

WSR 10-22-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)

[Filed October 28, 2010, 1:27 p.m., effective October 29, 2010]

Effective Date of Rule: October 29, 2010.

Purpose: Under sections 201 and 209, chapter 564, Laws of 2009 (ESHB 1244), for fiscal years 2010 and 2011, funding for dental services is reduced from current levels. The department is amending language in sections in chapter 388-535 WAC in order to meet these targeted budget expenditure levels. The changes include, for clients though age twenty, reducing coverage of restorative services (crowns) and reducing coverage for repairs to partial dentures; for clients age twenty-one and older, reducing coverage for endodontic treatment and oral and maxillofacial surgery, eliminating coverage for cast metal framework partial dentures, immediate dentures, oral and parenteral conscious sedation, intravenous conscious sedation, and nonintravenous conscious sedation; and limiting coverage of complete dentures and overdentures. For all clients, the department is reducing coverage for partial dentures. These rules may not be applicable to clients of the division of developmental disabilities.

Citation of Existing Rules Affected by this Order: Amending WAC 388-535-1065, 388-535-1084, 388-535-1090, 388-535-1100, 388-535-1261, 388-535-1266, 388-535-1267, 388-535-1269, 388-535-1271, and 388-535-1450.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Sections 201 and 209, chapter 564, Laws of 2009 (ESHB 1244).

Under RCW 34.05.350 the agency for good cause finds that in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this Finding: This emergency rule filing is necessary to continue the current emergency rule adopted under WSR 10-14-049 to comply with sections 201 and 209 of the operating budget for fiscal years 2010 and 2011 with respect to dental services. To achieve further budget reductions upon order of the governor for the current fiscal year ending June 30, 2011, the medicaid purchasing administration anticipates making cuts to adult dental services effective January 1, 2011. A CR-101 was filed on October 6, 2010, as WSR 10-20-160 for the permanent rule. The department is currently preparing drafts for the permanent rule to share with providers for their input. Following this, the department plans to formally adopt the permanent rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 10, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

Date Adopted: October 27, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-17-107, filed 8/17/07, effective 9/17/07)

WAC 388-535-1065 Coverage limits for dental-related services provided under the GA-U and ADATSA programs. (1) Clients who receive medical care services under the following programs may receive the dental-related services described in this section:

- (a) General assistance unemployable (GA-U); and
- (b) Alcohol and drug abuse treatment and support act (ADATSA).

(2) The department covers the following dental-related services for a client eligible under the GA-U or ADATSA program:

- (a) Services provided only as part of dental treatment for:
 - (i) Limited oral evaluation;
 - (ii) Periapical or bite-wing radiographs that are medically necessary to diagnose only the client's chief complaint;
 - (iii) ~~((Palliative treatment to relieve dental pain;~~
 - ~~((iv)))~~ Pulpal debridement to relieve dental pain; or
 - ~~((v)))~~ ~~((iv))~~ Endodontic (root canal only) treatment for maxillary and mandibular anterior teeth (cuspids and incisors) when prior authorized~~((v))~~.

(b) Tooth extraction when at least one of the following apply:

- (i) The tooth has a radiograph apical lesion;
- (ii) The tooth is endodontically involved, infected, or abscessed;
- (iii) The tooth is not restorable; or
- (iv) The tooth is not periodontally stable.

(3) Tooth extractions require prior authorization when:

- (i) The extraction of a tooth or teeth results in the client becoming edentulous in the maxillary arch or mandibular arch; and
- (ii) A full mouth extraction is necessary because of radiation therapy for cancer of the head and neck.

(4) Each dental-related procedure described under this section is subject to the coverage limitations listed in chapter 388-535 WAC.

(5) The department does not cover any dental-related services not listed in this section for clients eligible under the GA-U or ADATSA program, including any type of removable prosthesis (denture).

AMENDATORY SECTION (Amending WSR 07-06-042, filed 3/1/07, effective 4/1/07)

WAC 388-535-1084 Covered dental-related services for clients through age twenty—Restorative services. The department covers medically necessary dental-related restorative services, subject to the coverage limitations listed, for clients through age twenty as follows:

(1) **Restorative/operative procedures.** The department covers restorative/operative procedures performed in a hospital or an ambulatory surgical center for:

- (a) Clients ages eight and younger;
- (b) Clients ages nine through twenty only on a case-by-case basis and when prior authorized; and
- (c) Clients of the division of developmental disabilities according to WAC 388-535-1099.

(2) **Amalgam restorations for primary and permanent teeth.** The department considers:

- (a) Tooth preparation, all adhesives (including amalgam bonding agents), liners, bases, and polishing as part of the amalgam restoration.
- (b) The occlusal adjustment of either the restored tooth or the opposing tooth or teeth as part of the amalgam restoration.
- (c) Buccal or lingual surface amalgam restorations, regardless of size or extension, as a one surface restoration. The department covers one buccal and one lingual surface per tooth.
- (d) Multiple amalgam restorations of fissures and grooves of the occlusal surface of the same tooth as a one surface restoration.
- (e) Amalgam restorations placed within six months of a crown preparation by the same provider or clinic to be included in the payment for the crown.

(3) **Amalgam restorations for primary posterior teeth only.** The department covers amalgam restorations for a maximum of two surfaces for a primary first molar and maximum of three surfaces for a primary second molar. (See subsection (9)(c) of this section for restorations for a primary posterior tooth requiring additional surfaces.) The department does not pay for additional amalgam restorations.

(4) **Amalgam restorations for permanent posterior teeth only.** The department:

- (a) Covers two occlusal amalgam restorations for teeth one, two, three, fourteen, fifteen, and sixteen, if the restorations are anatomically separated by sound tooth structure.
- (b) Covers amalgam restorations for a maximum of five surfaces per tooth for a permanent posterior tooth, once per client, per provider or clinic, in a two-year period.
- (c) Covers amalgam restorations for a maximum of six surfaces per tooth for teeth one, two, three, fourteen, fifteen, and sixteen, once per client, per provider or clinic, in a two-year period (see (a) of this subsection).
- (d) Does not pay for replacement of amalgam restoration on permanent posterior teeth within a two-year period unless the restoration has an additional adjoining carious surface. The department pays for the replacement restoration as one multi-surface restoration. The client's record must include radiographs and documentation supporting the medical necessity for the replacement restoration.

