

**WSR 10-04-004**

**NOTICE OF PUBLIC MEETINGS  
BOARD OF TAX APPEALS**

[Filed January 22, 2010, 9:03 a.m.]

The regular monthly public meeting of the board of tax appeals (board), scheduled for 9:30 a.m., Friday, February 12, 2010, has been cancelled. It is rescheduled for March 12, 2010.

**WSR 10-04-005**

**NOTICE OF PUBLIC MEETINGS  
LAKE WASHINGTON  
TECHNICAL COLLEGE**

[Filed January 22, 2010, 9:03 a.m.]

The February 2, 2010, board meeting is now a special board meeting because we chose to include the board retreat within the meeting. Below are the details:

Monday, February 1, 2010 12:00 - 4:00 p.m.	Board of Trustees Retreat	W-401 at the Kirkland campus
Monday, February 1, 2010 4:00 - 5:00 p.m.	Special Board Meeting	W305A at the Kirkland campus

**WSR 10-04-007**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE UNIVERSITY**

[Filed January 22, 2010, 9:26 a.m.]

**BOARD OF REGENTS MEETING NOTICE**

January 28-29, 2010

The Washington State University board of regents will hold its next official meetings on Thursday and Friday, January 28-29, 2010, in Vancouver, Washington, as outlined in the schedule below.

The board will begin meeting on Thursday at 11:30 a.m. Committee meetings will run consecutively throughout the afternoon; starting times following the first committee meeting are estimates only. If a session ends earlier than expected, the next scheduled session may convene immediately. Committee meetings may be attended by all members of the board of regents.

<b>Thursday, January 28, 2010</b>		<b>Location</b>
11:30 a.m.	Board of Regents Lunch	Firstenburg Student Commons Room 104
12:30 p.m.*	Executive Committee	Firstenburg Student Commons Rooms 101-103

**Thursday, January 28, 2010**

12:45 p.m.*	Finance and Audit Committee	Firstenburg Student Commons Rooms 101-103
2:15 p.m.*	External Affairs Committee	Firstenburg Student Commons Rooms 101-103
3:15 p.m.*	Academic and Student Affairs Committee	Firstenburg Student Commons Rooms 101-103
3:45 p.m.*	Executive Session, if needed	Firstenburg Student Commons Rooms 101-103
6:30 p.m.	Board of Regents Dinner	Roots Restaurant Columbia Room Camas, Washington

*\*or upon conclusion of previous session.*

**Friday, January 29, 2010**

		<b>Location</b>
7:30 a.m.	Board of Regents Breakfast	Firstenburg Student Commons Room 104
9:00 a.m.	Board of Regents Meeting	Firstenburg Student Commons Rooms 101-103

In addition, on Thursday, January 28, the regents will attend a community reception at 4:30 p.m. on the third floor of the Undergraduate Classroom Building on the WSU Vancouver campus.

Questions about the board of regents meeting and schedule may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-4200.

**WSR 10-04-009**

**NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Filed January 22, 2010, 10:03 a.m.]

On Monday, January 25, 2010, members of the board of trustees from Bellingham Technical College, Whatcom Community College, and Skagit Valley College will host a legislative reception meeting for legislators from the 10th, 39th, 40th, and 42nd districts. The event will begin at 5:30 p.m. at Portofino Ristorante, 101 Division Street N.W., Olympia, WA 98502-8617. No action will be taken. Call 752-8334 for information.

**WSR 10-04-011**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Home Inspector Licensing Advisory Board)  
 [Filed January 22, 2010, 12:54 p.m.]

**Meeting Schedule for 2010**

March 23, 2010	9:30 a.m. to 1:30 p.m. or until business is completed Location to be announced
June 7, 2010	9:30 a.m. to 1:30 p.m. or until business is completed Location to be announced
September 14, 2010	9:30 a.m. to 1:30 p.m. or until business is completed
December 2, 2010	9:30 a.m. to 1:30 p.m. or until business is completed

**WSR 10-04-012**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Public Employees Benefits Board)  
 [Filed January 22, 2010, 2:42 p.m.]

**2010 Meeting Schedule**

The public employees benefits board meetings will be held at the Health Care Authority, The Sue Crystal Center Conference Room, 676 Woodland Square Loop S.E., Lacey, WA, unless otherwise noted below. The meetings begin with a working lunch from 11:30 a.m. until 1:00 p.m. The board meet[ing] will then continue until 3:00 p.m.

February 17, 2010  
 March 17, 2010  
 April 21, 2010  
 May 25, 2010  
 June 23, 2010  
 June 30, 2010  
 July 7, 2010  
 July 14, 2010  
 October 27, 2010 Board retreat -  
 location to be determined

If you are a person with a disability and need a special accommodation, please contact Lynn Kennedy, (360) 923-2829.

