



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health

- Preproposal Statement of Inquiry was filed as WSR ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)  
WAC 246-314-990 amending to increase fees for construction review services.

**Hearing location(s):** Department of Health  
Point Plaza East Room 152/153  
310 Israel Road SE  
Tumwater, WA 98504

Date: 04/05/2012 Time: 9:00 a.m.

**Submit written comments to:**

Name: John Williams  
Address: Department of Health  
Health Professions and Facilities  
PO Box 47852  
Olympia, WA 98504  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax 360-236-2901 by (date) 04/05/2012

**Assistance for persons with disabilities:** Contact

John Williams by 03/29/2012

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 04/13/2012

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rule increases fees for construction review services (CRS) to cover the costs of running the program. Increasing the fees will allow the Department of Health (department) to continue providing plan reviews and technical assistance services to clients in a timely manner.

**Reasons supporting proposal:**

The 2011 Legislature authorized the department to increase fees for CRS in the budget bill (2ESHB 1087). RCW 43.70.110 provides authority for the department to charge fees for inspections and 43.70.250 requires that fees cover the full costs of running the program. The current fee has not been modified in over 15 years, but the basic operational costs of the program have steadily been increasing. A fee increase is needed to maintain reasonable plan review times and prevent costly delays in construction.

**Statutory authority for adoption:**

Chapter 43.70 RCW, 2ESHB1087(chapter 50, Laws 2011)

**Statute being implemented:**

Chapter 43.70 RCW, 2ESHB1087(chapter 50, Laws 2011)

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 02/16/12

**NAME** (type or print)

Mary C. Selecky

**SIGNATURE**

**TITLE**

Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** February 16, 2012

**TIME:** 2:59 PM

**WSR 12-05-078**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Department of Health

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... John Williams	Department of Health, 310 Israel Road SE, Olympia WA 98504	360-236-2944
Implementation....John Williams	Department of Health, 310 Israel Road SE, Olympia WA 98504	360-236-2944
Enforcement.....John Williams	Department of Health, 310 Israel Road SE, Olympia WA 98504	360-236-2944

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement (SBEIS) was not prepared. Under RCW 19.85.025 and 34.05.310(4)(f), a SBEIS is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.328(5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

AMENDATORY SECTION (Amending WSR 10-22-109, filed 11/2/10, effective 12/3/10)

**WAC 246-314-990 Construction review fees.** (1) Upon prior approval by the program the project sponsor may exclude from the "project cost" the cost for fixed or installed technologically advanced clinical equipment such as but not limited to: Lithotripters, CT scans, linear accelerators, and MRIs.

(2) **Project fee table.** Except as provided in subsection (4) and (5) of this section, the following fees will be charged for project review based on the cost of the project:

PROJECT FEE TABLE

Project Cost		Project Review Fee
\$ 0 to	\$ 999	\$ <del>((120))</del> <u>150</u>
1,000 to	1,999	<del>((250))</del> <u>305</u>
2,000 to	2,999	<del>((325))</del> <u>400</u>
3,000 to	4,999	<del>((410))</del> <u>500</u>
5,000 to	9,999	<del>((530))</del> <u>650</u>
10,000 to	19,999	<del>((665))</del> <u>815</u>
20,000 to	29,999	<del>((820))</del> <u>1,000</u>
30,000 to	39,999	<del>((975))</del> <u>1,190</u>
40,000 to	49,999	<del>((1,125))</del> <u>1,375</u>
50,000 to	64,999	<del>((1,325))</del> <u>1,620</u>
65,000 to	79,999	<del>((1,535))</del> <u>1,875</u>
80,000 to	99,999	<del>((1,845))</del> <u>2,250</u>
100,000 to	124,999	<del>((2,200))</del> <u>2,690</u>
125,000 to	149,999	<del>((2,550))</del> <u>3,120</u>
150,000 to	199,999	<del>((2,970))</del> <u>3,625</u>
200,000 to	249,999	<del>((3,325))</del> <u>4,060</u>
250,000 to	324,999	<del>((3,650))</del> <u>4,455</u>
325,000 to	449,999	<del>((4,100))</del> <u>5,000</u>
450,000 to	574,999	<del>((4,600))</del> <u>5,615</u>
575,000 to	699,999	<del>((5,200))</del> <u>6,350</u>
700,000 to	849,999	<del>((5,825))</del> <u>7,110</u>
850,000 to	999,999	<del>((6,550))</del> <u>7,995</u>
1,000,000 to	1,249,999	<del>((7,150))</del> <u>8,725</u>
1,250,000 to	2,499,999	<del>((7,850))</del> <u>9,560</u>
2,500,000 to	2,999,999	<del>((8,550))</del> <u>10,430</u>
3,000,000 to	3,499,999	<del>((9,300))</del> <u>11,350</u>