(5) **Resin-based composite restorations for primary and permanent teeth.** The department:

- (a) Considers tooth preparation, acid etching, all adhesives (including resin bonding agents), liners and bases, polishing, and curing as part of the resin-based composite restoration.
- (b) Considers the occlusal adjustment of either the restored tooth or the opposing tooth or teeth as part of the resin-based composite restoration.
- (c) Considers buccal or lingual surface resin-based composite restorations, regardless of size or extension, as a one surface restoration. The department covers only one buccal and one lingual surface per tooth.
- (d) Considers resin-based composite restorations of teeth where the decay does not penetrate the dentoenamel junction (DEJ) to be sealants (see WAC 388-535-1082(4) for sealants coverage).
- (e) Considers multiple preventive restorative resin, flowable composite resin, or resin-based composites for the occlusal, buccal, lingual, mesial, and distal fissures and grooves on the same tooth as a one surface restoration.
- (f) Does not cover preventive restorative resin or flowable composite resin on the interproximal surfaces (mesial and/or distal) when performed on posterior teeth or the incisal surface of anterior teeth.
- (g) Considers resin-based composite restorations placed within six months of a crown preparation by the same provider or clinic to be included in the payment for the crown.

(6) **Resin-based composite restorations for primary teeth only.** The department covers:

- (a) Resin-based composite restorations for a maximum of three surfaces for a primary anterior tooth (see subsection (9)(b) of this section for restorations for a primary anterior tooth requiring a four or more surface restoration). The department does not pay for additional composite or amalgam restorations on the same tooth after three surfaces.
- (b) Resin-based composite restorations for a maximum of two surfaces for a primary first molar and a maximum of three surfaces for a primary second molar. (See subsection (9)(c) of this subsection for restorations for a primary posterior tooth requiring additional surfaces.) The department does not pay for additional composite restorations on the same tooth.
- (c) Glass (~~(ionomer)) ionomer~~ restorations only for primary teeth, and only for clients ages five and younger. The department pays for these restorations as a one surface resin-based composite restoration.

(7) **Resin-based composite restorations for permanent teeth only.** The department covers:

- (a) Two occlusal resin-based composite restorations for teeth one, two, fourteen, fifteen, and sixteen if the restorations are anatomically separated by sound tooth structure.
- (b) Resin-based composite restorations for a maximum of five surfaces per tooth for a permanent posterior tooth, once per client, per provider or clinic, in a two-year period.
- (c) Resin-based composite restorations for a maximum of six surfaces per tooth for permanent posterior teeth one, two, three, fourteen, fifteen, and sixteen, once per client, per provider or clinic, in a two-year period (see (a) of this subsection).

(d) Resin-based composite restorations for a maximum of six surfaces per tooth for a permanent anterior tooth, once per client, per provider or clinic, in a two-year period.

(e) Replacement of resin-based composite restoration on permanent teeth within a two-year period only if the restoration has an additional adjoining carious surface. The department pays the replacement restoration as a one multi-surface restoration. The client's record must include radiographs and documentation supporting the medical necessity for the replacement restoration.

(8) **Crowns.** The department:

(a) Covers the following crowns once every five years, per tooth, for permanent anterior teeth for clients ages twelve through twenty when the crowns meet prior authorization criteria in WAC 388-535-1220 and the provider follows the prior authorization requirements in (d) of this subsection:

(i) Porcelain/ceramic crowns to include all porcelains, glasses, glass-ceramic, and porcelain fused to metal crowns; and

(ii) Resin crowns and resin metal crowns to include any resin-based composite, fiber, or ceramic reinforced polymer compound.

~~(b) ((Covers full coverage metal crowns once every five years, per tooth, for permanent posterior teeth to include high noble, titanium, titanium alloys, noble, and predominantly base metal crowns for clients ages eighteen through twenty when they meet prior authorization criteria and the provider follows the prior authorization requirements in (d) and (e) of this subsection.~~

~~(e))~~ Considers the following to be included in the payment for a crown:

(i) Tooth and soft tissue preparation;

(ii) Amalgam and resin-based composite restoration, or any other restorative material placed within six months of the crown preparation. Exception: The department covers a one surface restoration on an endodontically treated tooth, or a core buildup or cast post and core;

(iii) Temporaries, including but not limited to, temporary restoration, temporary crown, provisional crown, temporary prefabricated stainless steel crown, ion crown, or acrylic crown;

(iv) Packing cord placement and removal;

(v) Diagnostic or final impressions;

(vi) Crown seating (placement), including cementing and insulating bases;

(vii) Occlusal adjustment of crown or opposing tooth or teeth; and

(viii) Local anesthesia.

~~((d))~~ (c) Requires the provider to submit the following with each prior authorization request:

(i) Radiographs to assess all remaining teeth;

(ii) Documentation and identification of all missing teeth;

(iii) Caries diagnosis and treatment plan for all remaining teeth, including a caries control plan for clients with rampant caries;

(iv) Pre- and post-endodontic treatment radiographs for requests on endodontically treated teeth; and

(v) Documentation supporting a five-year prognosis that the client will retain the tooth or crown if the tooth is crowned.

~~((e))~~ (d) Requires a provider to bill for a crown only after delivery and seating of the crown, not at the impression date.

(9) **Other restorative services.** The department covers:

(a) All recementations of permanent indirect crowns.

(b) Prefabricated stainless steel crowns with resin window, resin-based composite crowns, prefabricated esthetic coated stainless steel crowns, and fabricated resin crowns for primary anterior teeth once every three years without prior authorization if the tooth requires a four or more surface restoration.

(c) Prefabricated stainless steel crowns for primary posterior teeth once every three years without prior authorization if:

(i) Decay involves three or more surfaces for a primary first molar;

(ii) Decay involves four or more surfaces for a primary second molar; or

(iii) The tooth had a pulpotomy.

(d) Prefabricated stainless steel crowns for permanent posterior teeth once every three years when prior authorized.

(e) Prefabricated stainless steel crowns for clients of the division of developmental disabilities according to WAC 388-535-1099.

(f) Core buildup, including pins, only on permanent teeth, when prior authorized at the same time as the crown prior authorization.

(g) Cast post and core or prefabricated post and core, only on permanent teeth, when prior authorized at the same time as the crown prior authorization.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 07-06-042, filed 3/1/07, effective 4/1/07)

WAC 388-535-1090 Covered dental-related services for clients through age twenty—Prosthodontics (removable). The department covers medically necessary prosthodontics (removable) services, subject to the coverage limitations listed, for clients through age twenty as follows:

(1) **Prosthodontics.** The department:

(a) Requires prior authorization for all removable prosthodontic and prosthodontic-related procedures, except as stated in (c)(ii)(B) of this subsection. Prior authorization requests must meet the criteria in WAC 388-535-1220. In addition, the department requires the dental provider to submit:

(i) Appropriate and diagnostic radiographs of all remaining teeth.

