



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Health

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: WAC 246-314-990 Construction Review Services (CRS) fees. In 2011, the Washington state legislature adopted the 2011-2013 Operating Budget (2ESHB 1087, C50, L11, 1st Special Session), giving the department authority to raise CRS fees to cover the cost of administering the CRS program. Increasing the fees will allow the Department of Health to continue providing plan reviews and technical assistance to clients in a timely manner.

Citation of existing rules affected by this order:

Repealed: none
Amended: WAC 246-314-990
Suspended: none

Statutory authority for adoption: Chapter 43.70 RCW, 2ESHB1087(chapter 50, Laws 2011)

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 12-05-078 on 02/16/2012 (date).
Describe any changes other than editing from proposed to adopted version: No changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: phone
Address: fax
e-mail

Date adopted:

May 15, 2012

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: May 15, 2012

TIME: 11:19 AM

WSR 12-11-061

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>1</u>	Repealed	<u>0</u>

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

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