**WSR 10-04-013**  
**AGENDA**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed January 22, 2010, 2:59 p.m.]

**Semi-Annual Rules Development Agenda**  
**(January 1 - June 30, 2010)**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>DIVISION: INSURANCE SERVICES</b>						
Chapters 296-14 and 296-15 WAC	Industrial insurance—Suppressing workers' compensation claims.	Brenda Heilman (360) 902-6518	6/5/07	TBD	TBD	The proposed rules will assist in the implementation of chapter 77, Laws of 2007 (SSB 5443). The proposed rule making will define bona fide workplace safety and accident prevention program and first aid, and establish the penalty structure for employers when there is a finding of claim suppression.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
						Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression. In addition, the rule making may address additional issues identified in the rule development process.
Chapter 296-14 WAC	Industrial insurance—Wages.	Brenda Heilman (360) 902-6518	4/22/08	TBD	TBD	This rule making will amend existing rules for consistency with chapter 297, Laws of 2007 (SHB 1244). A new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
Chapter 296-14 WAC	Industrial insurance—Confidentiality of worker's compensation claim files.	Brenda Heilman (360) 902-6518	11/16/04	TBD	TBD	This rule making will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
Chapter 296-14 WAC	Industrial insurance—Pension discount rates and mortality assumptions.	Brenda Heilman (360) 902-6518	6/20/01	TBD	TBD	This rule making will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial insurance—Definitions.	Brenda Heilman (360) 902-6518	5/3/05	TBD	TBD	This rule making will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability. This rule making will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial insurance—Social security offset.	Brenda Heilman (360) 902-6518	TBD	TBD	TBD	This rule making will consider changes to the social security offset rules.
Chapter 296-19A WAC	Vocational rehabilitation	Brenda Heilman (360) 902-6518	4/22/08	8/18/09	TBD	The proposed rules will address option 2 benefits. This rule making will include new rules to clarify the process and requirements for making application for option 2 vocational costs and define which vocational costs require department or self-insurer oversight and the vocational costs that can be paid.
Chapter 296-19A WAC	Vocational rehabilitation.	Brenda Heilman (360) 902-6518	12/2/08	8/18/09	12/1/09	This rule making will include new rules to clarify the process and factors L&I will consider for approving or denying non-accredited or unlicensed training programs for injured workers.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-14 WAC	Industrial insurance—Worker employment patterns.	Brenda Heilman (360) 902-6518	8/21/02	TBD	TBD	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial insurance—Wages.	Brenda Heilman (360) 902-6518	4/22/08	TBD	TBD	This rule making will amend existing rules for consistency with chapter 297, Laws of 2007 (SHB 1244). A new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
WAC 296-20-135	Conversion factors.	Tom Davis (360) 902-6687	1/5/10	3/2/10	5/4/10	This rule making will update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services.
WAC 296-23-220	Physical therapy rules.	Tom Davis (360) 902-6687	1/5/10	3/2/10	5/4/10	Update the maximum daily reimbursement level for physical therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
WAC 296-23-230	Occupational therapy rules—Maximum daily reimbursement.	Tom Davis (360) 902-6687	1/5/10	3/2/10	5/4/10	Update the maximum daily reimbursement level for occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.
Chapter 296-17A WAC	Industrial insurance—Dairy classifications.	Renee' Brady (360) 902-4773	9/22/09	12/22/09	2/16/10 effective 4/1/10	Create a new subclassification in 3902 Food processing for small artisan dairies, moving existing dairies from classification 4002 Dairy products manufacturing.
Chapter 296-17 WAC	Industrial insurance—Director's discretion.	Richard Bredeson (360) 902-4985	8/18/09	10/20/09	2/28/10 effective 4/1/10	RCW 51.32.0991 provides for a reduction in incurred losses, at the director's discretion, if a worker with a vocational plan had a prior vocational plan approved in 2008, or later, and the worker is engaged in medically restricted activities when injured. The statute expires June 30, 2013. The rule will clarify when the director's discretion can no longer be granted based on the sunset language of the statute and how it is applied to an accident year's incurred losses for experience rating.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-17 WAC	Industrial insurance—Division of hours.	Richard Bredeson (360) 902-4985	9/1/09	12/2/09	5/4/10 effective 7/1/10	The new rule is intended to clarify the reporting requirements when an employee performs work for more than one basic classification by consolidating these reporting requirements into one rule. This will reduce the potential for overlap or gaps between the currently separate sections.
<b>DIVISION: SPECIALTY COMPLIANCE SERVICES</b>						
Chapter 296-05 WAC	Apprenticeship rules.	Sally Elliott (360) 902-6411	8/4/09	8/3/10	11/2/10	The federal government recently published updated rules and gave the states authorized under the federal system two years from December 28, 2008, to come into compliance. Rule making is needed to address past policies that address the federal changes.  Additionally, Initiative 937 established an incentive to utilize state registered apprentices when entities construct/build renewable energy projects. The rules need to be amended to outline the processes and procedures through which entities can obtain certification of apprentice utilization levels are [as] necessary.
Chapter 296-46B WAC	Electrical rules.	Sally Elliott (360) 902-6411	2/2/10	TBD	TBD	The department will review the electrical rules for additions and revisions. The electrical rules are reviewed on a regular basis to: Ensure the rules are consistent with the national consensus standards and industry practice and to clarify the rules as needed.
Change [Chapter] 296-96 WAC	Elevator rules.	Sally Elliott (360) 902-6411	7/21/09	TBD	TBD	This rule making is a result of SHB 1055 and SSB 5850, which passed the 2009 legislature.
Chapter 296-104 WAC	Board of boiler rules.	Sally Elliott (360) 902-6411	6/30/09	12/22/09	3/23/10	This rule making is a result of HB 1366, which passed the 2009 legislature. The rule making will also make clarifying and technical changes to the Board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-127 WAC	Prevailing wage.	Sally Elliott (360) 902-6411	6/2/09	1/19/10	4/6/10	The prevailing wage rules have not gone through a comprehensive review since the early 90s. We have reviewed the rules and will be making amendments to reflect court decisions, integrate administrative policies, streamline current processes, create consistency with the statute, and make housekeeping changes.
Chapters 296-126 WAC	Employment standards.	Sally Elliott (360) 902-6411	6/16/09	11/3/09	1/19/10	The industrial welfare rules were adopted in 1974 and have not been reviewed by the department for need. Therefore, there are outdated requirements in the industrial welfare rules that need to be repealed and deleted. The purpose of this rule making is to review the industrial welfare rules for housekeeping and clarifying changes.
Chapter 296-135 WAC	Domestic violence.	Sally Elliott (360) 902-6411	8/19/08	TBD	TBD	This rule making is a result of SHB 2602, which passed the 2008 legislature and became effective on April 1, 2008.
Chapter 296-150I WAC	Factory assembled structure rules.	Sally Elliott (360) 902-6411	8/18/09	12/22/09	2/2/10	The purpose of this rule making is to review the manufactured housing installer training and certification rules for clarification and technical changes. The amendments will also include fee increases to cover the program's operating expenses.
Chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC	Factory assembled structure rules.	Sally Elliott (360) 902-6411	2/3/08	2/2/10	3/23/10	The purpose of this rule making is to review the factory assembled structure rules for clarification and technical changes.
Chapter 296-200A WAC	Contractor certificate of registration.	Sally Elliott (360) 902-6411	7/21/09	2/2/10	3/23/10	This rule making is a result of SHB 1555, which passed the 2009 legislature.
Chapter 296-400A WAC	Plumbers certification.	Sally Elliott (360) 902-6411	7/21/09	12/22/09	2/16/09	This rule making is a result of SHB 1055, which passed the 2009 legislature.
<b>DIVISION: Division of Occupational Safety and Health (DOSH)</b>						
Chapter 296-24 WAC	Acetylene.	Cindy Ireland (360) 902-5522		CR-105 1/5/10	4/20/10	The federal Occupational Safety and Health Administration (OSHA) revised its acetylene standard for general industry by updating references to standards published by standards developing organizations (SDO). DOSH believes that the revisions made to the acetylene standard by this proposal do not compromise the safety of employees, and instead enhances employee protection.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapters 296-36 and 296-155 WAC	Compressed air.	Cindy Ireland (360) 902-5522	TBD	TBD	TBD	The requirements for compressed air are out-of-date and will be updated as necessary and reformatted for ease of use and understanding.
Chapter 296-155 WAC	Concrete.	Cindy Ireland (360) 902-5522		CR-105 2/2/10	5/18/10	The department is proposing to update the American National Standards Institute (ANSI) reference to the most current edition. The proposed change will update from the 1970 edition to the 1997 edition. The ANSI being updated is A10.9-1997, Concrete and Masonry Work Safety Requirements. In addition, an internal reference will also be updated.
Chapter 296-155 WAC	Construction cranes (Phase 1).	Cindy Ireland (360) 902-5522		CR-105 TBD	TBD	The department is proposing to make minor corrections to the certification of cranes, accreditation of crane inspectors, and certification of crane operators rule. This rule was originally adopted on November 4, 2008, as a result of ESHB 2171.
Chapter 296-155 WAC	Construction cranes (Phase 2).	Cindy Ireland (360) 902-5522	9/16/08	TBD	TBD	This project is to address the requirements that employers must follow with regard to inspection, maintenance and operation of cranes used in the construction industry. This proposal will replace the existing, out-of-date requirements located in chapter 296-155 WAC, Part L. The department is working with a stakeholder group in the development of this proposal.
Chapter 296-155 WAC	Rigging for construction.	Cindy Ireland (360) 902-5522	9/16/08	TBD	TBD	In addition to updating the current construction crane requirements, the department will be updating the existing, out-of-date rigging requirements located in chapter 296-155 WAC, Part L. The department is working with a stakeholder group in the development of this proposal.
Chapter 296-24 WAC	Electrical.	Kimberly Johnson (360) 902-5008		CR-105 3/2/10	6/1/10	The department is proposing to conform our rule to OSHA requirements to be as-effective-as OSHA.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-155 WAC	Fall protection.	Kimberly Johnson (360) 902-5008	4/4/06	6/22/10	11/2/10	This project is primarily focused on clear rule writing and combines two parts of the construction safety code for clarity and ease of use. In addition, the department intends to clarify the interpretation of current rules and policies with respect to walking-working surfaces on roofs as recommended by a business and labor ad hoc committee.
Chapter 296-305 WAC	Fire fighting.	Kim Johnson (360) 902-5008	11/4/08	TBD	TBD	The fire fighting rules are being updated and rewritten for clarity, ease-of-use, and understanding with the assistance of a stakeholder group consisting of business, labor and the fire chiefs.
Chapter 296-62 WAC	Formaldehyde in labs.	Cathy Julian (360) 902-5401	TBD	TBD	TBD	The department will be adding language to the rule so that our rule will be as enforceable as OSHA's rule.
Chapter 296-800 WAC	Hospitalization.	Beverly Clark (360) 902-5516		CR-105 2/2/10	5/18/10	On December 23, 2008, DOSH filed a rule requiring employers to report when one employee is hospitalized due to a workplace illness or incident. Stakeholders expressed concern with the wording that was adopted. DOSH is revising our current rule to further clarify when an employer must report an illness or incident.
Chapters 296-56, 296-304, 296-800 WAC	Personal protective equipment (PPE) ANSI.	Kim Johnson (360) 902-5008		CR-105 3/31/09	7/21/09	OSHA has recently revised several of their rules surrounding PPE to incorporate by reference more current versions of national consensus standards. The department is proposing to update our rules to remain as-effective-as OSHA as mandated by statute. These changes will make clear which version of national consensus standards the department will use to enforce PPE requirements.
Chapter 296-32 WAC	Telecommunications.	Beverly Clark (360) 902-5516	TBD	TBD	TBD	The vertical code for the telecommunications industry is out-of-date and is being updated and rewritten for clarity, ease of use, and understanding.



WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-878 WAC	Window washing.	Beverly Clark (360) 902-5516		CR-105 12/22/09	4/6/10	In 2002, the department rewrote the window cleaning rules for clarity. As part of that process, an allowance from ANSI/ IWCA 1-14.1-2001, Window Cleaning Safety, Section 5.7.12 was omitted from the final rule language. The department proposes to place omitted language pertaining to window washing decent [descent] systems back into the rule.

**WSR 10-04-014**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Health Insurance Partnership Board)  
 [Filed January 22, 2010, 3:08 p.m.]

**2010 Board Meeting Schedule**

The Washington health insurance partnership board will meet on Thursday, February 25, 2010, 1:00 p.m. to 4:30 p.m., at the Uniform Medical Plan Offices, 1511 3rd Avenue, Suite 201, Seattle, WA 98101-3662.

If you are a person with a disability and need a special accommodation, please contact Jennifer Willms, (360) 923-2939, Jennifer.Willms@hca.wa.gov.

**WSR 10-04-016**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**  
 [Filed January 25, 2010, 8:48 a.m.]

In compliance with the Open Public Meetings Act, the Shoreline Community College board of trustees will participate in a joint dinner meeting with legislators beginning at 5:30 p.m. on Monday, January 25, 2010, for the purpose of discussing community and technical college priorities.

This special meeting will take place at the Water Street Cafe, 610 Water Street S.W., Olympia, WA.

Please call (206) 546-4552 or e-mail Lori Y. Yonemitsu at lyonemitsu@shoreline.edu if you need further information.

**WSR 10-04-019**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**HISPANIC AFFAIRS**  
 [Filed January 26, 2010, 8:54 a.m.]

Here are the dates for our 2010 public meetings and study sessions:

- January 22-23      Olympia
- July 23-34        Yakima
- September 23-24   Mt. Vernon (joint meeting with HUM)
- November 5-6      Federal Way

Please don't hesitate to call Alicia Luna on [at] (360) 725-5661 if you have any questions.