(ii) A dental record which identifies:

(A) All missing teeth for both arches;

(B) Teeth that are to be extracted; and

(C) Dental and periodontal services completed on all remaining teeth.

(iii) A prescription written by a dentist when a denturist's prior authorization request is for an immediate denture or a cast metal partial denture.

(b) Covers complete dentures, as follows:

(i) A complete denture, including an immediate denture or overdenture, is covered when prior authorized.

(ii) Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the seat (placement) date of the complete denture, is considered part of the complete denture procedure and is not paid separately.

(iii) Replacement of an immediate denture with a complete denture is covered if the complete denture is prior authorized at least six months after the seat date of the immediate denture.

(iv) Replacement of a complete denture or overdenture is covered only if prior authorized at least five years after the seat date of the complete denture or overdenture being replaced. The replacement denture must be prior authorized.

(c) Covers partial dentures, as follows:

(i) A partial denture, including a resin (~~(or flexible base)~~) partial denture, is covered for anterior and posterior teeth when the partial denture meets the following department coverage criteria.

(A) The remaining teeth in the arch must have a reasonable periodontal diagnosis and prognosis;

(B) The client has established caries control;

(C) One or more anterior teeth are missing or four or more posterior teeth are missing;

(D) There is a minimum of four stable teeth remaining per arch; and

(E) There is a three-year prognosis for retention of the remaining teeth.

(ii) Prior authorization of partial dentures:

(A) Is required for clients ages nine and younger; and

(B) Not required for clients ages ten through twenty.

Documentation supporting the medical necessity for the service must be included in the client's file.

(iii) Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the seat date of the partial denture, is considered part of the partial denture procedure and is not paid separately.

(iv) Replacement of a resin or flexible base denture is covered only if prior authorized at least three years after the seat date of the resin or flexible base partial denture being replaced. The replacement denture must be prior authorized and meet department coverage criteria in (c)(i) of this subsection.

(d) Covers cast-metal framework partial dentures, as follows:

(i) Cast-metal framework with resin-based partial dentures, including any conventional clasps, rests, and teeth, are covered for clients ages eighteen through twenty only once in a five-year period, on a case-by-case basis, when prior authorized and department coverage criteria listed in subsection (d)(v) of this subsection are met.

(ii) Cast-metal framework partial dentures for clients ages seventeen and younger are not covered.

(iii) Three-month post-delivery care (e.g., adjustments, soft relines, and repairs) from the seat date of the cast metal

partial denture is considered part of the partial denture procedure and is not paid separately.

(iv) Replacement of a cast metal framework partial denture is covered on a case-by-case basis and only if placed at least five years after the seat date of the partial denture being replaced. The replacement denture must be prior authorized and meet department coverage criteria listed in (d)(v) of this subsection.

(v) Department authorization and payment for cast metal framework partial dentures is based on the following criteria:

(A) The remaining teeth in the arch must have a stable periodontal diagnosis and prognosis;

(B) The client has established caries control;

(C) All restorative and periodontal procedures must be completed before the request for prior authorization is submitted;

(D) There are fewer than eight posterior teeth in occlusion;

(E) There is a minimum of four stable teeth remaining per arch; and

(F) There is a five-year prognosis for the retention of the remaining teeth.

(vi) The department may consider resin partial dentures as an alternative if the department determines the criteria for cast metal framework partial dentures listed in (d)(v) of this subsection are not met.

(e) Requires a provider to bill for removable prosthetic procedures only after the seating of the prosthesis, not at the impression date. Refer to subsection (2)(e) and (f) for what the department may pay if the removable prosthesis is not delivered and inserted.

(f) Requires a provider to submit the following with a prior authorization request for removable prosthetics for a client residing in an alternate living facility (ALF) as defined in WAC 388-513-1301 or in a nursing facility:

(i) The client's medical diagnosis or prognosis;

(ii) The attending physician's request for prosthetic services;

(iii) The attending dentist's or denturist's statement documenting medical necessity;

(iv) A written and signed consent for treatment from the client's legal guardian when a guardian has been appointed; and

(v) A completed copy of the denture/partial appliance request for skilled nursing facility client form (DSHS 13-788) available from the department's published billing instructions.

(g) Limits removable partial dentures to resin-based partial dentures for all clients residing in one of the facilities listed in (f) of this subsection. The department may consider cast metal partial dentures if the criteria in subsection (1)(d) are met.

(h) Requires a provider to deliver services and procedures that are of acceptable quality to the department. The department may recoup payment for services that are determined to be below the standard of care or of an unacceptable product quality.

(2) **Other services for removable prosthodontics.** The department covers:

(a) Adjustments to complete and partial dentures three months after the date of delivery.

(b) Repairs to complete and partial dentures, once in a twelve month period. The cost of repairs cannot exceed the cost of replacement. The department covers additional repairs on a case-by-case basis and when prior authorized.

(c) A laboratory reline or rebase to a complete or cast-metal partial denture, once in a three-year period when performed at least six months after the seating date. An additional reline or rebase may be covered for complete or cast-metal partial dentures on a case-by-case basis when prior authorized.

(d) Up to two tissue conditionings, and only when performed within three months after the seating date.

(e) Laboratory fees, subject to the following:

(i) The department does not pay separately for laboratory or professional fees for complete and partial dentures; and

(ii) The department may pay part of billed laboratory fees when the provider obtains prior authorization, and the client:

(A) Is not eligible at the time of delivery of the prosthesis;

(B) Moves from the state;

(C) Cannot be located;

(D) Does not participate in completing the complete, immediate, or partial dentures; or

(E) Dies.

(f) A provider must submit copies of laboratory prescriptions and receipts or invoices for each claim when billing for laboratory fees.

AMENDATORY SECTION (Amending WSR 07-06-042, filed 3/1/07, effective 4/1/07)

WAC 388-535-1100 Dental-related services not covered for clients through age twenty. (1) The department does not cover the following for clients through age twenty:

(a) The dental-related services described in subsection (2) of this section unless the services are covered under the early periodic screening, diagnosis and treatment (EPSDT) program. See WAC 388-534-0100 for information about the EPSDT program.

(b) Any service specifically excluded by statute.

