WAC	\$(200) <u>250</u> to \$500 plus possible suspension		
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$(75) <u>100</u>	\$(100) <u>150</u>	\$200

Class A and B Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure of jockey to report correct weight WAC 260-32-150 and 260-44-080	\$100	\$200	\$300
Failure of jockey to appear for films WAC 260-24-510	\$(50) <u>100</u>	\$(100) <u>150</u>	\$200
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$100	\$150	\$200
Jockey easing mount without cause WAC 260-52-040	\$250 and/or suspension	\$500 and/or suspension	\$1000 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$750 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	\$500 and/or suspension (riding days)	Suspension (riding days)	
Rider's misuse of crop WAC 260-52-045	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	Warning to \$(200) <u>250</u>	\$(200 to \$300) <u>\$250</u> For unauthorized late scratch, horse placed on stewards list for seven days.	\$(200 to) <u>\$500</u> For unauthorized late scratch, horse placed on stewards list for seven days.
<u>Arriving late to the paddock (jockey) WAC 260-52-010</u>	<u>Warning to \$100</u>	<u>\$100 to \$200</u>	<u>\$200 to \$500</u>
Arriving late to the paddock or receiving barn (trainer) WAC 260-28-200	Warning to \$(50) <u>100</u>	\$(50) <u>100</u> to \$(100) <u>200</u>	\$(100) <u>200</u> to \$(200) <u>500</u>
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$(50) <u>100</u>	\$(50) <u>100</u> to \$(100) <u>200</u>	\$(100) <u>200</u> to \$(200) <u>300</u>
Failure to obtain permission for equipment changes WAC 260-44-010	\$50	\$100	\$200
Failure to report performance records WAC 260-40-100	Warning to \$(50) <u>100</u>	\$(100) <u>150</u>	\$(150) <u>200</u>
Trainer failure to report proper identity of horses in their care WAC 260-28-295	\$(50) <u>100</u>	\$(100) <u>150</u>	\$(200) <u>250</u>
Failure to submit gelding report WAC 260-28-295	\$100	\$200	\$300

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Disturbing the peace <u>or improper conduct</u> WAC 260-80-140 <u>and 260-80-140</u>	Warning to \$100 and/or suspension	\$250 and/or suspension	Suspension
Person performing duties for which they are not licensed WAC 260-36-010 or 260-36-260	\$50	\$100	\$150
Unlicensed or improperly licensed personnel WAC 260-36-150 and 260-36-260	\$50	\$100	\$200
Violation of any claiming rule in chapter 260-60 WAC	\$100 to \$250 plus possible suspension		

Class C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure of jockey agent to honor riding engagements (call) WAC 260-32-400	\$25	\$50	\$100
Failure of jockey to report correct weight WAC 260-32-150 and 260-44-080	\$25	\$50	\$100
Failure of jockey to appear for films WAC 260-24-510	\$25	\$50	\$100
Failure of jockey to fulfill riding engagement WAC 260-32-080	\$50	\$100	\$200
Jockey easing mount without cause WAC 260-52-040	\$100	\$200 and/or suspension	\$400 and/or suspension
Jockey failing to maintain straight course or careless riding with no disqualification (jockey at fault) WAC 260-52-040	Warning to \$500 and/or suspension (riding days)		
Jockey failing to maintain straight course or careless riding resulting in a disqualification (jockey at fault) WAC 260-52-040	\$100 to \$500 and/or suspension (riding days)		
Rider's misuse of crop WAC 260-52-045	Warning to \$2500		
Entering ineligible horse or unauthorized late scratch chapter 260-40 WAC and WAC 260-80-030	Warning to \$50	\$100 to \$200	\$200 to \$300
<u>Arriving late to the paddock (jockey) WAC 260-52-010</u>	<u>Warning to \$25</u>	<u>\$50</u>	<u>\$100</u>
Arriving late to the paddock (<u>trainer</u>) WAC 260-28-200	Warning to \$25	\$50	\$100
Failure to deliver furosemide treatment form to official veterinarian by appointed time WAC 260-70-650	Warning to \$25	\$50	\$100
Failure to obtain permission for equipment change WAC 260-44-010	\$25	\$50	\$100
Failure to report performance records WAC 260-40-100	Warning to \$25	\$50	\$100
Failure to submit gelding report WAC 260-28-295	\$50	\$100	\$200

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Smoking in restricted areas WAC 260-20-030	\$(50) <u>100</u>	\$(100) <u>200</u>	\$250 and/or suspension
Tampering with a fire protection, prevention or suppression system or device WAC 260-20-030	\$200	\$500	\$1000 and/or suspension
Failure to post problem gambling signs WAC 260-12-250	Warning to \$50	\$100	\$200
Issuing a check to the commission with not sufficient funds WAC 260-28-030	\$(50) <u>100</u>	\$(100) <u>150</u>	\$200

Class A, B and C Licensed Facilities			
	1st Offense	2nd Offense	3rd Offense or subsequent offense
Failure to ride in a safe or prudent manner WAC 260-80-145	Warning to <u>\$50</u>	\$50 to <u>\$100</u>	\$(50—subsequent-offenses-\$50) <u>200</u> plus possible suspensions
Use of improper, profane, or indecent language WAC 260-80-130	Warning to \$(200) <u>250</u>	(\$200 to \$300) <u>\$250</u>	(\$300 to) \$500
<u>Use of profane language and uncooperative with association security</u> WAC 260-20-090	<u>Warning to \$250</u>	<u>\$250</u>	<u>\$500</u>
Failure to complete temporary license application within fourteen days WAC 260-36-200	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Failure to register employees with the commission (trainers responsibility) WAC 260-36-250	Warning to \$(50) <u>100</u>	\$100	\$200
Failure to furnish fingerprints WAC 260-36-100	\$100 and suspension of license	\$250 and suspension of license	\$500 and suspension of license
Nonparticipation - Licensing WAC 260-36-080	License canceled		
Failure to divulge a pending felony charge or a felony conviction WAC 260-36-050 and 260-36-120	\$100 to \$250		
False information or failure to provide accurate and complete information on application WAC 260-36-050 or 260-36-120	Warning to \$250		
Failure to provide full disclosure, refusal to respond to questions, or responding falsely to stewards or commission investigators WAC 260-24-510	\$500 fine and/or denial, suspension or revocation of license		
Financial responsibility WAC 260-28-030	Suspension of license until debt is satisfied (suspension may be stayed with a mutual payment agreement and licensee remains compliant with agreement)		
Failure to appear for a ruling conference WAC 260-24-510	Suspension (conference may be held in individual's absence)		
Failure to pay fine when due (no extension granted or no request for hearing filed) WAC 260-24-510	Suspension until fine paid		
Possession or use of a stimulating device (may include batteries) WAC 260-52-040 and 260-80-100	Immediate ejection from the grounds and permanent revocation		
Offering or accepting a bribe in an attempt to influence the outcome of a race WAC 260-80-010	Immediate ejection from the grounds and permanent revocation		
Failure to wear proper safety equipment WAC 260-12-180 and 260-32-105	\$50	\$100	\$200
Horses shod with improper toe grabs WAC 260-44-150	Horse scratched and \$250 fine to trainer and plater	Horse scratched and \$500 fine to trainer and plater	Horse scratched and \$1000 fine to trainer and plater
Failure to (display or) possess license badge when in restricted area WAC 260-36-110	\$25	\$50	\$100

(2) In determining whether an offense is a first, second, third or subsequent offense, the commission, or designee will include violations which occurred in Washington as well as any other recognized racing jurisdiction within the calendar year, absent mitigating circumstances. The stewards may impose more stringent penalties if aggravating circumstances exist. If a penalty is not listed under second or third/subsequent offense columns, the penalty listed in the "first offense" column will apply to each violation.

(3) Except as otherwise provided in this chapter, for any other violation not specifically listed above, the stewards have discretion to impose the penalties as provided in WAC 260-24-510 (3)(a).

(4) Circumstances which may be considered for the purpose of mitigation or aggravation of any penalty will include, but are not limited to, the following:

(a) The past record of the licensee or applicant;

(b) The impact of the offense on the integrity of the pari-mutuel industry;

(c) The danger to human and/or equine safety;

(d) The number of prior violations of these rules of racing or violations of racing rules in other jurisdictions; and/or

(e) The deterrent effect of the penalty imposed.