**WSR 10-04-020**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
 [Filed January 26, 2010, 8:54 a.m.]

**BOARD OF TRUSTEES**  
 Regular Meeting  
 Friday  
 January 29, 2010

*All times are approximations*

- Regular Open Meeting      2:15 p.m.      Cheney  
TAW 215 B&C
- Committee of the Whole      12:45 p.m.      Cheney  
TAW 215 B&C
- Executive Session      11:45 p.m.      Cheney  
TAW 215 A

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-4648.

**WSR 10-04-021**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTER FOR CHILDHOOD**  
**DEAFNESS AND HEARING LOSS**  
[Filed January 26, 2010, 8:55 a.m.]

The Washington State Center for Childhood Deafness and Hearing Loss (formerly Washington School for the Deaf) made the following changes to the board of trustees meeting for the remainder of the school year:

- February meeting changed to February 1, 2010 (5 - 8:30 p.m.) on the Washington School for the Deaf (WSD) campus.
- March meeting changed to March 1, 2010 (5 - 8:30 p.m.) at ESD 113, 601 McPhee Road S.W., Olympia, WA 98502.
- April meeting's start time has changed 10 a.m. - 3 p.m. (April 9).
- May meeting has been cancelled as a budget savings measure.
- June meeting stays as published on June 11 (9 a.m. - 3 p.m.) on the WSD campus.

**WSR 10-04-023**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed January 26, 2010, 11:25 a.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 10-01.

Subject: New DSHS form to initiate request for prior authorization.

Effective Date: February 1, 2010.

Document Description: Effective for dates of service on and after February 1, 2010, DSHS requires all providers to use the new general information for authorization form, DSHS 13-835, when initiating a request for prior authorization (PA).

This memo also reminds providers of the requirement to complete ProviderOne registration.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 10-04-024**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed January 26, 2010, 11:27 a.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

**Health and Recovery Services Administration (HRSA)**  
**Division of Legal Services**

Document Title: # Memo 10-02.

Subject: Prosthetic and orthotic devices: Billing instructions update.

Effective Date: January 14, 2010.

Document Description: DSHS has updated Section H of the DSHS/HRSA prosthetic and orthotic devices billing instructions with new claim form instructions.

This memo also reminds providers of the requirement to complete ProviderOne registration.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 10-04-025**  
**AGENDA**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed January 26, 2010, 12:02 p.m.]

Following is the department of transportation's January 1 through June 31, 2010, Semi-annual rules development agenda for publication in the Washington state register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda as conditions warrant.

**Semi-Annual Rules Agenda**  
**RCW 34.05.314**  
**July - December 2009**  
**[January - July 2010]**

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-70	Motorist information signs.	050 (1)(b)	Incorporate minimum number of drive in service stalls for car-hop food service.	Rick Mowlds	CR-101, by 2/28/10

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-38	Pilot/escort vehicle and operator requirements.	100	Identify operator certification process.	Jim Wright	May 2010
468-38	Farm implements.	290	Language revisions and revise flag dimensions.	Jim Wright	April 2010
468-700 468-705	Route jurisdiction transfer rules and regulations; requirements for route jurisdiction transfer requests.	All	Transferring WAC from transportation improvement board to transportation commission.	Reema Griffith	CR-102 filed 12/17/09 Hearing: 2/17/10
468-300	State ferries and toll bridges.	050	Provide flexibility in funding Washington state ferries.	Reema Griffith	CR-101 filed 12/23/08

**WSR 10-04-026**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Real Estate Commission)  
 [Filed January 26, 2010, 12:54 p.m.]

**Board Meeting Schedule for 2010**

March 31, 2010	9:00 a.m. to 5:00 p.m. (or completion of business)	Labor and Industries 7273 Linderson Way S.E. Room S 19 Tumwater, WA 98501
June 30, 2010	9:00 a.m. to 2:00 p.m. (or completion of business)	Renton City Hall 7th Floor Council Chambers 1055 South Grady Way Renton, WA 98507 [98057]
September 21, 2010	9:00 a.m. to 3:00 p.m. (or completion of business)	Red Lion Pasco 2525 North 20th Avenue Pasco, WA 99301
December 9, 2010	9:00 a.m. to 3:00 p.m. (or completion of business)	Location TBD

**WSR 10-04-028**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed January 26, 2010, 3:00 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of labor and industries is Naomi Goodman, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-4211, fax (360) 902-4202, e-mail GOON235@LNI.WA.GOV.

Vickie Kennedy  
 Special Assistant  
 to the Director

**WSR 10-04-032**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**  
 [Filed January 27, 2010, 8:49 a.m.]

The director of the department of retirement systems designates as this agency's rules coordinator: Ken Goolsby, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, fax (360) 753-5397, e-mail Rules@drs.wa.gov.  
 Steven R. Hill  
 Director

**WSR 10-04-033**  
**AGENDA**  
**DEPARTMENT OF HEALTH**  
**STATE BOARD OF HEALTH**  
 [Filed January 27, 2010, 9:12 a.m.]

**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 10-05 issue of the Register.

**WSR 10-04-034**  
**AGENDA**  
**HEALTH CARE AUTHORITY**  
 [Filed January 27, 2010, 9:42 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January through June 2010**

The following is the Washington health care authority's (HCA) semi-annual rule-making agenda for publication in the Washington state register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant. If you have questions about this rule-making agenda, please contact Jason B. Siems, Rules Coordinator, P.O. Box 42700, Olympia, WA 98504, phone (360) 923-2720, e-mail Jason.Siems@hca.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
182-08, 182-12 and 182-16	Annual updates to the public employees benefits board eligibility rules to reflect changes in state and federal law.	April 2010	August 2010	October 2010
182-04	Updates to HCA rules governing public disclosure requests.	April 2010	August 2010	October 2010

Jason Siems  
Rule Coordinator

**WSR 10-04-047**  
AGENDA  
**EMPLOYMENT SECURITY DEPARTMENT**  
[Filed January 28, 2010, 9:00 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January 31 - July 31, 2010**

The following is employment security department's semi-annual rule-making agenda for publication in the Washington state register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have any questions, please contact Pamela Ames, employment security department rules coordinator at (360) 902-9387, or e-mail at pames@esd.wa.gov.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Title 192 WAC	General review of UI benefit rules.	Juanita Myers (360) 902-9665	CR-101 - 7/8/09 CR-102 - TBD CR-103P - TBD	Update, revise and clarify policy related to UI benefits. This includes, but is not limited to, job separations, job search requirements, reporting requirement, training, educational employees, deductions from benefits, and defining terms.
Chapter 192-270 WAC	Training benefits.	Juanita Myers (360) 902-9665	CR-101 - 3/27/09 CR-103E - 4/2/09 CR-103P - 10/7/09 PART 2: CR-101 - 8/17/09 CR-103E - 9/11/09 CR-102 - 2/10 CR-103P - TBD	Implement ESHB 1906 which included significant changes to the training benefits program, including eligibility criteria, application and enrollment timelines, and the definition of terms. Part 2 of the rules pertains to those sections of statute effective September 7, 2009.