(c) More costly services when less costly, equally effective services as determined by the department are available.

(d) Services, procedures, treatment, devices, drugs, or application of associated services:

(i) Which the department or the Centers for Medicare and Medicaid Services (CMS) considers investigative or experimental on the date the services were provided.

(ii) That are not listed as covered in one or both of the following:

(A) Washington Administrative Code (WAC).

(B) The department's current published documents.

(2) The department does not cover dental-related services listed under the following categories of service for clients through age twenty (see subsection (1)(a) of this section for services provided under the EPSDT program):

(a) **Diagnostic services.** The department does not cover:

(i) Extraoral radiographs.

(ii) Comprehensive periodontal evaluations.

(b) **Preventive services.** The department does not cover:

(i) Nutritional counseling for control of dental disease.

(ii) Tobacco counseling for the control and prevention of oral disease.

(iii) Removable space maintainers of any type.

(iv) Sealants placed on a tooth with the same-day occlusal restoration, preexisting occlusal restoration, or a tooth with occlusal decay.

(v) Space maintainers for clients ages nineteen through twenty.

(c) **Restorative services.** The department does not cover:

(i) Restorations for wear on any surface of any tooth without evidence of decay through the enamel or on the root surface:

(ii) Gold foil restorations.

~~((ii))~~ (iii) Metallic, resin-based composite, or porcelain/ceramic inlay/onlay restorations.

~~((iii))~~ (iv) Preventive restorations.

(v) Crowns for cosmetic purposes (e.g., peg laterals and tetracycline staining).

~~((iv))~~ (vi) Permanent crowns for ~~((third molars one, sixteen, seventeen, and thirty-two))~~ bicuspid or molar teeth.

~~((v))~~ (vii) Temporary or provisional crowns (including ion crowns).

~~((vi))~~ (viii) Labial veneer resin or porcelain laminate restorations.

~~((vii))~~ (ix) Any type of coping.

~~((viii))~~ (x) Crown repairs.

~~((ix))~~ (xi) Polishing or recontouring restorations or overhang removal for any type of restoration.

(d) **Endodontic services.** The department does not cover:

(i) Any endodontic therapy on primary teeth, except as described in WAC 388-535-1086 (3)(a).

(ii) Apexification/recalcification for root resorption of permanent anterior teeth.

(iii) Any apexification/recalcification procedures for bicuspid or molar teeth.

(iv) Any apicoectomy/periradicular services for bicuspid or molar teeth.

(v) Any surgical endodontic procedures including, but not limited to, retrograde fillings (except for anterior teeth), root amputation, reimplantation, and hemisections.

(e) **Periodontic services.** The department does not cover:

(i) Surgical periodontal services including, but not limited to:

(A) Gingival flap procedures.

(B) Clinical crown lengthening.

(C) Osseous surgery.

(D) Bone or soft tissue grafts.

(E) Biological material to aid in soft and osseous tissue regeneration.

(F) Guided tissue regeneration.

(G) Pedicle, free soft tissue, apical positioning, subepithelial connective tissue, soft tissue allograft, combined con-

nective tissue and double pedicle, or any other soft tissue or osseous grafts.

(H) Distal or proximal wedge procedures.

(ii) Nonsurgical periodontal services including, but not limited to:

(A) Intracoronal or extracoronal provisional splinting.

(B) Full mouth or quadrant debridement.

(C) Localized delivery of chemotherapeutic agents.

(D) Any other type of nonsurgical periodontal service.

(f) **Removable prosthodontics.** The department does not cover:

(i) Removable unilateral partial dentures.

(ii) Any interim complete or partial dentures.

(iii) Flexible base partial dentures.

(iv) Any type of permanent soft relines (e.g., molloplast).

(v) Precision attachments.

~~((iv))~~ (vi) Replacement of replaceable parts for semi-precision or precision attachments.

(g) **Implant services.** The department does not cover:

(i) Any type of implant procedures, including, but not limited to, any tooth implant abutment (e.g., periosteal implant, eposteal implant, and transosteal implant), abutments or implant supported crown, abutment supported retainer, and implant supported retainer.

(ii) Any maintenance or repairs to procedures listed in (g)(i) of this subsection.

(iii) The removal of any implant as described in (g)(i) of this subsection.

(h) **Fixed prosthodontics.** The department does not cover:

(i) Any type of fixed partial denture pontic or fixed partial denture retainer.

(ii) Any type of precision attachment, stress breaker, connector bar, coping, cast post, or any other type of fixed attachment or prosthesis.

(i) **Oral and maxillofacial surgery.** The department does not cover:

(i) Any oral surgery service not listed in WAC 388-535-1094.

(ii) Any oral surgery service that is not listed in the department's list of covered current procedural terminology (CPT) codes published in the department's current rules or billing instructions.

(j) **Adjunctive general services.** The department does not cover:

(i) Anesthesia, including, but not limited to:

(A) Local anesthesia as a separate procedure.

(B) Regional block anesthesia as a separate procedure.

(C) Trigeminal division block anesthesia as a separate procedure.

(D) Medication for oral sedation, or therapeutic intramuscular (IM) drug injections, including antibiotic and injection of sedative.

(E) Application of any type of desensitizing medicament or resin.

(ii) Other general services including, but not limited to:

(A) Fabrication of an athletic mouthguard.

(B) Occlusion analysis.

(C) Occlusal adjustment, tooth or restoration adjustment or smoothing, or odontoplasties.

(D) Enamel microabrasion.

(E) Dental supplies such as toothbrushes, toothpaste, floss, and other take home items.

(F) Dentist's or dental hygienist's time writing or calling in prescriptions.

(G) Dentist's or dental hygienist's time consulting with clients on the phone.

(H) Educational supplies.

(I) Nonmedical equipment or supplies.

(J) Personal comfort items or services.

(K) Provider mileage or travel costs.

(L) Fees for no-show, cancelled, or late arrival appointments.

(M) Service charges of any type, including fees to create or copy charts.

(N) Office supplies used in conjunction with an office visit.

(O) Teeth whitening services or bleaching, or materials used in whitening or bleaching.

AMENDATORY SECTION (Amending WSR 07-06-041, filed 3/1/07, effective 4/1/07)

WAC 388-535-1261 Covered dental-related services for clients age twenty-one and older—Endodontic services. The department covers dental-related endodontic services only as listed in this section for clients age twenty-one and older. ~~((for))~~ For dental-related services provided to clients eligible under the GA-U or ADATSA program, see WAC 388-535-1065((?)). For dental-related services provided to clients of the division of developmental disabilities, see WAC 388-535-1099.