(5) For violations covered by chapter 260-70 WAC, Medication, the stewards will follow the penalty guidelines as set forth in WAC 260-84-090, 260-84-110, 260-84-120, and 260-84-130.

(6) The executive secretary or stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a referral will not preclude commission action in any matter. An executive secretary's or stewards' ruling will not prevent the commission from imposing a more severe penalty.

WSR 20-05-070

PERMANENT RULES

HORSE RACING COMMISSION

[Filed February 18, 2020, 8:29 a.m., effective March 20, 2020]

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

Purpose: To update the listing and classifications of medications and substances to reflect the current national model rule standards.

Citation of Rules Affected by this Order: Amending WAC 260-70-685.

Statutory Authority for Adoption: RCW 67.16.020.

Adopted under notice filed as WSR 20-02-111 on January 2, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 14, 2020.

Douglas L. Moore
Executive Secretary

AMENDATORY SECTION (Amending WSR 17-07-055, filed 3/10/17, effective 4/10/17)

WAC 260-70-685 Alphabetical listing of all drugs, medications, and foreign substances. This section contains an alphabetical listing of all drugs, medications and foreign substances classified in WAC 260-70-680.

Drug	Trade Name	Class	Penalty Class
<u>Δ-1-androstene-3, 17-diol</u>		<u>3</u>	<u>A</u>
<u>Δ-1-androstene-3, 17-dione</u>		<u>3</u>	<u>A</u>
<u>Δ-1-dihydrotestosterone</u>		<u>3</u>	<u>A</u>
<u>1-androstenediol (5α-androst-1-ene-3β, 17β-diol)</u>		<u>3</u>	<u>B</u>
<u>1-androstenedione (5α-androst-1-ene-3, 17-dione)</u>		<u>3</u>	<u>B</u>
<u>1-testosterone (17β-hydroxy-5α-androst-1-en-3-one)</u>		<u>3</u>	<u>A</u>

Drug	Trade Name	Class	Penalty Class
<u>19-Norandrostenediol</u>		<u>3</u>	<u>B</u>
<u>19-Norandrostenedione</u>		<u>3</u>	<u>B</u>
<u>19-Noretiocholanolone</u>		<u>3</u>	<u>B</u>
2-Aminoheptane	Tuamine	4	B
3,4-methylenedioxypropylvalerone	MDPV, "bath salts"	1	A
3-Methoxytyramine	3-MT	2	A
<u>4-androstene-3, 6, 17-trione (6-oxo)</u>		<u>3</u>	<u>B</u>
<u>4-androstenediol (androst-4-ene-3β, 17β-diol)</u>		<u>3</u>	<u>B</u>
<u>4-Hydroxytestosterone</u>		<u>3</u>	<u>B</u>
<u>5-androstenedione (androst-5-ene-3, 17-dione)</u>		<u>3</u>	<u>B</u>
<u>5α-androstane-3α, 17α-diol</u>		<u>3</u>	<u>B</u>
<u>5α-androstane-3α, 17β-diol</u>		<u>3</u>	<u>B</u>
<u>5α-androstane-3β, 17α-diol</u>		<u>3</u>	<u>B</u>
<u>5α-androstane-3β, 17β-diol</u>		<u>3</u>	<u>B</u>
<u>5β-androstane-3α-17β-diol, androst-4-ene-3α, 17α-diol</u>		<u>3</u>	<u>B</u>
<u>7-keto-dhea; 19-</u>		<u>3</u>	<u>B</u>
<u>7α-hydroxy-dhea</u>		<u>3</u>	<u>B</u>
<u>7β-hydroxy-dhea</u>		<u>3</u>	<u>B</u>
<u>a-Cobratoxin</u>		<u>1</u>	<u>A</u>
Acebutolol	Sectral	3	((A) <u>B</u>)
Acecarbromal		2	A
Acenocoumarol		5	((B) <u>C</u>)
((*)Acepromazine	Atrovet, Notensil, PromAce [©]	3	B
Acetaminophen ((Phenacetin) <u>Paracetamol</u>)	Tylenol, Tempra, etc.	4	C
Acetanilid		4	B
Acetazolamide	Diamox, Vetamos	4	C
Acetophenazine	Tindal	2	A
Acetophenetidin (Phenacetin)		4	B
<u>Acetylcysteine</u>		<u>4</u>	<u>C</u>
Acetylsalicylic acid (Aspirin)		4	C
((Acetomethasone)	<u>Aelovate</u>	4	(E)
<u>Activators of the AMP-activated protein kinase (AMPK) - E.g., AICAR and Peroxisome Proliferator Activated Receptor δ (pparδ) agonist (e.g., GW 1516)</u>	<u>AICAR</u>	<u>2</u>	<u>A</u>
Adinazolam		2	A
Adrenochrome ((monoremicarbazone) <u>mono-semicarbazone salicylate</u>)		4	B
((*)Albuterol (Salbutamol)	Proventil Ventolin	3	B
Alclofenac		2	B
<u>Alclometasone</u>	<u>Aclovate</u>	<u>4</u>	<u>C</u>
Alcuronium	Alloferin	2	A
Aldosterone	Aldocortin, Electro cortin	4	B

Drug	Trade Name	Class	Penalty Class
Alfentanil	Alfenta	1	A
Almotriptan	Axert	3	A
Alphaprodine	Nisentil	2	A
Alpidem	Anaxyl	2	A
Alprazolam	Xanax	2	A
Alprenolol		2	A
Althesin	Saffan	2	A
<u>Altrenogest</u>	<u>Regumate</u>	4	<u>C/Gelding, Colts, Intact Males only</u>
Ambenonium	Mytelase, Myeuran	3	B
Ambroxol	Ambril, etc.	4	B
Amcinonide	Cyclocort	4	C
Amiloride	Moduretic; Midamor	4	B
Aminocaproic acid	Amicar, Caprocid	4	C
(Aminodarone		4	B))
<u>Aminoglutethimide</u>		<u>3</u>	<u>B</u>
Aminophylline	Aminophyllin, etc.	3	B
Aminopyrine		4	B
Aminorex	Aminoxafen, Aminoxaphen, Apiquel, McN-742, Menocil	1	A
<u>Amiodarone</u>		<u>4</u>	<u>B</u>
Amisometradine	Rolictron	4	B
Amisulpride	Solian	2	A
Amitraz	Mitaban	3	B
Amitriptyline	Elavil, Amitril, Endep	2	A
(Amlodipine)) <u>Amlodipine</u>	Norvasc, Ammivin	3	B
Amobarbital	Amytal	2	A
Amoxapine	Asendin	2	A
Amperozide		2	A
Amphetamine		1	A
Amrinone		4	B
Amyl nitrite		2	A
<u>Anastrozole</u>		<u>3</u>	<u>B</u>
<u>Androst-4-ene-3α, 17β-diol</u>		<u>3</u>	<u>B</u>
<u>Androst-4-ene-3β, 17α-diol</u>		<u>3</u>	<u>B</u>
<u>Androst-5-ene-3α, 17α-diol</u>		<u>3</u>	<u>B</u>
<u>Androst-5-ene-3α, 17β-diol</u>		<u>3</u>	<u>B</u>
<u>Androst-5-ene-3β, 17α-diol</u>		<u>3</u>	<u>B</u>
<u>Androsta-1, 4, 6-triene-3, 17-dione (androsta-trienedione)</u>		<u>3</u>	<u>B</u>
<u>Androstenediol (androst-5-ene-3β, 17β-diol)</u>		<u>3</u>	<u>B</u>
<u>Androstenedione (androst-4-ene-3, 17-dione)</u>		<u>3</u>	<u>B</u>
<u>Androsterone (3β-hydroxy-5α-androstan-17-one)</u>		<u>3</u>	<u>B</u>