**WSR 10-04-048**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**  
(Biodiversity Council)  
[Filed January 28, 2010, 9:02 a.m.]

The next public meeting of the Washington biodiversity council will be on **Wednesday, March 10, 2010, from 8:30 a.m. to 4:00 p.m.** at the Nisqually Wildlife Refuge, Visitor Center Auditorium, 100 Brown Farm Road, Olympia, WA 98516.

For further information, please contact Rachel LeBaron Anderson, at the recreation and conservation office (RCO), (360) 902-3012 or check the web page <http://www.biodiversity.wa.gov>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Rachel LeBaron at the number listed above or by e-mail at [rachel.lebaronanderson@rco.wa.gov](mailto:rachel.lebaronanderson@rco.wa.gov).

**WSR 10-04-050**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**ASIAN PACIFIC AMERICAN AFFAIRS**  
 [Filed January 28, 2010, 3:36 p.m.]

Here are the dates for our 2010 public meetings:

- February 12, 2010 Thurston County, Washington
- March 27, 2010 Whitman County, Washington
- May 1, 2010 Pierce County, Washington
- June 26, 2010 Snohomish County, Washington
- November 6, 2010 Kitsap County, Washington

Please don't hesitate to call Phillip Sit at (360) 725-5667 if you have any questions.

**WSR 10-04-052**  
**DEPARTMENT OF AGRICULTURE**  
 (Fryer Commission)  
 [Filed January 29, 2010, 8:56 a.m.]

**Suspension of Marketing Order Rules Pertaining to Assessments for the Washington State Fryer Commission**

The Chairman of the Washington Fryer Commission (WFC), in a letter dated January 21, 2010, requested a suspension of the marketing order rules pertaining to the collection of assessments upon all fryers, roasters and broilers under the age of six months as described in WAC 16-512-040 (1) and (2). I have reviewed the Chairman's request, as well as the minutes of the WFC Board Meeting of January 13, 2010, where the proposed suspension was discussed and voted on by the WFC. Based on this documentation, I have decided to approve the requested suspension.

RCW 15.66.093, in pertinent part, allows the Director of the Department of Agriculture "upon the request of a commodity commission and without compliance with RCW 15.66.070 through 15.66.090, [to] suspend the commission's order or term or provision thereof for a period not to exceed one year, if the director finds that the suspension will tend to effectuate the declared policy of this chapter."

I have determined that suspending the collection of assessments will effectuate a stated policy of RCW 15.66. **I am, therefore, suspending the collection of assessments by the Washington Fryer Commission effective January 1,**

**2010 and ending August 31, 2010 or until the Fryer Commission is terminated, whichever occurs first.**

Even though a public hearing process is not required under RCW 15.66.093, I ask that notice of this action be published in the Washington State Register.

Dan Newhouse  
 Director

**WSR 10-04-053**  
**NOTICE OF PUBLIC MEETINGS**  
**ECONOMIC DEVELOPMENT COMMISSION**  
 [Filed January 29, 2010, 8:57 a.m.]

The commission meeting scheduled to be held on Tuesday, February 9 has been rescheduled to Tuesday, March 16, 2010, 8:30 - 3:30 p.m., at the SeaTac Conference Center, 17801 International Boulevard, SeaTac, WA.

**WSR 10-04-054**  
**NOTICE OF PUBLIC MEETINGS**  
**BEEF COMMISSION**  
 [Filed January 29, 2010, 8:57 a.m.]

The February 24-25, 2010, strategic planning meeting of the Washington state beef commission has been changed to March 17-18, 2010. Should you have questions, please contact Daniene Giessen at (206) 444-2902.

**WSR 10-04-061**  
**AGENDA**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**  
 [Filed January 29, 2010, 2:59 p.m.]

**Rule Development Agenda**  
 January 31 through July 31, 2010

The commissioner proposed the following rule making. Each proposed rule is currently between the CR-101, CR-102, and CR-105 stage. They are currently under review and there may be further rule-making activity before July 31, 2010. If you have any questions regarding any of these rule makings, please contact Kacy Scott, kacys@oic.wa.gov or (360) 725-7041.

WAC	RCW Authority	Subject	Current Activity			OIC Contact
			CR-101	CR-105	CR-102	
New section WAC 284-20-300	48.02.060, 48.22.105	Personal injury protection	08-09-136		10-01-132	Chris Carlson chrisca@oic.wa.gov (360) 725-7042
Chapter 284-22 WAC	48.02.060 and 48.22.070	USL&H assigned risk plan	10-04-001			Chris Carlson chrisca@oic.wa.gov (360) 725-7042
WAC 284-23-800, 284-23-803, and 284-23-806	48.02.060	Juvenile life insurance	09-13-035		10-01-130	Kacy Scott kacys@oic.wa.gov (360) 725-70421