(1) **Pulpal debridement.** The department covers pulpal debridement on permanent teeth. Pulpal debridement is not covered ~~((when performed with palliative treatment or))~~ when performed on the same day as endodontic treatment.

(2) **Endodontic treatment.** The department:

(a) Covers endodontic treatment for permanent anterior teeth only;

(b) Considers the following included in endodontic treatment:

(i) Pulpectomy when part of root canal therapy;

(ii) All procedures necessary to complete treatment; and

(iii) All intra-operative and final evaluation radiographs for the endodontic procedure.

(c) Pays separately for the following services that are related to the endodontic treatment:

(i) Initial diagnostic evaluation;

(ii) Initial diagnostic radiographs; and

(iii) Post treatment evaluation radiographs if taken at least three months after treatment.

~~((d) Requires prior authorization for endodontic retreatment and considers endodontic retreatment to include:~~

~~(i) The removal of post(s), pin(s), old root canal filling material, and all procedures necessary to prepare the canals;~~

~~(ii) Placement of new filling material; and~~

~~(iii) Retreatment for permanent maxillary and mandibular anterior teeth only.~~

~~(e) Pays separately for the following services that are related to the endodontic retreatment:~~

- ~~(i) Initial diagnostic evaluation;~~
- ~~(ii) Initial diagnostic radiographs; and~~
- ~~(iii) Post treatment evaluation radiographs if taken at least three months after treatment.~~
- ~~(f) Does not pay for endodontic retreatment when provided by the original treating provider or clinic.)~~

AMENDATORY SECTION (Amending WSR 07-06-041, filed 3/1/07, effective 4/1/07)

WAC 388-535-1266 Covered dental-related services for clients age twenty-one and older—Prosthodontics (removable). The department covers dental-related prosthodontics (removable) services only as listed in this section for clients age twenty-one and older. ~~((for))~~ For dental-related services provided to clients eligible under the GA-U or ADATSA program, see WAC 388-535-1065((+)). For dental-related services provided to clients of the division of developmental disabilities, see WAC 388-535-1099.

(1) **Removable prosthodontics.** The department:

(a) Requires prior authorization requests for all removable prosthodontics and prosthodontic-related procedures listed in this subsection. Prior authorization requests must meet the criteria in WAC 388-535-1280. In addition, the department requires the dental provider to:

- (i) Submit:
 - (A) Appropriate and diagnostic radiographs of all remaining teeth.
 - (B) A dental record that identifies:
 - (I) All missing teeth for both arches;
 - (II) Teeth that are to be extracted; and
 - (III) Dental and periodontal services completed on all remaining teeth.
- ~~((C) A prescription written by a dentist when a dentist's prior authorization request is for an immediate denture or cast metal partial denture.))~~

(ii) Obtain a signed agreement of acceptance from the client at the conclusion of the final denture try-in for a department authorized complete denture ~~((or a cast metal denture described in this section))~~. If the client abandons the complete denture ~~((or the cast metal partial denture))~~ after signing the agreement of acceptance, the department will deny subsequent requests for the same type dental prosthesis if the request occurs prior to the dates specified in this section. A copy of the signed agreement that documents the client's acceptance of the dental prosthesis must be submitted to the department's dental prior authorization section before the department pays the claim.

(b) Covers a complete denture or overdenture, as follows:

(i) ~~((A))~~ The department covers an initial complete denture ~~((including an immediate denture))~~ or overdenture ~~((is covered))~~ for a client only when prior authorized and the complete denture or overdenture meets department coverage criteria;

(ii) Post-delivery care (e.g., adjustments, soft relines, and repairs) provided within three months of the seat date of a complete denture, is considered part of the complete denture procedure and is not paid separately;

~~((ii))~~ ((Replacement of an immediate denture with a complete denture is covered only when the replacement occurs at least six months from the seat date of the immediate denture. The replacement complete denture must be prior authorized; and

~~((iv)))~~ The department pays for a replacement ~~((of a))~~ complete denture or overdenture ~~((is covered))~~ only when the replacement occurs at least five years from the seat date of the previous complete denture or overdenture ~~((being replaced))~~ paid for by the department. The replacement denture must be prior authorized; and

(iv) The department limits payment for complete dentures to two maxillary complete dentures and two mandibular complete dentures per a client's lifetime.

(c) Covers partial dentures as follows:

(i) Department authorization and payment for a resin ~~((or flexible))~~ base partial denture for anterior and posterior teeth is based on the following criteria:

- (A) The remaining teeth in the arch must have a ~~((reasonable))~~ stable periodontal diagnosis and prognosis;
- (B) The client has established caries control;
- (C) One or more anterior teeth are missing, or four or more posterior teeth, excluding second and third molars, per arch are missing. The department does not pay for replacement of second or third molars;
- (D) There is a minimum of four stable teeth remaining per arch; and
- (E) There is a three-year prognosis for retention of all remaining teeth.

(ii) Post-delivery care (e.g. adjustments, soft relines, and repairs) provided after three months from the seat date of the partial denture, is considered part of the partial denture and is not paid separately; and

(iii) Replacement of a resin ~~((or flexible))~~ base denture is covered only when the replacement occurs at least three years from the seat date of the partial denture being replaced. The replacement denture must be prior authorized and meet department coverage criteria.

~~((d))~~ ~~((Covers cast metal framework partial dentures as follows:~~

~~((i))~~ ~~A cast metal framework with resin-based denture, including any conventional clasps, rests, and teeth, is covered on a case-by-case basis when prior authorized and department coverage criteria listed in (d)(iv) of this subsection are met.~~

~~((ii))~~ ~~Post-delivery care (e.g., adjustments, soft relines, and repairs) provided within three months of the seat date of the cast metal partial denture, is considered part of the partial denture procedure and is not paid separately.~~

~~((iii))~~ ~~Replacement of a cast metal framework partial denture is covered on a case by case basis and only when the replacement occurs at least five years from the seat date of the partial denture being replaced. The replacement denture must be prior authorized and meet department coverage criteria listed in (d)(iv) of this subsection.~~

~~((iv))~~ ~~Department authorization and payment for cast metal framework partial dentures is based on the following criteria:~~

~~((A))~~ ~~The remaining teeth in the arch must have a stable periodontal diagnosis and prognosis;~~

~~(B) The client has established caries control;~~

~~(C) All restorative and periodontal procedures must be completed before the request for prior authorization is submitted;~~

~~(D) There are fewer than eight posterior teeth in occlusion;~~

~~(E) There is a minimum of four stable teeth remaining per arch;~~

~~(F) There is a five-year prognosis, based on the sole discretion of the department, for retention of all remaining teeth.~~

~~(v) The department may consider resin partial dentures as an alternative if the criteria for cast metal framework partial dentures listed in (d)(iv) of this subsection do not meet department specifications.~~

~~(e))~~ Requires the provider to bill for covered removable prosthetic procedures only after the seating of the prosthesis, not at the impression date. Refer to (2)(c) ~~((and (d)))~~ of this subsection if the removable prostheses is not delivered and inserted.