Drug	Trade Name	Class	Penalty Class
Anileridine	Leritine	1	A
Anilopam	Anisine	2	A
Anisindione		5	D
Anisotropine	Valpin	4	B
Antipyrine		4	B
Apazone (Azapropazone)	Rheumox	4	B
Apomorphine		1	A
Aprindine		4	B
Aprobarbital	Alurate	2	A
<u>ARA-290</u>		<u>1</u>	<u>A</u>
Arecoline		3	A
Arformoterol		3	B
Articaine	Septocaine; Ultracaine, etc.	2	(A) B
<u>Asialo EPO</u>		<u>1</u>	<u>A</u>
Atenolol	Tenormin	3	B
Atipamazole		2	B
Atomoxetine	Strattera	2	A
Atracurium	Tracrium	2	A
Atropine		3	B
Azacylonol	Frenque	2	A
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)	2	A
Baclofen	Lioresal	4	B
Barbital	Veronal	2	A
Barbiturates		2	A
Beclomethasone	Propaderm	4	C
Bemegrade	Megimide, Mikedimide	2	A
Benazepril	Lotrel, Lotensin	3	(B) <u>A</u>
Bendroflumethiazide	Naturetin	4	B
Benoxaprofen		2	B
Benoxinate	(Dorsacaine) <u>Dorsacaine</u>	4	C
Benperidol	Anquil	2	A
Bentazepam	Tiadipona	2	A
Benzactizine	Deprol, Bronchodiletten	2	A
Benzocaine		4	B
Benzoctamine		2	A
Benzodiazepines		2	A
Benzonatate	Tessalon, Tessalon Perles, Zonatuss	2	A
Benzphetamine	Didrex	2	A
Benzthiazide		4	B
Benztropine	Cogentin	2	A
Benzylpiperazine (BZP)		1	A

Drug	Trade Name	Class	Penalty Class
Bepiridil	Bepadin	4	B
((*)Betamethasone	Betasone, etc.	4	C
Betaxolol	Kerlone	3	B
Bethanechol	Uriecholone, ((Duvoid)) <u>Duvoid</u>	4	C
Bethanidine	Esbatal	3	A
Biperiden	Akineton	3	A
Biriperone		2	A
Bisoprolol	Zebeta, Bisobloc, etc.	3	B
<u>Bisphosphonates</u>		<u>3</u>	<u>A</u>
Bitolterol	Effectin	3	A
<u>Bolandiol (estr-4-ene-3β, 17β-diol)</u>		<u>3</u>	<u>A</u>
Bolasterone		3	A
((*)Boldenone	Equipose	3	B
Boldione		3	A
<u>Botulinum toxin</u>		<u>2</u>	<u>A</u>
Bretylium	Bretylol	3	B
Brimonidine	Alphagan	2	A
Bromazepam	Lexotan, Lectopam	2	A
Bromfenac	Duract	3	A
Bromhexine	Oletor, etc.	4	B
Bromisovalum	Diffucord, etc.	2	A
Bromocriptine	Parlodol	2	A
Bromodiphenhydramine		3	B
Bromperidol	Bromidol	2	A
Brompheniramine	Diemtane, Disomer	3	B
Brotizolam	Brotocol	2	A
Budesonide	Pulmacort, Rhinocort	4	C
Bufexamac		3	A
Bumetanide	Bumex	3	B
((*)Bupivacaine	Marcaine	2	A
Buprenorphine	Temgesic	2	A
Bupropion	Wellbutrin	2	A
Buspiron	Buspar	2	A
Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.	2	A
Butacaine	Butyn	2	A
Butalbital (Talbutal)	Fiorinal	2	A
Butamben (butyl aminobenzoate)	Butesin	4	C
Butanilcaine	Hostacain	2	A
Butaperazine	Repoise	2	A
Butoctamide	Listomin	2	A
((*)Butorphanol	Stadol, Torbugesic	3	B
Butoxycaine	Stadacain	4	B
N-Butylscopolamine		4	C

Drug	Trade Name	Class	Penalty Class
((*)Caffeine		2	B
Calusterone	<u>Methosorb</u>	3	A
Camazepam	Paxor	2	A
Camphor		4	C
Candesartan	Atacand	3	B
<u>Cannabidiol (CBD) (if THC content more than 0.3% penalty 1A)</u>	<u>Anti-epileptic, analgesic</u>	<u>3</u>	<u>B</u>
<u>Canrenone</u>		<u>4</u>	<u>C</u>
<u>Capsaicin</u>		<u>2</u>	<u>B</u>
Captodiamine	Covatine	2	A
Captopril	Capolen	3	B
Carazolol	Carbacel, Conducton	3	A
Carbachol	Lentin, Doryl	3	B
Carbamezapine	Tegretol	3	B
<u>Carbamylated EPO</u>		<u>1</u>	<u>A</u>
Carbazochrome		4	B
Carbidopa + levodopa	Sinemet	2	A
Carbinoxamine	Clistin	3	B
Carbromol	Mifudorm	2	A
<u>Cardarine (GW-501516)</u>		<u>2</u>	<u>A</u>
Carfentanil		1	A
Carisoprodol	Soma, Rela	2	B
Carphenazine	Proketazine	2	A
Carpipramine	Prazinil	2	A
Carprofen	Rimadyl	4	B
Carteolol	Cartrol	3	B
Carticaine (see Articaine)	Septocaine; Ultracaine, etc.	2	((A) <u>B</u>)
Carvedilol	Coreg	3	B
Cathinone	khat, kat, qat, quat, chat, ((atha) <u>catha</u> , Abyssinian tea, African tea	1	A
Celecoxib	Celebrex	3	B
Cetirizine	Zyrtec	4	C
Chloral betaine	Beta-Chlor	2	A
Chloral hydrate	Nactec, Oridrate, etc.	2	A
((Chloraldehyde) <u>Chloraldehyde</u> (chloral))		2	A
Chloralose (Alpha-Chloralose)		2	A
Chlordiazepoxide	Librium	2	A
Chlorhexidol		2	A
Chlormerodrin	Neohydrin	4	B
Chlormezanone	Trancopal	2	A
Chloroform		2	A
Chlorophenesin	Maolate	4	C
Chloroprocaine	Nesacaine	2	A

Drug	Trade Name	Class	Penalty Class
Chloroquine	Avloclor	4	C
Chlorothiazide	Diuril	4	B
<u>Chlorpheniramine</u>	<u>Chlortrimeton, etc.</u>	<u>4</u>	<u>B</u>
Chlorproethazine	Newiplege	2	A
((Chlorpheniramine	Chlortrimeton, etc.	4	B))
Chlorpromazine	Thorazine, Largactil	1	A
Chlorprothixene	Taractan	2	A
Chlorthalidone	Hydroton	4	B
Chlorzoxazone	Paraflex	4	B
<u>Chorionic Gonadotropin (GC)</u>		<u>3</u>	<u>B</u>
Ciclesonide		4	C
Cilostazol	Pletal	4	B
Cimeterol		3	A
(*)Cimetidine	Tagamet	5	D
Cinchocaine	Nupercaine	2	((A)) B
Citalopram	Celex	2	A
Clanobutin		4	B
Clemastine	Tavist	3	B
(*)Clenbuterol	Ventipulmin	3	B
Clibucaine	Batrax	2	A
Clidinium	Quarezan, Clindex, etc.	3	B
Clobazam	Urbanyl	2	A
Clobetasol	Temovate	4	C
Clocapramine		2	A
Clocortolone	Cloderm	4	C
Clofenamide		4	B
Clomethiazole (Chlormethiazole)		2	A
<u>Clomiphene</u>		<u>3</u>	<u>B</u>
Clomipramine	Anafranil	2	A
Clonazepam	Klonopin	2	A
Clonidine	Catapres	3	B
Clorazepate	Tranxene	2	A
Clormecaine	Placacid	2	A
Clostebol		3	A
Clothiapine	Entermin	2	A
Clotiazepam	Trecalmo, Rize	2	A
Cloxazolam	Enadel, Sepazon, Tolestan	2	A
Clozapine	Clozaril, Leponex	2	A
<u>CNTO 530</u>		<u>1</u>	<u>A</u>
Cobalt		3	B
((a-Cobratoxin		4	A))
Cocaine		1	((B²)) A
Codeine		1	A