WAC	RCW Authority	Subject	Current Activity			OIC Contact
			CR-101	CR-105	CR-102	
Chapter 284-24 WAC	48.02.060	Property and casualty rate filings	09-19-105			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-29 WAC	48.02.060, 48.29.005, 48.29.140, 48.29.143, 48.29.147	Title insurance rate filing and statistical reporting	09-02-075			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
New section WAC 284-30-670	48.02.060	Conducting business in own legal name	08-09-134		10-01-131	Kacy Scott kacys@oic.wa.gov (360) 725-7041
WAC 284-43-410	48.02.060	Utilization review of medical services	09-23-062			Kacy Scott kacys@oic.wa.gov (360) 725-7041
Chapter 284-60 WAC	48.02.060	Disability insurance loss ratios	09-19-104			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
WAC 284-74-420	48.02.060	CSO mortality tables			07-18-005	Meg Jones megj@oic.wa.gov (360) 725-7197
Chapter 284-97 WAC	48.02.060, 48.102.170	Life settlements - licensing	09-16-131			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-97 WAC	48.02.060, 48.102.170	Life settlements - contract and rate filing	09-16-132			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-04 WAC	48.02.060	Standards for safeguarding customer information	08-10-096			Meg Jones megj@oic.wa.gov (360) 725-7197

**Possible Rule Makings:**

In addition to the proposed rules listed above, the commissioner continues the effort to update and clarify the code. In the period before July 31, 2010, subjects that may be considered for rule making in this effort include:

WAC	Subject
Chapters 284-12 and 284-17 WAC	Senior designation (producer licensing).
New and amended sections of chapter 284-22 WAC	WARP board composition and governance.
WAC 284-30-500 (1)(b)	Family or household exclusion clause.
Chapter 284-85 WAC	Long-term care partnership.
New chapter in Title 284 WAC	Emergency order—What to include in a declaration.
New chapter in Title 284 WAC	Flood insurance marketing.
New and amended sections of chapters 284-18A, 284-43, 284-44, 284-46 WAC	Health insurance: Clarification and reorganization of rules.
Amendments to chapters 284-43, 284-44, 284-46 WAC	Geo-coding in rates and forms—Technical fix.
New sections added to chapter 284-23 WAC	Nonlife benefit products in life insurance.
New and amended sections of chapter 284-166 WAC	Medicare supplement policies.
New and amended sections of chapter 284-43 WAC	Clarifying the definition and timeline for adding a newborn to a parent's group health benefit plan or policy.
Repeal of chapter 284-48 WAC; new sections of chapter 284-17 WAC	Bulletins - amending chapter, and proposing new rules for producers.
New and amended sections [of] chapter 284-02 WAC	Agency organization and general procedures for obtaining information.
New chapter in Title 284 WAC	Direct primary care provider practices.

New and amended sections [of] chapter 284-03 WAC	Public disclosure requests and public records.
New sections of chapter 284-23 WAC or new chapter in Title 284 WAC	Variable annuity suitability of sales.

**WSR 10-04-070**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**INFORMATION SERVICES**

[Filed February 1, 2010, 8:44 a.m.]

The information services board March 2010 regular meeting has been rescheduled from March 11, 2010, to March 18, 2010. The meeting will be held from 1:00 p.m. to 5:00 p.m., in the Department of Information Services Boardroom, 605 East 11th Street, Olympia, WA 98504.

If you have any questions, please contact Laurel McMillan at (360) 902-3566.

**WSR 10-04-071**  
**NOTICE OF PUBLIC MEETINGS**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed February 1, 2010, 9:44 a.m.]

The updated meeting schedule of the Washington state noxious weed control board for March 2010 is on Wednesday, March 17, 2010, at 1:00 p.m. - 4:00 p.m., Quality Inn and Conference Center, Great Northern Room, 1700 Canyon Road, Ellensburg, WA 98926.

**WSR 10-04-073**  
**AGENDA**  
**FOREST PRACTICES BOARD**

[Filed February 1, 2010, 1:01 p.m.]

**Rule Development Agenda**  
**January - June 2010**

The forest practices board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period. There may be additional rule-making activity not on the agenda as conditions warrant.

1. **Northern spotted owl.** The board approved an emergency rule in November 2009 that establishes a temporary process (from January 1, 2009, to February 28, 2010) in which a three-person spotted owl conservation advisory group may evaluate certain northern spotted owl sites to determine whether they need to be maintained while the forest practices board completes its evaluation of rules affecting the northern spotted owl. The board is concurrently conducting permanent rule making and as a result of the northern

spotted owl working group recommendations to accomplish the same goal.

2. **Trees and houses.** The board may consider rule making to amend rules to allow for harvest of danger trees adjacent to residential home sites.

3. **Conversion activities.** The board may consider rule making to amend rules that implement SB 5883 to provide a process to apply for a forest conversion application for another use.

4. **Notice of forest practice to affected Indian tribes.** The board may consider rule making to clarify rules that require landowners to meet with tribes when an application involves a cultural resource.

**Contact Person:** Patricia Anderson, FPB Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@dnr.wa.gov.

**WSR 10-04-074**  
**AGENDA**  
**BOARD OF ACCOUNTANCY**

[Filed February 1, 2010, 1:49 p.m.]

Semi-Annual Rule-Making Agenda  
January through June 2010

Following is the Washington state board of accountancy's semi-annual rule-making agenda for publication in the Washington state register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Cheryl M. Sexton, Rules Coordinator, P.O. Box 9131, Olympia, WA 98507-9131, phone (360) 664-9194, fax (360) 664-9190, e-mail cheryls@cpaboard.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 4-25 WAC	Due to the passage of SSB 6604 passed through the 2008 legislative session, the board proposes a comprehensive review all of its rules for effectiveness, clarity, cost, fairness, and need.		CR-102 in 2010 will be done in installments	CR-103 in 2010 and 2011 will be done in installments
WAC 4-25-520	Public records the board maintains and access to those records.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-540	Proceedings before the board.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-550	Address notification including e-mail address; should the board require e-mail addresses?	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-640	Records and clients confidential information.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-661	Limitations regarding individual and firm names.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-750, 4-25-783, 4-25-790	Renewal requirements; as the board moves to provide on-line services, the board needs to reconsider how and if the board will provide renewal notices/forms to individuals and firms.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-735, 4-25-745, 4-25-746, 4-25-752, 4-25-782, 4-25-791, 4-25-792, 4-25-793, 4-25-795	Entry requirements; as the board moves to providing on-line services, the board needs to reconsider the application process referenced in its entry requirement rules.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-730	The experience requirements in order to obtain a certified public accountant (CPA) license.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-820	Quality assurance review (QAR) including the proposal to require peer review of CPA firms providing audit reports.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010
WAC 4-25-832	Reporting continuing professional education to the board.	08-13-024 filed June 9, 2008	CR-102 in 2010	CR-103 in 2010

Richard C. Sweeney, CPA  
Executive Director



**WSR 10-04-077****AGENDA****PUBLIC DISCLOSURE COMMISSION**

[Filed February 1, 2010, 2:45 p.m.]