~~((f))~~ (e) Requires a provider to submit the following with prior authorization requests for removable prosthetics for a client residing in a nursing home, group home, or other facility:

(i) The client's medical diagnosis and prognosis;

(ii) The attending physician's request for prosthetic services;

(iii) The attending dentist's or denturist's statement documenting medical necessity;

(iv) A written and signed consent from the client's legal guardian when a guardian has been appointed; and

(v) A completed copy of the Denture/Partial Appliance Request for Skilled Nursing Facility Client form (DSHS 13-788) available from the department.

~~((g))~~ (f) Limits coverage of removable partial dentures to resin based partial dentures for all clients who reside in one of the facilities listed in ~~((f))~~ (e) of this subsection. ~~((The department may consider cast metal partial dentures if the criteria in (d) of this subsection are met.~~

~~((h))~~ (g) Requires a provider to deliver services and procedures that are of acceptable quality to the department. The department may recoup payment for services that are determined to be below the standard of care or of an unacceptable product quality.

(2) **Other services for removable prosthetics.** The department covers:

(a) Repairs to complete ~~((and partial))~~ dentures;

(b) A laboratory reline or rebase to a complete ~~((or cast metal partial))~~ denture, once in a three-year period when performed at least six months after the seat (placement) date; and

(c) Laboratory fees, subject to all of the following:

(i) The department does not pay laboratory and professional fees for complete and partial dentures, except as stated in (ii) of this subsection;

(ii) The department may pay part of billed laboratory fees when the provider has obtained prior authorization from the department, and:

(A) At the time of delivery of the prosthesis, the patient is no longer an eligible medical assistance client (see also WAC 388-535-1280(3));

(B) The client moves from the state; or

(C) The client dies.

(ii) A provider must submit copies of laboratory prescriptions and receipts or invoices for each claim when billing for laboratory fees.

AMENDATORY SECTION (Amending WSR 07-06-041, filed 3/1/07, effective 4/1/07)

WAC 388-535-1267 Covered dental-related services for clients age twenty-one and older—Oral and maxillofacial surgery services. The department covers oral and maxillofacial surgery services only as listed in this section for clients age twenty-one and older. ~~((for))~~ For dental-related services provided to clients eligible under the GA-U or ADATSA program, see WAC 388-535-1065(~~(j)~~). For dental-related services provided to clients of the division of developmental disabilities, see WAC 388-535-1099.

(1) **Oral and maxillofacial surgery services.** The department:

(a) Requires enrolled dental providers who do not meet the conditions in WAC 388-535-1070(3) to bill claims for services that are listed in this subsection using only the current dental terminology (CDT) codes.

(b) Requires ~~((enrolled providers (c)))~~ oral and maxillofacial surgeons(~~(b)~~) who meet the conditions in WAC 388-535-1070(3) to bill claims using current procedural terminology (CPT) codes unless the procedure is specifically listed in the department's current published billing instructions as a CDT covered code (e.g., extractions).

(c) Does not cover oral surgery services described in WAC 388-535-1267 that are performed in a hospital operating room or ambulatory surgery center.

(d) Requires the client's record to include supporting documentation for each type of extraction or any other surgical procedure billed to the department. The documentation must include:

(i) An appropriate consent form signed by the client or the client's legal representative;

(ii) Appropriate radiographs;

(iii) Medical justification with diagnosis;

(iv) Client's blood pressure, when appropriate;

(v) A surgical narrative;

(vi) A copy of the post-operative instructions; and

(vii) A copy of all pre- and post-operative prescriptions.

(e) Covers routine and surgical extractions.

(f) Covers debridement of a granuloma or cyst that is five millimeters or greater in diameter. The department includes debridement of a granuloma or cyst that is less than five millimeters as part of the global fee for the extraction.

(g) Covers biopsy, as follows:

(i) Biopsy of soft oral tissue ~~((or brush biopsy do))~~ does not require prior authorization; and

(ii) All biopsy reports must be kept in the client's record.

(h) ~~((Covers alveoloplasty only when three or more teeth are extracted per arch.~~

~~((i))~~ Covers surgical excision of soft tissue lesions only on a case-by-case basis and when prior authorized.

~~((j) Covers only the following excisions of bone tissue in conjunction with placement of immediate, complete, or partial dentures when prior authorized:~~

- (i) Removal of lateral exostosis;
- (ii) Removal of torus palatinus or torus mandibularis;
- and
- (iii) Surgical reduction of soft tissue or osseous tuberosity.)

(2) **Surgical incision-related services.** The department covers ~~((the following surgical incision-related services:~~

(a)) uncomplicated intraoral and extraoral soft tissue incision and drainage of abscess. The department does not cover this service when combined with an extraction or root canal treatment. Documentation supporting medical necessity must be in the client's record ~~((; and~~

~~((b) Removal of foreign body from mucosa, skin, or subcutaneous alveolar tissue when prior authorized. Documentation supporting medical necessity must be in the client's record)).~~

AMENDATORY SECTION (Amending WSR 07-06-041, filed 3/1/07, effective 4/1/07)

WAC 388-535-1269 Covered dental-related services for clients age twenty-one and older—Adjunctive general services. The department covers dental-related adjunctive general services only as listed in this section for clients age twenty-one and older. ~~((for))~~ For dental-related services provided to clients eligible under the GA-U or ADATSA program, see WAC 388-535-1065 ~~((;))~~. For dental-related services provided to clients of the division of developmental disabilities, see WAC 388-535-1099.

(1) **Adjunctive general services.** The department:

(a) ~~((Covers palliative (emergency) treatment, not to include pulpal debridement, for treatment of dental pain, limited to once per day, per client, as follows:~~

(i) The treatment must occur during limited evaluation appointments;

(ii) A comprehensive description of diagnosis and services provided must be documented in the client's record; and

(iii) Appropriate radiographs must be in the client's record to support medical necessity for the treatment.