Drug	Trade Name	Class	Penalty Class
Colchicine		4	B
Conorphone		2	A
Corticaïne	Ultracain	2	A
<u>Corticotrophind</u>		<u>3</u>	<u>B</u>
Cortisone	Cortone, etc.	4	C
Cromolyn	Intel	5	D
Crotetamide		2	A
Cyamemazine	Tercian	2	A
Cyclandelate	Cyclospasmol	3	A
Cyclizine	Merazine	3	B
Cyclobarbital	Phanodorm	2	A
Cyclobenzaprine	Flexeril	4	B
<u>Cyclofenil</u>		<u>3</u>	<u>B</u>
Cyclomethylcaine	Surfacaine	4	C
Cyclothiazide	((Anhydron)) <u>Anhydron</u> , Renazide	4	B
Cycrimine	Pagitane	3	B
Cyproheptadine	((Pericactin)) <u>Periactin</u>	3	B
Danazol	Danocrine	3	B
((*)Dantrolene	Dantrium	4	C
Darbepoetin	Aranesp	1	A
<u>Darbepoetin (depo)</u>		<u>1</u>	<u>A</u>
Decamethonium	Syncurine	2	A
Dehydrochloromethyltestosterone		3	A
Dembroxol (Dembrexine)	Sputolysin	4	C
Demoxepam		2	A
Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin	4	C
Deracoxib	Deremaxx	3	B
Dermorphin		1	A
Desipramine	Norpromine, Pertofrane	2	A
((Desonite)) <u>Desonide</u>	Des Owen	4	C
Desoximetasone	Topicort	4	C
Desoxymethyltestosterone		3	A
((*)Detomidine	Dormosedan	3	B
((*)Dexamethasone	Axium, etc.	4	C
Dextromethorphan		4	B
Dextromoramide	Palfium, Narcolo	1	A
Dextropropoxyphene	Darvon	3	B
Dezocine	Dalغان®	2	A
Diamorphine		1	A
Diazepam	Valium	3	B
Diazoxide	Proglycem	3	B

Drug	Trade Name	Class	Penalty Class
Dibucaine	Nupercainal, Cinchocaine	2	B
Dichloralphenazone	Febenol, Isocom	2	A
((Dichlorophenamide)) <u>Dichlorphenamide</u>	Daramide	4	C
((*)) Diclofenac	Voltaren, Voltarol	4	C
Dicumarol	Dicumarol	5	D
Diethylpropion	Tepanil, etc.	2	A
Diethylthiambutene	Themalon	2	A
Diflorasone	Florone, Maxiflor	4	C
Diflucortolone	Flu-Cortinest, etc.	4	C
Diflunisal		3	B
Digitoxin	Crystodigin	4	B
Digoxin	Lanoxin	4	B
Dihydrocodeine	Parcodin	2	A
Dihydroergotamine		4	B
<u>Dihydrotestosterone (17β-hydroxy-5α-andros- tan-3-one)</u>		<u>3</u>	<u>B</u>
Dilorazepam	Briantum	2	A
Diltiazem	Cardizem	4	B
Dimeflin		3	A
Dimethisoquin	Quotane	4	B
((*)) Dimethylsulfoxide (DMSO)	Domoso	4	C
Diphenadione		5	((B)) <u>C</u>
Diphenhydramine	Benadryl	3	B
Diphenoxylate	Difenoxin, Lomotil	4	B
Diprenorphine	M50/50	2	A
Dipyridamole	Persantine	3	B
Dipyrene	Novin, Methampyrone	4	((E)) <u>B</u>
Disopyramide	Norpace	4	B
Divalproex	Depakote	3	A
Dixyrazine	Esucos	2	A
Dobutamine	Dobutrex	3	B
((Dopamine)) <u>Donepezil</u>	((Intropin)) <u>Aricept</u>	((2)) <u>1</u>	A
((Donepezil)) <u>Dopamine</u>	((Aricept)) <u>Intropin</u>	((1)) <u>2</u>	A
Doxacurium	Nuromax	2	A
Doxapram	Dopram	2	A
Doxazosin		3	A
Doxefazepam	Doxans	2	A
Doxepin	Adapin, Sinequan	2	A
Doxylamine	Decapryn	3	B
Dromostanolone	Drolban	3	B
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)	2	A

Drug	Trade Name	Class	Penalty Class
<u>Drostanolone</u>		<u>3</u>	<u>A</u>
Duloxetine		2	A
Dyclonine	Dyclone	4	C
Dyphylline		3	B
Edrophonium	Tensilon	3	B
((Elenac		<u>4</u>	<u>B))</u>
Eletripan	Relpax	3	A
Eltenac		4	B
Enalapril (metabolite enalaprilat)	Vasotec	3	A
Enciprazine		2	A
Endorphins		1	A
Enkephalins		1	A
Ephedrine		2	A
<u>Epi-dihydrotestosterone</u>		<u>3</u>	<u>B</u>
Epibatidine		2	A
Epinephrine		2	A
<u>Epitestosterone</u>		<u>3</u>	<u>B</u>
EPO-Fc		<u>1</u>	<u>A</u>
<u>EPO-mimetic peptides (EMP)</u>		<u>1</u>	<u>A</u>
Ergoloid mesylates (dihydroergocornine mesylate, dihydroergocristine mesylate, and ((dihydroergocryptine)) <u>dihydroergocryptine mesylate</u>)		2	A
Ergonovine	Ergotrate	4	C
Ergotamine	Gynergen, ((Cafegot)) <u>Cafegot</u> , etc.	4	B
Erthryl tetranitrate	Cardilate	3	A
Erythropoietin (EPO)	Epogen, Procrit, etc.	1	A
Esmolol	Brevibloc	3	B
Esomeprazole	Nexium	5	D
Estazolam	Domnamid, Eurodin, Nuctalon	2	A
<u>Eszopiclone</u>		<u>2</u>	<u>A</u>
<u>Etacrynic acid</u>		<u>3</u>	<u>C</u>
Etamiphylline		3	B
Etanercept	Enbrel	4	B
Ethacrynic Acid	Edecrin	3	B
Ethamivan		2	A
<u>Ethamsylate</u>		<u>4</u>	<u>C</u>
Ethanol		2	A
Ethchlorvynol	Placidyl	2	A
Ethinamate	Valmid	2	A
Ethoheptazine	Zactane	2	A
Ethopropazine	Parsidol	2	A
Ethosuximide	Zarontin	3	A

Drug	Trade Name	Class	Penalty Class
Ethotoin	Peganone	4	B
Ethoxzolamide	((Cardase, Ehtamide)) <u>Cardrase, Ethamide</u>	4	C
Ethylaminobenzoate (Benzocaine)	Semets, etc.	4	C
Ethylestrenol	Maxibolin, Organon	3	B
Ethylisobutrazine	Diquel	2	A
Ethylmorphine	Dionin	1	A
Ethylnorepinephrine	Bronkephrine	3	A
Ethylphenidate		1	A
Etidocaine	Duranest	2	A
Etifoxin	Stresam	2	A
<u>Etiocholanolone</u>		<u>3</u>	<u>B</u>
Etizolam	Depas, Pasaden	2	A
Etodolac	Lodine	3	B
Etodroxizine	Indunox	2	A
Etomidate		2	A
Etorphine ((HCl)) <u>HCl</u>	M99	1	A
<u>Exemestane</u>	<u>Aromatase inhibitors</u>	<u>3</u>	<u>B</u>
Famotidine	Gaster, etc.	5	D
Felbamate	Felbatol	3	B
Felodipine	Plendil	4	B
((Fenabamate)) <u>Fenarbamate</u>	Tymium	2	A
Fenbufen	Cincopal	3	B
Fenclozic Acid	((Cincopal)) <u>Mylax</u>	2	B
Fenfluramine	Pondimin	2	A
Fenoldopam	Corlopan	3	B
Fenoprofen	Nalfon	3	B
Fenoterol	Berotec	3	B
Fenspiride	Respiride, Respan, etc.	3	B
Fentanyl	Sublimaze	1	A
Fentiazac		3	B
Fexofenadine	Allegra	4	C
<u>Fibroblast Growth Factors, (FGFs), Hepatocyte Growth Factors, (HGF), Insulin-like Growth Factor-1 (IGF) and its analogues, Mechano Growth Factors, (mgfs), Platelet-Derived Growth Factor, (PDGF), Vascular-Endothelial Growth Factor, (VEGF), and any other growth factor affecting muscle, tendon or ligament protein synthesis/degradation, vascularization, energy utilization, regenerative capacity or fiber type switching</u>		<u>3</u>	<u>A</u>
((*))Firocoxib		4	C
Flecainide	Idalon	4	B
Floctafenine	Idalon, Idarac	4	B