Project Cost	Project Review Fee
3,500,000 to 4,999,999	(( <del>10,750</del> )) <u>13,115</u>
5,000,000 to 6,999,999	(( <del>12,200</del> )) <u>14,885</u>
7,000,000 to 9,999,999	(( <del>13,800</del> )) <u>16,840</u>
10,000,000 to 14,999,999	(( <del>15,850</del> )) <u>19,340</u>
15,000,000 to 19,999,999	(( <del>17,850</del> )) <u>21,780</u>
20,000,000 to 29,999,999	(( <del>19,900</del> )) <u>24,280</u>
30,000,000 to 39,999,999	(( <del>23,000</del> )) <u>28,060</u>
40,000,000 to 59,999,999	(( <del>25,600</del> )) <u>31,235</u>
60,000,000 and over	(( <del>28,700</del> )) <u>31,235 plus</u> <u>0.05% per dollar</u> <u>above 60 million</u>

(3) **Existing building conversions.** Building conversion fees will be based on the value of existing construction. Fees will be charged for project review based on the project fee table in subsection (2) of this section.

(a) The existing construction value is based on the local area cost data.

(b) Current cost data (~~(will be made)~~) is available and posted on the construction review services web site: (~~(http://www.doh.wa.gov/hsqa/fsl/CRS)~~) http://www.doh.wa.gov/crs.

(c) Project sponsors may submit specific cost data that accurately describes the estimate good faith value for the program's consideration.

(4) **Flat fees.** The following projects will receive a discount on project review fees:

(a) Installation of finishes only, one hundred (~~(twenty)~~) fifty dollars;

(b) Change of approved use only, one hundred (~~(twenty)~~) fifty dollars;

(c) The first submission for review and approval of the site installation of a mobile unit, (~~(four)~~) five hundred (~~(seventy)~~) seventy-five dollars. Each additional submission of the same project, two hundred eighty-five dollars;

(d) The first submission for review and approval of the equipment supplier of a mobile unit, (~~(four)~~) five hundred (~~(seventy)~~) seventy-five dollars. Each additional submission of the same project, two hundred eighty-five dollars;

(e) Each eight staff hours or fraction thereof for technical assistance, (~~(four)~~) five hundred (~~(ten)~~) dollars. For technical assistance requiring travel, the program may increase the fee to include travel expenses;

(f) Special projects as determined by the program that requires minimal or highly repetitive review, (~~four~~) five hundred (~~ten~~) dollars for every review(~~7~~) or inspection after the initial review;

(g) Plan review and inspection for the on-site installation of the foundation, and hook-ups including, but not limited to, potable water, sewage disposal systems, or gas connections for factory assembled structures, two hundred fifty dollars per site visit regardless of the number of sites installed and completed at the time of inspection;

(h) On-site inspection and plan review for foundation pad for temporary structures including, but not limited to, tents and RVs, one hundred and twenty dollars per site visit regardless of the number of pads installed and completed at the time of inspection.

(5) **Fee reductions.** The program may decrease the project review fees, when:

(a) The project sponsor requests a reduction in the fee according to subsection (1) of this section;

(b) The project is prepared by a state licensed architect or engineer when architectural or engineering services are not required by rule. The project may qualify for a reduction of up to fifteen percent;

(c) A facility is converted from another occupancy as defined by the state building code; a facility is converted from one license to another; or, a facility that is currently unlicensed, but was previously licensed through the (~~DOH or DSHS~~) Washington state department of health or the Washington state department of social and health services, wishes to be reviewed for relicensure. The project may qualify for a reduction of up to fifty percent. The amount of fee reduction will be determined by the estimated amount of systems review required to ensure that the rules have been met.

(6) Total fee reductions may not exceed seventy percent of the original estimated project review fee.

(7) **Refunds.** The program shall refund fees paid when requested by the applicant as follows:

(a) The final attested project cost is less than the project estimated on the application. Fees paid may be refunded by the program according to the project fee table in subsection (2) of this section.

(b) If a project is canceled after an application and fee has been received but no plan review or technical assistance has been performed by the program, seventy-five percent of the fees paid.

(c) If a project is canceled after an application and fee has been received and plan review or technical assistance has been performed by the department, fifty percent of the fees paid.

(8) No fees paid by the applicant will be refunded after project cancellation if any of the following applies:

(a) More than two on-site visits, conferences, or plan reviews for any purpose have been performed by the program;

(b) One year has elapsed since an application and fee is received by the program, but no permit is issued because applicant

failed to complete requirements for permit, and the applicant has not pursued the project in good faith;

(c) The amount to be refunded as calculated by subsection (7)(a), (b), or (c) of this section is one hundred twenty dollars or less;

(d) Approval or authorization to begin construction or a permit has been issued or construction has begun prior to a request from the applicant to cancel the project; or

(e) A written request has not been received to cancel the project.