~~((b))~~ Covers local anesthesia and regional blocks as part of the global fee for any procedure being provided to clients.

~~((c) Covers office based oral or parenteral sedation:~~

(i) For services listed as covered in WAC 388-535-1267;

(ii) For all current published current procedural terminology (CPT) dental codes;

(iii) When the provider's current valid anesthesia permit is on file with the department; and

(iv) For clients of the division of developmental disabilities according to WAC 388-535-1099.

~~((d) Covers office based general anesthesia for:~~

(i) Extraction of three or more teeth;

(ii) Services listed as covered in WAC 388-535-1267 ~~((h)) and (j);~~

~~((iii) For all current published CPT dental codes;~~

~~((iv) When the provider's current valid anesthesia permit is on file with the department; and~~

~~((v) For clients of the division of developmental disabilities, according to WAC 388-535-1099.~~

~~((e))~~ ~~((b))~~ Covers ~~((inhalation))~~ administration of nitrous oxide, ~~((once))~~ one visit per day.

~~((f) Requires providers of oral or parenteral conscious sedation, or general anesthesia to meet:~~

~~((i) The prevailing standard of care;~~

~~((ii) The provider's professional organizational guidelines;~~

~~((iii) The requirements in chapter 246-817 WAC; and~~

~~((iv) Relevant department of health (DOH) medical, dental, and nursing anesthesia regulations;~~

~~((g) Pays for anesthesia services according to WAC 388-535-1350;~~

~~((h))~~ ~~((c))~~ Covers professional consultation/diagnostic services as follows:

(i) A dentist or a physician other than the practitioner providing treatment must provide the services; and

(ii) A client must be referred by the department for the services to be covered.

(2) **Nonemergency dental services.** The department covers nonemergency dental services performed in a hospital or ambulatory surgical center for clients of the division of developmental disabilities according to WAC 388-535-1099.

(3) **Professional visits.** The department covers:

(a) Up to two house/extended care facility calls (visits) per facility, per provider. The department limits payment to two facilities per day, per provider.

(b) One hospital call (visit), including emergency care, per day, per provider, per client. The department does not pay for additional hospital calls if billed for the same client on the same day.

(c) Emergency office visits after regularly scheduled hours. The department limits payment to one emergency visit per day, per provider.

(4) **Drugs and/or ~~((medicaments))~~ medications (pharmaceuticals).** The department covers drugs and/or ~~((medicaments))~~ medications (pharmaceuticals) only when used ~~((with parenteral conscious sedation, deep sedation, or general anesthesia))~~ for therapeutic purposes such as antibiotics, steroids, or anti-inflammatories. The department's dental program does not pay for oral sedation medications.

(5) **Miscellaneous services.** The department covers:

(a) Behavior management that requires the assistance of one additional dental staff other than the dentist only for clients of the division of developmental disabilities ~~((;))~~ (see WAC 388-535-1099). Documentation supporting the need for the behavior management must be in the client's record.

(b) Treatment of post-surgical complications (e.g., dry socket). Documentation supporting the medical necessity for the service must be in the client's record.

AMENDATORY SECTION (Amending WSR 07-06-041, filed 3/1/07, effective 4/1/07)

WAC 388-535-1271 Dental-related services not covered for clients age twenty-one and older. (1) The department does not cover the following for clients age twenty-one and older (see WAC 388-535-1065 for dental-related services for clients eligible under the GA-U or ADATSA program and WAC 388-535-1099 for clients of the division of developmental disabilities):

(a) The dental-related services and procedures described in subsection (2) of this section;

- (b) Any service specifically excluded by statute;
- (c) More costly services when less costly, equally effective services as determined by the department are available; and
- (d) Services, procedures, treatment, devices, drugs, or application of associated services:
- (i) Which the department or the Centers for Medicare and Medicaid Services (CMS) considers investigative or experimental on the date the services were provided.
- (ii) That are not listed as covered in one or both of the following:
- (A) Washington Administrative Code (WAC).
- (B) The department's published documents (e.g., billing instructions).
- (2) The department does not cover dental-related services listed under the following categories of service for clients age twenty-one and older:
- (a) **Diagnostic services.** The department does not cover:
- (i) Detailed and extensive oral evaluations or reevaluations;
- (ii) Comprehensive periodontal evaluations;
- (iii) Extraoral or occlusal intraoral radiographs;
- (iv) Posterior-anterior or lateral skull and facial bone survey films;
- (v) Sialography;
- (vi) Any temporomandibular joint films;
- (vii) Tomographic survey;
- (viii) Cephalometric films;
- (ix) Oral/facial photographic images;
- (x) Viral cultures, genetic testing, caries susceptibility tests, adjunctive prediagnostic tests, or pulp vitality tests; or
- (xi) Diagnostic casts.
- (b) **Preventive services.** The department does not cover:
- (i) Nutritional counseling for control of dental disease;
- (ii) Tobacco counseling for the control and prevention of oral disease;
- (iii) Oral hygiene instructions (included as part of the global fee for oral prophylaxis);
- (iv) Removable space maintainers of any type;
- (v) Sealants;
- (vi) Space maintainers of any type or recementation of space maintainers; or
- (vii) Fluoride trays of any type.
- (c) **Restorative services.** The department does not cover:
- (i) Restorative/operative procedures performed in a hospital operating room or ambulatory surgical center for clients age twenty-one and older. For clients of the division of developmental disabilities, see WAC 388-535-1099;
- (ii) Restorations for wear on any surface of any tooth without evidence of decay through the enamel or on the root surface:
- (iii) Gold foil restorations;
- (iii) (iv) Metallic, resin-based composite, or porcelain/ceramic inlay/onlay restorations;
- (iv) (v) Prefabricated (~~(resin crowns)~~) restorations;
- (v) (vi) Temporary or provisional crowns (including ion crowns);