**Agenda for Rules Under Development  
January - June, 2010**

Agency Contact: Lori Anderson, Communications and Training Officer, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2737, toll free 1-877-601-2828, fax (360) 753-1112, e-mail landerson@pdc.wa.gov.

At present, the public disclosure commission has three rules under development<sup>1</sup> and plans to review and update two chapters of the Washington Administrative Code:

<sup>1</sup> The commission voted to proceed with rule making after consideration of a petition for rule making that proposed amendments to WAC 390-05-290, 390-18-010, and 390-18-025.

**1. Topic:** Definition of political advertising.

**Status:** On December 18, 2008, the commission filed the preproposal statement with the code reviser giving notice that it is considering rules relating to political advertising and possible changes to WAC 390-05-290 to include telephone and internet communications and public opinion polls as a form of mass communication that is political advertising.

A stakeholder meeting was held January 13, 2010. No public hearing has been scheduled.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.020, 42.17.-510.

**WAC Cite:** WAC 390-05-290 Definition of political advertising.

**2. Topic:** Advertising, political advertising, electioneering communications, and independent expenditures.

**Status:** Amendments to WAC 390-18-010 were proposed in a petition for rule making considered by the commission during its December 3, 2009, meeting. The commission voted to proceed with rule making. On December 18, 2008, the commission filed the preproposal statement with the code reviser giving notice that it is considering possible changes to WAC 390-18-010 related to sponsor identification requirements for telephonic political advertising.

A stakeholder meeting was held January 13, 2010. No public hearing has been scheduled.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.510.

**WAC Cite:** WAC 390-18-010 Advertising, political advertising, electioneering communications, and independent expenditures.

**3. Topic:** Advertising—Identification of "top five contributors."

**Status:** Amendments to WAC 390-18-025 were proposed in a petition for rule making considered by the commission during its December 3, 2009, meeting. The commission voted to proceed with rule making. On December 18, 2008, the commission filed the preproposal statement with the code reviser giving notice that it is considering possible changes to WAC 390-18-025 to consider amendatory language addressing disclosure of "top 5 contributors."

A stakeholder meeting was held January 13, 2010. No public hearing has been scheduled.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.510.

**WAC Cite:** WAC 390-18-025 Advertising—Identification of "top five contributors."

**4. Topic:** Public records.

**Status:** The commission will file a preproposal statement with the code reviser giving notice that it is considering possible changes to chapters 390-13 and 390-14 WAC that will recognize and adopt relevant provisions of the state's model public records rules and address technological advancements in the delivery of public records.

A public hearing and possible adoption of amended rules may occur in June 2010.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** Chapter 42.17 RCW.

**WAC Cite:** Chapters 390-13 and 390-14 WAC.

A complete listing of rule-making activity from 1999 to present can be found on the public disclosure commission web site at [www.pdc.wa.gov](http://www.pdc.wa.gov) under Rule Making Activity.

**WSR 10-04-078****NOTICE OF PUBLIC MEETINGS****WHATCOM COMMUNITY COLLEGE**

[Filed February 1, 2010, 4:29 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled March board meeting on Wednesday, March 24, 2010, at 2 p.m. until 4 p.m. instead of the previously announced starting time of 4 p.m. The meeting will be held on the campus of Whatcom Community College in the Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. The board will be in executive session from 4 p.m. until 7 p.m. to review the performance of public employees. The board of trustees meeting will reconvene in open session at 7 p.m. on the same day in the Heiner Center Theater on the campus to consider the award of tenure to probationary faculty candidates. Boards of trustees meetings are open to the public.

**WSR 10-04-085****AGENDA****BOARD OF****PILOTAGE COMMISSIONERS**

[Filed February 2, 2010, 10:49 a.m.]

**Semi-Annual Rule-Making Agenda  
January through June 2010**

Below is the board of pilotage commissioner's semi-annual rule-making agenda for publication in the Washington state register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda if it is necessary.

Please direct any questions about this agenda to Peggy Larson, Rules Coordinator, 2901 Third Avenue, Suite 500, Seattle, WA 98121, (206) 515-3904, fax (206) 515-3906,

www.pilotage.wa.gov. My e-mail address is Larsonp@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103)
363-116-078	Training program	Filed 7/21/09	CR-102 filed 12/2/09	CR-103E filed 11/25/09 CR-103 filed February 2010
363-116-300	Puget Sound pilotage district rates	Exempt	March filing for public hearing in May 2010	May filing for implementation on 7/1/10
363-116-185	Grays Harbor pilotage district rates	Exempt	April filing for public hearing in June 2010	June filing for implementation on 8/1/10

Peggy Larson  
Rules Coordinator

**WSR 10-04-088**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 2, 2010, 12:41 p.m.]

**Notice of Pending Legislation**

The department of social and health services (DSHS) provides the following description of two bills now being considered by the Washington state legislature. If enacted, the bills would impact the nursing facility medicaid payment system, chapter 74.46 RCW. During session, the legislature substantially can change these bills and there is no guarantee that they will pass the bills. To read the full text of the bills go to <http://apps.leg.wa.gov/billinfo/>.

Please comment on one or both of the bills, by doing any, some or all of the following:

- Contact your legislators. To identify your legislators and/or how to contact them go to [www.leg.wa.gov](http://www.leg.wa.gov);
- Call the legislative hot line at 1-800-562-6000 to leave a message on any issue;
- Comment to the legislative committees considering the bills and/or attend their hearings on the bills. To identify the committees, the hearing schedules, and/or to sign up to receive e-mail notices about the hearing schedules go to [www.leg.wa.gov](http://www.leg.wa.gov); and/or
- Send comments to Kathy Marshall, director, management services division, aging and disabilities services administration, DSHS at [MarshKA@DSHS.wa.gov](mailto:MarshKA@DSHS.wa.gov).