Drug	Trade Name	Class	Penalty Class
Fluanisone	Sedalande	2	A
((Fluocinolone	Synalar, etc.	4	(C)
Fludiazepam	Erispam	2	A
Fludrocortisone	Alforone, etc.	4	C
Flufenamic Acid		3	B
Flumethasone	Flucort, etc.	4	C
Flumethiazide	Ademol	4	B
Flunarizine	Sibelium	4	B
Flunisolide	Bronilide, etc.	4	C
Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm	2	A
((*) Flunixin	Banamine	4	C*
Fluocinolone	Synalar	4	C
Flucinonide	Licon, Lidex	4	C
Fluopromazine	Psyquil, Siquil	2	A
Fluoresone	Caducid	2	A
Fluorometholone	FML	4	C
Fluoroprednisolone	((Predef-2X))	4	B
Fluoxetine	Prozac	2	A
Fluoxymesterone	Halotestin	3	B
Flupenthixol	Depixol, Fluaxol	2	A
((*) Fluphenazine	Prolixin, Permitil, Anatensol, etc.	2	((A) B)
Flupirtine	Katadolone	3	A
Fluprednisolone	Alphadrol	4	C
Flurandrenolide	Cordran	4	C
Flurazepam	Dalmane	2	A
Flurbiprofen	Froben	3	B
Fluspirilene	Imap, Redeptin	2	A
Fluticasone	Flixonase, Flutide	4	C
Flutoprazepam	Restas	2	A
Fluvoxamine	Dumirox, Faverin, etc.	2	A
Formebolone		3	((B) A)
<u>Formestane</u>	<u>Aromatase inhibitors</u>	<u>3</u>	<u>B</u>
((Formoterol)) <u>Formoterol</u>	Altram	3	((A) B)
Fosinopril	Monopril	3	A
Fosphenytoin	Cerebyx	3	B
<u>Fulvestrant</u>		<u>3</u>	<u>B</u>
Furazabol		3	A
((*) Furosemide	Lasix	N/A	
Gabapentin	Neurontin	3	B
Galantamine	Reminyl	2	A
Gallamine	Flaxedil	2	A

Drug	Trade Name	Class	Penalty Class
Gamma Aminobutyric Acid (GABA)	Carolina Gold	3	B
Gepirone		2	A
Gestrinone		3	A
<u>GH-Releasing Peptides (ghrps), e.g., alexamorelin, GHRP-6, hexarelin and pralmorelin (GHRP-2)</u>		<u>3</u>	<u>A</u>
Glutethimide	Doriden	2	A
((*)Glycopyrrolate	Robinul	4	C
<u>Growth Hormone Releasing Hormone (GHRH) and its analogues, e.g., CJC-1295, sermorelin and tesamorelin</u>		<u>3</u>	<u>A</u>
<u>Growth Hormone Secretagogues (GHS), e.g., ghrelin and ghrelin mimetics, e.g., anamorelin and ipamorelin</u>		<u>3</u>	<u>A</u>
Guaifenesin (glycerol guaiacolate)	Gecolate	4	C
<u>Guanabenz</u>	<u>Wytensin</u>	<u>3</u>	<u>B</u>
Guanadrel	Hylorel	3	A
Guanethidine	Ismelin	3	A
((Guanabenz	Wytensin	3	B))
Halazepam	Paxipam	2	A
Halcinonide	Halog	4	C
Halobetasol	Ultravate	4	C
Haloperidol	Haldol	2	A
Haloxazolam	Somelin	2	A
Hemoglobin glutamers	Oxyglobin, Hemopure	2	A
Heptaminol	Corofundol	3	B
Heroin		1	A
Hexafluorenium	Myalexen	2	A
Hexobarbital	Evipal	2	A
Hexocyclium	Tral	4	B
Hexylcaine	Cyclaine	2	B
<u>HIF activators (e.g., Argon, xenon)</u>		<u>3</u>	<u>A</u>
Homatropine	Homapin	3	B
Homophenazine	Pelvichthol	2	A
Hydralazine	Apresoline	3	B
Hydrochlorthiazide	Hydrodiuril	4	B
Hydrocodone ((dihydrocodeinone)) dihydrocodienone)	Hycodan	1	A
((*)Hydrocortisone (Cortisol)	Cortef, etc.	4	C
Hydroflumethiazide	Saluron	4	B
Hydromorphone	Dilaudid	1	A
((4-Hydroxtestosterone		3	B))
Hydroxyamphetamine	Paradrine	1	A
((*)Hydroxyzine	Atarax	2	B

Drug	Trade Name	Class	Penalty Class
Ibomal	Noctal	2	A
Ibuprofen	Motrin, Advil, Nuprin, etc.	4	C
Ibutilide	Corvert	3	B
Iloprost	Ventavis	3	A
Imipramine	Imavate, Presamine, Tofranil	2	A
<u>Indapamide</u>	<u>Diuretic</u>	<u>3</u>	<u>C</u>
Indomethacin	Indocin	3	B
Infliximab	Remicade	4	B
<u>Insulins</u>		<u>3</u>	<u>B</u>
Ipratropium		3	B
Irbesaten	Avapro	3	A
Isapirone		2	A
Isocarboxazid	Marplan	2	A
Isoetharine	Bronkosol	3	B
((*)Isopflupredone	Predef <u>2x</u>	4	C
Isomethadone		2	A
Isometheptene	Octin, Octon	4	B
Isopropamide	Darbid	4	B
Isoproterenol	Isoprel	2	A
Isosorbide dinitrate	Isordil	3	B
Isoxicam	Maxicam	2	B
Isoxsuprine	Vasodilan	4	((€)) <u>D</u>
Isradipine	DynaCirc	4	B
Kebuzone		3	B
Ketamine	Ketalar, Ketaset, Vetalar	2	B
Ketazolam	Anxon, Laftram, Solatran, Loftran	2	A
((*)Ketoprofen	Orudis	4	C
Ketorolac	Toradol	3	A
Labetalol	Normodyne	3	B
Lamotrigine	Lamictal	3	A
Lansoprazole		5	D
Lenperone	Elanone-V	2	A
Letosteine	Viscotiol, Visiotal	4	B
<u>Letrozole</u>		<u>3</u>	<u>A</u>
Levamisole		2	B
Levobunolol	Betagan	3	B
Levomethorphan		2	A
Levorphanol	Levo-Dremoran	1	A
((*)Lidocaine	Xylocaine	2	B
Lisinopril	Prinivil, Zestril	3	A
Lithium	Lithizine, Duralith, etc.	2	A
Lobeline		2	A

Drug	Trade Name	Class	Penalty Class
Lofentanil		1	A
Loflazepate, Ethyl	Victan	((3)) 2	((B)) A
Loperamide	Imodium	((2)) 3	((A)) B
Loprazolam	Dormonort, Havlane	2	A
Loratidine	Claritin	4	C
Lorazepam	Ativan	2	A
Lormetazepam	Noctamid	2	A
Losartan	Hyzaar	3	B
Loxapine	Laxitane	2	A
<u>Luteinizing Hormone (LH)</u>		3	B
Mabuterol		3	A
Maprotiline	Ludiomil	2	A
Mazindol	Sanorex	1	A
Mebutamate	Axiten, Dormate, Capla	2	A
Mecamylamine	Inversine	3	B
Meclizine	Antivert, Bonine	3	B
Meclofenamic Acid	Arquel	4	C
Meclofenoxate	Lucidril, etc.	2	A
Medazepam	Nobrium, etc.	2	A
Medetomidine	Domitor	3	B
Medrysone	Medriusar, etc.	4	C
Mefenamic Acid	Ponstel	3	B
Meldonium	<u>Mildronate, et al.</u>	1	A
Meloxicam	Mobic	4	B
Melperone	Eunerpan	2	A
Memantine	Namenda	2	A
((Mepenzolate		3	B))
Meparfynol	Oblivon	2	A
Mepazine	Pacatal	2	A
Mepenzolate	Cantil	3	((A)) B
Meperidine	Demerol	1	A
Mephesisin	Tolserol	4	B
Mephenoxalone	Control, etc.	2	A
Mephentermine	Wyamine	1	A
Mephenytoin	Mesantoin	2	A
Mephobarbital (Methylphenobarbital)	Mebaral	2	A
((*) Mepivacaine	Carbocaine	2	B
Meprobamate	Equanil, Miltown	2	A
Meralluride	Mercurhydrin	4	B
Merbaphen	Novasural	4	B
Mercaptomerin	Thiomerin	4	B

