

WSR 09-23-019
EXPEDITED RULES
DEPARTMENT OF LICENSING

[Filed November 6, 2009, 1:59 p.m.]

Title of Rule and Other Identifying Information: WAC 308-391-106 Methods of payment.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Walt Fahrner, Rules Coordinator, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, AND RECEIVED BY January 19, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To add credit and debit card as payment options when conducting Uniform Commercial Code transactions in person.

Reasons Supporting Proposal: This is part of an agency-wide customer service initiative.

Statutory Authority for Adoption: RCW 62A.9A-526.

Statute Being Implemented: RCW 62A.9A-525.

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

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Margaret Vogeli, DOL, Olympia, Washington, (360) 664-1530; Implementation and Enforcement: Nancy Skewis, DOL, Olympia, Washington, (360) 664-1446.

November 6, 2009

Walt Fahrner

Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-12-067, filed 5/29/09, effective 6/29/09)

WAC 308-391-106 Methods of payment. Filing fees and search fees may be paid by the following methods:

(1) Cash. Payment in cash is accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks, and money orders made payable to the filing office are accepted for payment provided that the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the filing office in its discretion. Checks may be made payable in an amount to be filled in by the filing office if the filing office is clearly authorized to fill in the amount.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for electronic transfers with the UCC

filing office and who authorize the relevant transfer under those arrangements and rules.

(4) Credit cards. The filing office accepts payment by credit cards issued by approved issuers. Remitters must provide the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the billing address for the card, and any other information required by the filing office to complete the transaction. Payment will not be deemed tendered until the issuer or its agent has ~~((confirmed))~~ authorized payment. This method of payment is accepted for on-line services ~~((only))~~ and in person at the public service counter.

(5) The filing office accepts payment for bulk data by check or electronic funds transfer, except weekly updates which must be paid by electronic funds transfer.

WSR 09-23-058
EXPEDITED RULES
DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed November 12, 2009, 10:52 a.m.]

Title of Rule and Other Identifying Information: WAC 246-851-110 Courses presumed to qualify for credit—Optometry continuing education.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Judy Henke [Haenke], Program Manager, Department of Health, P.O. Box 47870, Olympia, WA 98504-7870, phone (360) 236-4947, fax (360) 236-2901, e-mail judy.haenke@doh.wa.gov, AND RECEIVED BY January 18, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendment is to correct the reference in the rule from the Washington Association of Optometric Physicians to that organization's current name, the Optometric Physicians of Washington.

Reasons Supporting Proposal: The board of optometry received a petition from the Optometric Physicians of Washington to correct the reference to its organization in WAC 246-851-110(3) from the Washington Association of Optometric Physicians to the Optometric Physicians of Washington. The proposed rule only makes a name change and therefore qualifies for expedited rule making under RCW 34.05.353 (1)(c).

Statutory Authority for Adoption: RCW 18.54.070(2).

Statute Being Implemented: RCW 18.54.070(2).

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

Name of Proponent: Department of health, board of optometry, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

October 30, 2009
Laura Toepfer, O.D., Chair
Board of Optometry

AMENDATORY SECTION (Amending WSR 97-12-088, filed 6/4/97, effective 7/5/97)

WAC 246-851-110 Courses presumed to qualify for credit. Courses offered by the following organizations are presumed to qualify as continuing education courses without specific prior approval of the board. However, the board reserves the right to not accept credits if the board determines that a course did not provide appropriate information or training.

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The (~~Washington Association of~~) Optometric Physicians of Washington.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.
- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists in Vision Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Council on Post-Graduate Education of the American Optometric Association.
- (13) The Council on Optometric Practitioner Education (C.O.P.E.).

WSR 09-23-070

EXPEDITED RULES

DEPARTMENT OF REVENUE

[Filed November 13, 2009, 2:27 p.m.]

Title of Rule and Other Identifying Information: WAC 458-18-220 Refunds—Rate of interest, this rule provides information about the annual rates of interest that apply to refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marilou Rickert, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, fax (360) 586-0127, e-mail MarilouR@dor.wa.gov, AND RECEIVED BY January 18, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The amended rule includes the 2010 interest rate on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100 and to judgments entered in favor [of] plaintiffs pursuant to RCW 84.68.030.

Copies of draft rules are available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>.

Reasons Supporting Proposal: RCW 84.69.100, the department to annually adopt a rule that specifies the amount of interest to be collected for each year property taxes were paid.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.69.100.

Statute Being Implemented: RCW 84.69.010 through 84.69.100.

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

Name of Proponent: Washington state department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Marilou Rickert, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6115; Implementation: Alan R. Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6125; and Enforcement: Gilbert Brewer, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 570-6147.

November 13, 2009

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-24-094, filed 12/2/08, effective 1/2/09)

WAC 458-18-220 Refunds—Rate of interest. The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid	Auction Year	Rate
1984	1983	9.29%
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%
1993	1992	3.42%
1994	1993	3.19%
1995	1994	4.92%
1996	1995	5.71%
1997	1996	5.22%
1998	1997	5.14%
1999	1998	5.06%
2000	1999	4.96%
2001	2000	5.98%
2002	2001	3.50%
2003	2002	1.73%
2004	2003	0.95%
2005	2004	1.73%
2006	2005	3.33%
2007	2006	5.09%
2008	2007	4.81%
2009	2008	2.14%
<u>2010</u>	<u>2009</u>	<u>0.29%</u>

WSR 09-23-091
EXPEDITED RULES
DEPARTMENT OF
VETERANS AFFAIRS

[Filed November 17, 2009, 8:53 a.m.]