**HB 3021 companion SB 6751:** The bill would impose a quality assurance fee (QAF) on licensed nursing facilities. The QAF would be a per bed fee imposed on nursing facility beds occupied by medicaid and private-pay residents, but not medicare residents. Money generated by the QAF would be put into a dedicated fund within the state treasury that can be used only to pay medicaid nursing facility payment rates.

DSHS would seek a waiver from the federal Centers for Medicare and Medicaid Services (CMS) for provisions that would exempt certain types of facilities from payment of the

QAF and that would allow other types of facilities to pay the QAF at a lower rate.

Upon passage by the legislature and approval of the governor, DSHS would compute the exact amount of the QAF per nursing facility and collect it from the nursing facilities. Also, DSHS would increase nursing facility rates to reflect the amount of QAF collected. The increased medicaid spending would result in increased federal matching funds. Based on the language of the bill as of February 2, 2010, DSHS estimates that, if the bill were enacted, nursing facility medicaid payment rates would increase by approximately four percent.

The QAF would expire June 30, 2013, unless the legislature passes an extension that the governor approves.

**SB 6194 and companion HB 2898:** The legislation would shorten and update the current statutory sections of chapter 74.46 RCW, which DSHS uses to calculate nursing facility medicaid payment rates.

Specifically, the bill would:

- Add one new section specifying eleven broad principles - all consistent with the existing payment system - to guide in the implementation of a payment methodology in rule. It also includes a separate grant of rule-making authority to DSHS;
- Amend various sections - including the sections dealing with rate setting, commonly referred to as Part E. The majority of the Part E sections are retained but amended to reflect subsequent legislative changes and to remove unnecessary material and references;
- Repeal fifty-two current sections; and
- Leave in place the current section, RCW 74.46.421, addressing the budget dial.

Enactment of this bill will not change the annual aggregate expenditures for medicaid nursing facility payment rates.

**WSR 10-04-091**  
**PUBLIC RECORDS OFFICER**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed February 2, 2010, 1:23 p.m.]

Effective yesterday, Greg Baxter, program administration manager, will serve as the records officer for the Washington state criminal justice training commission. Greg can be reached at the Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, phone (206) 835-7356, fax (206) 835-7313, e-mail gbaxter@cjtc.state.wa.us.

Michael D. Parsons, Ph.D.  
 Executive Director

**WSR 10-04-103**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Filed February 3, 2010, 9:29 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, February 18, 2010, has been cancelled and rescheduled for **Tuesday, February 16, 2010**, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, March 18, 2010, has been cancelled and rescheduled for **Wednesday, March 24, 2010**, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

**WSR 10-04-105**  
**DEPARTMENT OF ECOLOGY**

[Filed February 3, 2010, 10:18 a.m.]

**PUBLIC NOTICE**

**Announcing a Proposed Modification of the Washington State Department of Transportation Municipal Stormwater General Permit for Review and Comment**

**Proposed Permit Modification:** The department of ecology (ecology) issued a general permit to the Washington state department of transportation (WSDOT) on January 21, 2009. The permit covers discharges from its municipal separate storm sewer system (MS4). MS4s are conveyances or a system of conveyances including roads with drainage systems, streets, catch basins, ditches, manmade channels, and storm drains. The effective date of this permit was February 21, 2009.

This proposed modification adds substantive language to the permit as a result of a settlement agreement between the departments of ecology and transportation and Puget Soundkeeper Alliance. Permit sections modified include: S6.C, S7. E.2.d., S8.E., Appendix 7, *Stormwater Management Pro-*

*gram Plan*, Sections 3 and 3.1, 5.4, 6.2, and Appendix 3, *Applicable TMDL Requirements*.

**Purpose to the Permit:** State and federal regulations require WSDOT to have national pollutant discharge elimination system (NPDES) permit coverage in areas covered by Phase I and Phase II of the municipal stormwater permit program. This permit covers stormwater runoff from state highways, rest areas, park and ride lots, ferry terminals, and maintenance facilities. The permit addresses these legal requirements and regulates the discharge of pollutants to protect water quality in Washington state.

**Copies of the Draft Permit:** You may download a copy of the permit and fact sheet at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/wsdot.html>.

Or you may request a copy of the permit or fact sheet from Julie Robertson at (360) 407-6575 or by e-mail at [julie.robertson@ecy.wa.gov](mailto:julie.robertson@ecy.wa.gov).

**Ecology Contact:** Kathleen Emmett, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7386, fax (360) 407-6426, e-mail [kathleen.emmett@ecy.wa.gov](mailto:kathleen.emmett@ecy.wa.gov).

**Submitting Written and Oral Comments:** Ecology will accept written and oral comments on the proposed changes to the Washington state department of transportation municipal stormwater general permit and fact sheet until **5 p.m., March 31, 2010**. Ecology prefers comments be submitted by e-mail. Comments should reference specific text when possible.

Submit written comments to Kathleen Emmett, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail [kathleen.emmett@ecy.wa.gov](mailto:kathleen.emmett@ecy.wa.gov).

If you submit written comments, they must be post-marked no later than **5 p.m., March 31, 2010**. You must send e-mail comments before **5 p.m., March 31, 2010**. You may provide oral comments by testifying at the public hearing in Lacey, Washington.

**Hearing and Workshop:** A public workshop and hearing will be held on March 29, 2010, at 3 p.m., at the Department of Ecology, 300 Desmond Drive S.E., Lacey, WA. The purpose of the hearing is to provide an opportunity for people to give formal oral testimony and comments on the proposed permit.

**Issuing the WSDOT Municipal Stormwater General Permit:** After ecology receives and considers all public comments it will make necessary changes and issue the permit. Ecology expects to issue the permit in May 2010.

**WSR 10-04-124**  
**NOTICE OF PUBLIC MEETINGS**  
**CLEMENCY AND PARDONS BOARD**  
 [Filed February 3, 2010, 11:29 a.m.]

**Notice of March 2010 Quarterly Hearing**

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for March 11, 2010, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board:

**Petitioner:**

Maureen Serb  
  
Lonnie Link  
Mary London  
Michael Gooch  
David Hendricks  
Cecilio Huitron  
Dong Nguyen  
Cleora Swirtz  
Timothy Thompson

**Petition For:**

Restoration of Right to  
Hold Public Office  
  
Commutation  
Commutation  
Pardon  
Pardon  
Pardon  
Pardon  
Pardon  
Pardon