Drug	Trade Name	Class	Penalty Class
((Mercumatin)) <u>Mercumatin</u>	Cumertilin	4	B
Mersalyl	Salyrgan	4	B
Mesalamine	Asacol	5	C
Mesoridazine	Serentil	2	A
Mestanolone		3	A
Mesterolone		3	A
Metaclazepam	Talis	2	A
<u>Metandienone</u>		<u>3</u>	<u>A</u>
Metaproterenol	Alupent, Metaprel	3	B
Metaraminol	Aramine	1	A
Metaxalone	Skelaxin	4	B
Metazocine		2	A
Metenolone		3	((B)) <u>A</u>
<u>Metformin</u>		<u>2</u>	<u>B</u>
((Methacholine)) <u>Methacholine</u>		3	A
Methadone	Dolophine	1	A
Methamphetamine	Desoxyn	1	A
((Methandienone		3	A))
Methandriol (<u>Methylandrostenediol</u>)	Proboldic	3	A
Methandrostenolone	Dianabol	3	A
Methantheline	Banthine	3	B
Methapyrilene	Histadyl, etc.	3	B
Methaqualone	Quaalude	1	A
Metharbital	Gemonil	2	A
Methasterone		3	A
Methazolamide	Naptazane	4	C
Methcathinone		1	A
Methdilazine	Tacaryl	3	B
Methenolone	<u>Primobolan</u>	3	A
Methixene	Trest	3	A
((*) Methocarbamol	Robaxin	4	C
Methohexital	Brevital	2	A
Methotrexate	Folex, Nexate, etc.	4	B
Methotrimeprazine	Levoprome, Neurocil, etc.	2	A
Methoxamine	Vasoxyl	3	A
Methoxyphenamine	Orthoxide	3	A
<u>Methoxypolyethylene glycolepoetin beta (CERA)</u>		<u>1</u>	<u>A</u>
Methscopolamine	Pamine	4	B
Methsuximide	Celontin	((3)) <u>4</u>	((A)) <u>B</u>
<u>Methylclothiazide</u>	<u>Enduron</u>	<u>4</u>	<u>B</u>
<u>Methyl-1-testosterone</u>		<u>3</u>	<u>A</u>

Drug	Trade Name	Class	Penalty Class
Methylatropine		3	B
((Methylorthiazide	Enduron	4	B))
Methyldienolone		3	A
Methyldopa	Aldomet	3	A
<u>Methylergonovine</u>	<u>Methergine</u>	<u>4</u>	<u>C</u>
Methylhexaneamine (<u>Methylhexanamine</u>)	Geranamine	1	A
((Methylergonovine	<u>Methergine</u>	4	E))
Methylnortestosterone (<u>Trestolone</u>)		3	A
Methylphenidate	Ritalin	1	A
((*)Methylprednisolone	Medrol	4	C
((Methylsuxamide		4	B))
Methyltestosterone	Metandren	3	((A) B
((Methyl-1-testosterone		3	A))
Methypylon	Noludar	2	A
Methysergide	Sansert	4	B
Metiamide		4	B
Metoclopramide	Reglan	4	C
Metocurine	Metubine	2	A
Metolazone		3	B
Metomidate	Hypnodil	2	A
Metopon (methyldihydromorphinone)		1	A
Metoprolol	Lopressor	3	B
<u>Metribolone</u>		<u>3</u>	<u>A</u>
Mexazolam	Melex	2	A
((Mexilitine)) <u>Mexiletine</u>	((Mexilitil)) <u>Mexitil</u>	4	B
Mibefradil	Posicor	3	B
Mibolerone		3	B
Midazolam	Versad	3	B
Midodrine	Pro-Amiline	3	B
Milrinone		4	B
Minoxidil	Loniten	3	B
((Mirtazapine)) <u>Mirtazepine</u>	Remeron	2	A
((Misoprostol)) <u>Misoprostol</u>	Cytotec	5	D
<u>Mitragynine</u>	<u>Kratom</u>	<u>1</u>	<u>A</u>
Mivacurium	Mivacron	2	A
Modafinil	Provigil	2	A
Moexipril (metabolite moexiprilat)	Uniretic	3	B
Molindone	Moban	2	A
Mometasone	Elocon	4	C
Montelukast	Singulair	4	C
Moperone	Luvatren	2	A
Morphine		1	A
Mosaprimine		2	A

Drug	Trade Name	Class	Penalty Class
Muscarine		3	A
Myo-Inositol ((Trispyrophosphate)) <u>trisyprophosphate (ITPP)</u>		1	A
<u>N-butylscopolamine</u>		<u>4</u>	<u>C</u>
Nabumetone	Anthraxan, Relafen, Reqlifex	3	A
Nadolol	Corgard	3	B
Naepaine	Amylsine	2	A
Nalbuphine	Nubain	2	A
Nalorphine	Nalline, Lethidrone	2	A
Naloxone	Narcan	3	B
Naltrexone	Revia	3	B
((*)Nandrolone	Nandrolin, Laurabolin, Durabolin	3	B
Naphazoline	Privine	4	B
Naproxen	Equiproxen, Naprosyn	4	C
Naratriptan	Amerge	3	B
Nebivolol		3	A
Nedocromil	Tilade	5	D
Nefazodone	Serzone	2	A
Nefopam		3	A
Neostigmine	Prostigmine	3	B
Nicardipine	Cardine	4	B
Nifedipine	Procardia	4	B
Niflumic Acid	Nifluril	3	B
Nikethamide	Coramine	1	A
Nimesulide		3	B
Nimetazepam	Erimin	2	A
Nimodipine	Nemotop	4	B
Nitrazepam	Mogadon	2	A
Nitroglycerin		2	B
Nizatidine	Axid	5	((E)) <u>D</u>
((19-Norandrostenediol		3	B
19-Norandrostenedione		3	B))
<u>Norandrosterone</u>		<u>3</u>	<u>B</u>
Norbolethone/ <u>Norboletone</u>		3	A
Norclostebol		3	((B)) <u>A</u>
((Norelostebol		3	A))
Nordiazepam	Calmday, ((Nordaz) <u>Nordaz</u> , etc.	2	A
Norepinephrine		2	A
Norethandrolone		3	A
Nortestosterone		3	B
Nortiptiline	Aventyl, Pamelor	2	A
Nylidrine	Arlidin	3	A

Drug	Trade Name	Class	Penalty Class
Olanzapine	Zyprexa	2	A
Olmesartan	Benicar	3	A
Olsalazine	Dipentum	5	C
((*)Omeprazole	Prilosec, Losec	5	D
Orphenadrine	Norlfex	4	B
Oxabolone		3	A
Oxandrolone	Anavar	3	B
Oxaprozin	Daypro, Deflam	4	B
Oxazepam	Serax	2	A
Oxazolam	Serenal	2	A
Oxcarbazepine	Trileptal	3	A
Oxilofrine (hydroxyephedrine)		2	A
Oxprenolol	Trasicor	3	A
Oxycodone	Percodan	1	A
Oxymesterone		3	((B)) <u>A</u>
Oxymetazoline	Afrin	4	B
Oxymetholone	Adroyd, Anadrol	3	B
Oxymorphone	Numorphan	1	A
Oxyperitine	Forit, Integrin	2	A
Oxyphenbutazone	Tandearil	4	C
Oxyphencyclimine	Daricon	4	B
Oxyphenonium	Antrenyl	4	B
Paliperidone		2	A
Pancuronium	Pavulon	2	A
Pantoprazole	Protonix	5	D
Papaverine	Pavagen, etc.	3	A
Paraldehyde	Paral	2	A
Paramethadione	Paradione	3	A
Paramethasone	Haldrone	4	C
Pargyline	Eutonyl	3	A
Paroxetine	Paxil, Seroxat	2	A
<u>Peginesatide</u>		<u>1</u>	<u>A</u>
Pemoline	Cylert	1	A
Penbutolol	Levatol	3	B
Penfluridol	Cyperon	2	A
((Pentacerythritol)) <u>Pentaerythritol</u> tetranitrate	Duotrate	3	A
Pentazocine	Talwin	3	B
Pentobarbital	Nembutal	2	A
Pentoxyfylline	Trental, Vazofirin	4	((C)) <u>D</u>
Pentylene tetrazol	Metrazol, Nioric	1	A
Perazine	Taxilan	2	A
<u>Perfluorocarbons</u>		<u>2</u>	<u>A</u>
<u>Perfluorodecahydronaphthalene</u>		<u>2</u>	<u>A</u>