Title of Rule and Other Identifying Information: Amending chapter 484-20 [484-10] WAC to clarify the agency's authority to appoint individuals to the position of superintendent.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING

AND THEY MUST BE SENT TO Heidi Audette, Washington State Department of Veterans Affairs, P.O. Box 41150, Olympia, WA 98504, fax (360) 725-2197, e-mail heidia@dva.wa.gov, AND RECEIVED BY January 18, 2010.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposal will provide clarification around filling the position of superintendent, in certain situations, specifically it will:

- Clarify that the director may appoint an honorably discharged veteran to the position of superintendent in training while he or she complete an administrator in training program in order to become licensed.
- Clarify that the director will appoint an on-site, full-time interim superintendent who is licensed, but not necessarily a veteran, while the superintendent in training completes the administrator in training program or in other temporary situations.

Reasons Supporting Proposal: At times, the Washington state department of veterans affairs (WDVA) experiences challenges in identifying candidates qualified to be appointed the position of superintendent in a state veterans home. WDVA seeks candidates who are both honorably discharged veterans and licensed nursing home administrators. This proposal will provide clarity around the director's ability to appoint a veteran candidate to the position of superintendent in training while he or she completes an administrator in training program, and appoint an interim superintendent, who may or may not be a veteran, during this time or in other temporary instances.

Statutory Authority for Adoption: RCW 43.60A.070.
 Statute Being Implemented: RCW 72.36.020.

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

Name of Proponent: Washington state department of veterans affairs, governmental.

Name of Agency Personnel Responsible for Drafting: Heidi Audette, 1102 Quince Street S.E., Olympia, WA 98504, (360) 725-2154; Implementation and Enforcement: Washington State Department of Veterans Affairs, 1102 Quince Street S.E., Olympia, WA 98504, (360) 725-2154.

November 9, 2009

Heidi Audette
 Communications Director

AMENDATORY SECTION (Amending Order 7659, filed 7/28/77)

WAC 484-10-010 State veterans institutions. (1) The Washington soldiers home and colony, ~~((and))~~ the Washington veterans home, and the eastern Washington veterans home shall have, respectively, a chief executive officer to be called a superintendent. The superintendent shall be directly responsible to the director or designee, of the department of veterans affairs, and as such shall be an honorably discharged veteran.

(2) The superintendent shall be a licensed nursing home administrator in the state of Washington. In situations where a candidate is identified who is an honorably discharged veteran but not yet a licensed nursing home administrator in the state of Washington, the director may appoint the candidate

to the position of superintendent-in-training, providing time for the candidate to complete an administrator-in-training program, approved by the Washington state department of health, and pass the nursing home administrators licensing examination. The candidate is eligible for appointment to the position of superintendent once he or she becomes a licensed nursing home administrator. The director will ensure that the facility is directed by an interim on-site, full-time superintendent who is a licensed nursing home administrator and who may or may not be a veteran, while the candidate is in training, or whenever a suitable candidate is not available.

WSR 09-23-103
EXPEDITED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND

[Filed November 17, 2009, 3:46 p.m.]

Title of Rule and Other Identifying Information: WAC 67-25-060 Criteria for significant disability and most significant disability.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Patrick Dymond, Department of Services for the Blind, P.O. Box 40933, Olympia, WA 98504-0933, AND RECEIVED BY January 18, 2009 [2010].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed changes to WAC 67-25-060 is to:

1. Add language to define the criteria for nonsignificant disability;
2. Clarify language regarding the criteria for significant disability and most significant disability by removing reference to specific disabilities and focusing on the functional limitations (caused by a disability) related to employment; and
3. Clarify and quantify level of service required for each level of disability.

The proposed changes are based on federal statute and don't change the effect of the rule.

Reasons Supporting Proposal: 34 Code of Federal Regulations (C.F.R.) Chapter III 361.42 and the Rehabilitation Act amendments of 1973, as amended—Title 1.

Statutory Authority for Adoption: C.F.R., the Rehabilitation Act and Washington state Constitution.

Statute Being Implemented: 34 C.F.R. 361.42, Rehabilitation Act and Washington state Constitution.

Rule is necessary because of federal law, 34 C.F.R. 361.42 and Rehabilitation Act.

Name of Proponent: Client assistance program; DSHS, division of vocational rehabilitation; Department of Education, Rehabilitative Services Administration (RSA), public and governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patrick Dymond, 4565 7th Avenue S.E., Lacey, WA 98503, (360) 725-3834.

November 17, 2009

Ellen Drumheller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-08-097, filed 4/4/05, effective 5/5/05)

WAC 67-25-060 Criteria for nonsignificant disability, significant disability and most significant disability.

(1) An individual with a nonsignificant disability is an individual:

(a) Who has at least one functional limitation related to employment; and

(b) Requires one or more substantial types of services.

(2) An individual with a significant disability is an individual:

~~(a) Who has ((a severe physical or mental disability which seriously limits his or her functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills) in terms of achieving an employment outcome;~~

~~(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and~~

~~(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or other disability or combination of disabilities determined on the basis of an assessment of rehabilitation needs to cause comparable substantial functional limitation)) at least two functional limitations related to employment; and~~

(b) Requires one or more substantial types of services provided over an extended period of time.

~~((2))~~ (3) An individual with a most significant disability is an individual:

~~(a) Who has at least three ((or more)) functional limitations (((mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills))) related to employment; and~~

~~(b) ((Whose vocational rehabilitation can be expected to)) Requires ((multiple vocational rehabilitation)) two or more substantial types of services provided over an extended period of time.~~