Drug	Trade Name	Class	Penalty Class
((Perfluorodecalin)) <u>Perfluorodecalin</u>		2	A
((Perfluorodecahydronaphthalene		2	A)
Perfluorooctylbromide		2	A
Perfluorotripropylamine		2	A
((Perfluorocarbons		2	A)
Pergolide	Permax	3	B
((Periciazine)) <u>Periciazine</u>	Alodept, etc.	2	A
Perindopril	Biprel	3	A
Perlazine	Hypnodin	2	A
Perphenazine	Trilafon	2	A
Phenacemide	Phenurone	4	B
Phenaglycodol	Acalo, Alcamid, etc.	2	A
Phenazocine	Narphen	1	A
Phencyclidine (PCP)	Sernylan	1	A
Phendimetrazine	Bontril, etc.	1	A
Phenelzine	Nardelzine, Nardil	2	A
Phenindione	Hedulid	5	D
Phenmetrazine	Preludin	1	A
Phenobarbital	Luminal	2	A
Phenoxybenzamine	Dibenzylidene	3	B
Phenprocoumon	Liquamar	5	D
Phensuximide	Milontin	4	B
Phentermine	Iomamin	2	A
Phentolamine	Regitine	3	B
((*)Phenylbutazone	Butazolidin	4	C
Phenylephrine	Isophrin, Neo-Synephrine	3	B
Phenylpropanolamine	Propadrine	3	B
Phenytoin	Dilantin	4	B
Physostigmine	Eserine	3	A
Picrotoxin		1	A
Piminodine	Alvodine, Cimadon	2	A
<u>Pimobendan</u>		<u>2</u>	<u>B</u>
Pimozide	Orap	2	A
Pinazepam	Domar	2	A
Pindolol	Viskin	3	B
Pipamperone	Dipiperon	2	A
Pipecuronium	Arduan	2	A
Pipequaline		2	A
Piperacetazine	Psymod, Quide	2	A
Piperocaine	Metycaine	2	A
Pipotiazine	Lonseren, Piportil	2	A
Pipradrol	Datril, Gerondyl, etc.	2	A
Piquindone		2	A

Drug	Trade Name	Class	Penalty Class
Pirbuterol	Maxair	3	B
Pirenzapine	Gastrozepin	5	(B) C
Piretanide	Arelix, Tauliz	3	B
Piritramide		1	A
Piroxicam	Feldene	4	B
<u>Plasma expanders (e.g., Bycerol; intravenous administration of albumin, dextran, hydroxyethyl starch and mannitol)</u>		<u>3</u>	<u>A</u>
Polyethylene glycol		5	D
Polythiazide	Renese	4	B
Pramoxine	Tronothaine	4	C
<u>Prasterone (dehydroepiandrosterone, DHEA, 3β-hydroxyandrost-5-en-17-one)</u>		<u>3</u>	<u>B</u>
Prazepam	Verstran, Centrax	2	A
Prazosin	Minipress	3	B
(*) Prednisolone	Delta-Cortef, etc.	4	C
Prednisone	Meticorten, etc.	4	C
Prilocaine	Citanest	2	(A) B
Primidone	Mysoline	3	B
Probenecid		4	C
Procainamide	Pronestyl	4	B
(*) Procaine		3	B
Procatamol	Pro Air	3	A
Prochlorperazine	Darbazine, Compazine	2	A
Procyclidine	Kemadrin	3	B
(*) Promazine	Sparine	3	B
Promethazine	Phenergan	3	B
Propafenone	Rythmol	4	B
Propanidid		2	A
Propantheline	Pro-Banthine	3	(A) B
Proparacaine	Ophthaine	4	C
Propentophylline	Karsivan	3	B
Propiomazine	Largon	2	A
Propionylpromazine	Tranvet	2	A
Propiram		2	A
Propofol	Diprivan, Disoprivan	2	A
Propoxycaine	Ravocaine	2	A
Propranolol	Inderal	3	B
Propylhexedrine	Benzedrex	4	B
Prostanazol		3	(B) A
(Prostanol)		3	(A)
Prothipendyl	Dominal	2	A
Protolyolol	Ventaire	3	A
Protriptyline	Concordin, Triptil	2	A

Drug	Trade Name	Class	Penalty Class
Proxibarbital	Axeen, Centralgol	2	A
Pseudoephedrine	Cenafed, Novafed	3	B
Pryidostigmine	Mestinon, Regonol	3	B
((*)Pyrilamine	Neoantergan, Equihist	3	B
Pyrithyldione	Hybersulfan, Sonodor	2	A
Quazipam	Doral	2	A
Quetiapine	Seroquel	2	A
<u>Quinapril, Quinaprilat</u>	<u>Accupril</u>	<u>3</u>	<u>A</u>
Quinbolone		3	A
((Quinapril, Quinaprilat	Accupril	3	A))
Quinidine	Quinidex, Quinicardine	4	B
Rabeprazole	Aciphex	5	D
Racemethorphan		2	A
Racemorphan		2	A
Raclopride		2	A
Ractopamine	((Raylean)) <u>Paylean</u>	2	A
<u>Raloxifene</u>		<u>3</u>	<u>B</u>
Ramipril, metabolite Ramiprilat	Altace	3	A
((*)Rantidine	Zantac	5	D
Remifentanil	Ultiva	1	A
Remoxipride	Roxiam	2	A
Reserpine	Serpasil	2	((A)) <u>B</u>
Rilmazafone		2	A
Risperidone		2	A
Ritanserin		2	A
Ritodrine	Yutopar	3	B
Rivastigmine	Exelon	2	A
Rizatriptan	Maxalt	3	B
Rocuronium	Zemuron	2	A
Rofecoxib	Vioxx	2	B
Romifidine	Sedivet	3	B
<u>Ropivacaine</u>	<u>Naropin</u>	<u>2</u>	<u>A</u>
<u>Roxadustat (FG-4592)</u>		<u>1</u>	<u>A</u>
((Ropivacaine	Naropin	2	A))
Salicylamide		4	C
((*)Salicylates		4	C
Salmeterol		3	B
Scopolamine (Hyoscine)	Triptone	4	C
Secobarbital (Quinalbarbitone)	Seconal	2	A
<u>Selective Androgen Receptor Modulators (SARMs)</u>	<u>Andarine, Ostarine, Ligandrol, Testolone, etc.</u>	<u>2</u>	<u>B - if FDA approved</u> <u>A - if not FDA approved</u>
Selegiline	Eldepryl, Jumex	2	A
Sertraline	Lustral, Zoloft	2	A

Drug	Trade Name	Class	Penalty Class
Sibutramine	Meridia	3	B
Sildenafil	Viagra	3	A
Snake Venoms		1	A
Somatrem	((Protropin)) <u>Protropin</u>	2	A
Somatropin	Nutropin	2	A
Sotalol	Betapace, Sotacor	3	B
Spiclomazine		2	A
Spiperone		2	A
Spirapril, metabolite Spiraprilat	Renomax	3	A
Spiroinalactone	Aldactone	4	B
Stanozolol	Winstrol-V	3	B
Stenbolone		3	A
Strychine		1	A
Succinylcholine	Sucostrin, Quelin, etc.	2	A
Sufentanil	Sufenta	1	A
Sulfasalazine	Axulfidine, Azaline	4	C
Sulfondiethylmethane		2	A
Sulfonmethane		2	A
Sulforidazine	Inofal	2	A
Sulindac	Clinoril	3	((A)) <u>B</u>
Sulpiride	Aiglonyl, Sulpitil	2	A
Sultopride	Barnetil	2	A
Sumatriptan	Imitrex	3	B
Synthetic cannabis	Spice, K2, Kronic	1	A
Tadalafil	Cialis	3	A
Talbutal	Lotusate	2	A
<u>Tamoxifen</u>		<u>3</u>	<u>B</u>
Tandospirone		2	A
TCO2		3	B
Telmisartin	Micardis	3	B
Temazepam	Restoril	2	A
Tenoxicam	Alganex, etc.	3	B
Tepoxalin		3	B
Terazosin	Hytrin	3	A
Terbutaline	Brethine, Bricanyl	3	B
Terfenadine	Seldan, Triludan	4	C
Testolactone	Teslac	3	B
((*)) Testosterone		3	B
((Tetrabenazine)) <u>Tetrabenazine</u>	Nitoman	2	A
Tetracaine	Pontocaine	2	A
Tetrahydrogestrinone		3	A
Tetrahydrozoline	Tyzine	4	B
Tetrazepam	Musaril, Myolastin	2	A

Drug	Trade Name	Class	Penalty Class
<u>THC (tetrahydrocannabinol)</u>		<u>1</u>	<u>A</u>
Thebaine		2	A
((*)Theobromine		4	B
Theophylline	Aqualphyllin, etc.	3	B
Thialbarbital	Kemithal	2	A
Thiamylal	Surital	2	A
Thiethylperazine	Torecan	2	A
Thiopental	Pentothal	2	A
Thiopropazate	Dartal	2	A
Thiorpoperazine	Mejeptil	2	A
Thioridazine	Mellaril	2	A
Thiosalicylate		4	B
Thiothixene	Navane	2	A
Thiphenamil	Trocinate	4	B
<u>Thyroxine and thyroid modulators/hormones including, but not limited to, those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof</u>	<u>Levothyroxine</u>	<u>3</u>	<u>C</u>
Tiapride	Italprid, Luxoben, etc.	2	A
Tiaprofenic Acid	Surgam	3	B
<u>Tibolone</u>		<u>3</u>	<u>A</u>
Tiletamine	Component of Telazol	2	A
Timiperone	Tolopelon	2	A
Timolol	Blocardrin	3	B
Tocainide	Tonocard	4	B
Tofisopam	Grandaxain, Seriel	2	A
Tolazoline	Priscoline	3	B
<u>Tolfenamic Acid</u>		<u>4</u>	<u>B</u>
Tolmetin	Tolectin	3	B
Topirimate	Topamax	2	A
<u>Toremifene</u>		<u>3</u>	<u>B</u>
Torsemide (Torasemide)	Demadex	3	A
Tramadol	Ultram	2	((A)) <u>B</u>
Trandolapril (and metabolite, Trandolaprilat)	Tarka	3	B
Tranexamic Acid		4	C
Tranlycypromine	((Parnate) <u>Parnate</u>)	2	A
((Frazonde) <u>Trazodone</u>)	Desyrel	2	A
Trenbolone	Finoplix	3	B
Tretoquinol	Inolin	2	A
((*)Triamcinolone	Vetalog, etc.	4	C
Triamterene	Dyrenium	4	B
Triazolam	Halcion	2	A
Tribromethanol		2	A
Tricaine methanesulfonate	Finquel	2	A

Drug	Trade Name	Class	Penalty Class
Trichlormethiazide	Naqua, Naquasone	4	C
Trichloroethanol		2	A
Trichloroethylene	Trilene, Trimar	2	A
Triclofos	Triclos	2	A
Tridihexethyl	Pathilon	4	B
Trifluomeprazine	Nortran	2	A
Trifluoperazine	Stelazine	2	A
Trifluperidol	Triperidol	2	A
Triflupromazine	Vetame, Vesprin	2	A
Trihexylphenidyl	Artane	3	A
Trimeprazine	Temaril	4	B
<u>Trimetazidine</u>		<u>3</u>	<u>B</u>
Trimethadione	Tridione	3	B
Trimethaphan	Arfonad	3	A
Trimipramine	Surmontil	2	A
Tripelennamine	PBZ	3	B
Triprolidine	Actidil	3	B
Tubocurarine (Curare)	Metubin	2	A
Tybamate	Benvil, Nospan, etc.	2	A
Urethane		2	A
Valdecoxib		2	((A)) B
Valerenic Acid		3	A
Valnoctamide	Nirvanyl	2	A
Valsartan	Diovan	3	B
Vardenafil	Levitra	3	A
Vedaprofen		4	B
Venlafaxine	Effexor	2	A
Veralipride	Accional, Veralipril	2	A
Verapamil	Calan, Isoptin	4	B
Vercuronium	Norcuron	2	A
Viloxazine	Catatrol, Vivalan, etc.	2	A
Vinbarbital	Delvinol	2	A
Vinylbital	Optanox, Speda	2	A
Warfarin	Coumadin, Coufarin	5	D
((*)Xylazine	Rompun, Bay VA 1470	3	B
Xylometazoline	Otrivin	4	B
Yohimbine		2	B
Zafirlukast	Accolate	4	C
Zaleplon	Sonata	2	A
Zeranol	Ralgro	4	C
Ziconotide		1	A
Zileuton	Zyflo	4	C
Zilpaterol hydrochloride	Zilpaterol	2	A

Drug	Trade Name	Class	Penalty Class
Ziprasidone	Geodon	2	A
Zolazepam		2	A
Zolmitriptan	Zomig	3	B
Zolpidem	Ambien, Stilnox	2	A
Zomepirac	Zomax	2	B
Zonisamide	Zonegran	3	B
Zopiclone	Imovan	2	A
Zotepine	Lodopin	2	A
Zuclopenthixol	Ciatyl, Cesordinol	2	A
((A-1 androstene 3, 17 diol		3	A
A-1 androstene 3, 17 dione		3	A
A-1 dihydrotestosterone		3	A))

¹ Penalty class "A" recommended if regulators can prove intentional administration.

WSR 20-05-080
PERMANENT RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Division of Developmental Disabilities)

[Filed February 18, 2020, 1:21 p.m., effective March 20, 2020]

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

Purpose: The developmental disabilities administration (DDA) is amending these rules as part of the administration's waiver renewal process. These changes were approved by the Centers for Medicare and Medicaid Services on July 30, 2019, and are effective September 1, 2019. Many of these changes were enacted by emergency rule adoption orders, WSR 19-18-048 and 20-02-044. These changes are necessary to enact the amendments on a permanent basis and to provide services as approved in DDA's home and community based services waivers.

Citation of Rules Affected by this Order: Amending WAC 388-845-0030, 388-845-0055, 388-845-0100, 388-845-0230, 388-845-0415, 388-845-0425, 388-845-0600, 388-845-0605, 388-845-0610, 388-845-0900, 388-845-0910, 388-845-1100, 388-845-1110, 388-845-1150, 388-845-1190, 388-845-1191, 388-845-1192, 388-845-1800, 388-845-1805, 388-845-1810, 388-845-2000, 388-845-2005, 388-845-2010, 388-845-2160, and 388-845-2170.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.120.

Adopted under notice filed as WSR 19-24-082 on December 3, 2019.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 25, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 25, Repealed 0.

Date Adopted: February 13, 2020.

Cheryl Strange
Secretary

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 20-06 issue of the Register.

WSR 20-05-084
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed February 18, 2020, 3:07 p.m., effective March 20, 2020]

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

Purpose: WAC 308-108-155 establishes auditing guidelines and a cross-reference form for driver training schools to complete and provide to the department in order to convey compliance with the required curriculum that the department is mandated to develop by RCW 46.82.420. It also sets forth guidelines for driver training schools in completing and furnishing the form to the department.

Citation of Rules Affected by this Order: New WAC 308-108-155.

Statutory Authority for Adoption: RCW 46.82.420.

Adopted under notice filed as WSR 20-01-022 on December 6, 2019.

A final cost-benefit analysis is available by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-3846, email estarrett@dol.wa.gov, website dol.wa.gov/business/drivertraining/dtlaws.html, <https://www.dol.wa.gov/business/drivertraining/docs/308-108-sbeis.pdf>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 1, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 18, 2020.

Damon Monroe
Rules Coordinator

NEW SECTION

WAC 308-108-155 Required curriculum. (1) The required curriculum referred to in RCW 46.82.420 includes competencies to develop knowledge, skills, and awareness related to novice drivers. Training must include, but is not limited to, instruction on the following concepts outlined in the required curriculum:

- (a) Rules of the road;
- (b) Vehicle components;
- (c) Vehicle handling;
- (d) Driver behavior;
- (e) Sharing the road;
- (f) Attention and perception;
- (g) Hazard and risk management;
- (h) Vehicle maintenance/malfunctions and technology;
- (i) Managing emergencies and adverse conditions;
- (j) Respect and responsibility; and
- (k) Vehicle technology systems.

(2) Driver training schools will cross-reference the required curriculum and the school's curriculum guide (WAC 308-108-170) on a form provided by and submitted to the department. When changes are made that affect the cross-reference form, the school must update the cross-reference form and submit it to the department.