- (vii) (vii) Any type of permanent or temporary crown. For clients of the division of developmental disabilities see WAC 388-535-1099;
- (vii) (viii) Recementation of any crown, inlay/onlay, or any other type of indirect restoration;
- (viii) (ix) Sedative fillings;
- (ix) (x) Preventive (~~(restorative resins)~~) restorations;
- (x) (xi) Any type of core buildup, cast post and core, or prefabricated post and core;
- (xi) (xii) Labial veneer resin or porcelain laminate restoration;
- (xii) (xiii) Any type of coping;
- (xiii) (xiv) Crown repairs; or
- (xiv) (xv) Polishing or recontouring restorations or overhang removal for any type of restoration.
- (d) **Endodontic services.** The department does not cover:
- (i) Indirect or direct pulp caps;
- (ii) Endodontic therapy on any primary teeth for clients age twenty-one and older;
- (iii) Endodontic therapy on permanent bicuspid or molar teeth;
- (iv) Endodontic retreatment of permanent anterior, bicuspid, or molar teeth:
- (v) Any apexification/recalcification procedures;
- (v) (vi) Any apicoectomy/periradicular service; or
- (vi) (vii) Any surgical endodontic procedures including, but not limited to, retrograde fillings, root amputation, reimplantation, and hemisections.
- (e) **Periodontic services.** The department does not cover:
- (i) Surgical periodontal services that include, but are not limited to:
- (A) Gingival or apical flap procedures;
- (B) Clinical crown lengthening;
- (C) Any type of osseous surgery;
- (D) Bone or soft tissue grafts;
- (E) Biological material to aid in soft and osseous tissue regeneration;
- (F) Guided tissue regeneration;
- (G) Pedicle, free soft tissue, apical positioning, subepithelial connective tissue, soft tissue allograft, combined connective tissue and double pedicle, or any other soft tissue or osseous grafts; or
- (H) Distal or proximal wedge procedures; or
- (ii) Nonsurgical periodontal services, including but not limited to:
- (A) Intracoronary or extracoronary provisional splinting;
- (B) Full mouth debridement;
- (C) Localized delivery of chemotherapeutic agents; or
- (D) Any other type of nonsurgical periodontal service.
- (f) **Prosthodontics (removable).** The department does not cover any type of:
- (i) (~~(Removable unilateral partial dentures)~~) Immediate dentures:
- (ii) Cast metal framework partial dentures;
- (iii) Adjustments to any removable prosthesis;
- (iii) (iv) Repairs to any partial denture;
- (iv) Flexible base partial dentures;

(vi) Replacement of second or third molars for any removable prosthesis;

(vii) Any type of permanent soft relines (e.g., molloplast);

(viii) Chairside complete or partial denture relines;

~~((iv))~~ (ix) Any interim complete or partial denture;

~~((v))~~ (x) Precision attachments; or

~~((vi))~~ (xi) Replacement of replaceable parts for semi-precision or precision attachments.

(g) **Oral and maxillofacial prosthetic services.** The department does not cover any type of oral or facial prosthesis other than those listed in WAC 388-535-1266.

(h) **Implant services.** The department does not cover:

(i) Any implant procedures, including, but not limited to, any tooth implant abutment (e.g., periosteal implant, eposteal implant, and transosteal implant), abutments or implant supported crown, abutment supported retainer, and implant supported retainer;

(ii) Any maintenance or repairs to procedures listed in (h)(i) of this subsection; or

(iii) The removal of any implant as described in (h)(i) of this subsection.

(i) **Prosthodontics (fixed).** The department does not cover any type of:

(i) Fixed partial denture pontic;

(ii) Fixed partial denture retainer;

(iii) Precision attachment, stress breaker, connector bar, coping, or cast post; or

(iv) Other fixed attachment or prosthesis.

(j) **Oral and maxillofacial surgery.** The department does not cover:

(i) Any nonemergency oral surgery performed in a hospital or ambulatory surgical center for current dental terminology (CDT) procedures;

(ii) Brush biopsy;

(iii) Any type of alveoplasty;

(iv) Any type of excisions of bone tissue including, but not limited to:

(A) Removal of lateral exostosis;

(B) Removal of torus palatinus or torus mandibularis;

and

(C) Surgical reduction of osseous tuberosity.

(v) Any type of surgical reduction of fibrous tuberosity;

(vi) Removal of foreign body from mucosa, skin, or subcutaneous tissue;

(vii) Vestibuloplasty;

~~((iii))~~ (viii) Frenuloplasty/frenulectomy;

~~((iv))~~ (ix) Any oral surgery service not listed in WAC 388-535-1267;

~~((v))~~ (x) Any oral surgery service that is not listed in the department's list of covered current procedural terminology (CPT) codes published in the department's current rules or billing instructions;

~~((vi))~~ (xi) Any type of occlusal orthotic splint or device, bruxing or grinding splint or device, temporomandibular joint splint or device, or sleep apnea splint or device; or

~~((vii))~~ (xii) Any type of orthodontic service or appliance.

(k) **Adjunctive general services.** The department does not cover:

(i) Anesthesia in any setting to include:

(A) Local anesthesia as a separate procedure;

(B) Regional block anesthesia as a separate procedure;

(C) Trigeminal division block anesthesia as a separate procedure;

(D) General anesthesia sedation;

(E) Oral or parenteral conscious sedation;

(F) Analgesia or anxiolysis as a separate procedure except for (~~inhalation~~) administration of nitrous oxide;

~~((E))~~ (G) Medication for oral sedation (~~or therapeutic drug injections, including antibiotic~~) or injection of sedative; or

~~((F))~~ (H) Application of any type of desensitizing medicament or resin.

(ii) Other general services including, but not limited to:

(A) Fabrication of athletic mouthguard, occlusal guard, or nightguard;

(B) Occlusion analysis;

(C) Occlusal adjustment, tooth or restoration adjustment or smoothing, or odontoplasties;

(D) Enamel microabrasion;

(E) Dental supplies, including but not limited to, toothbrushes, toothpaste, floss, and other take home items;

(F) Dentist's or dental hygienist's time writing or calling in prescriptions;

(G) Dentist's or dental hygienist's time consulting with clients on the phone;

(H) Educational supplies;

(I) Nonmedical equipment or supplies;

(J) Personal comfort items or services;

(K) Provider mileage or travel costs;

(L) Missed or late appointment fees;

(M) Service charges of any type, including fees to create or copy charts;

(N) Office supplies used in conjunction with an office visit; or

(O) Teeth whitening services or bleaching, or materials used in whitening or bleaching.

(3) The department evaluates a request for dental-related services that are listed as noncovered under the provisions in WAC 388-501-0160.

AMENDATORY SECTION (Amending WSR 03-19-080, filed 9/12/03, effective 10/13/03)

WAC 388-535-1450 Payment for denture laboratory services. The ~~(medical assistance administration (MAA))~~ department does not directly reimburse denture laboratories. ~~((MAA's))~~ The department's reimbursement for complete dentures, ~~((immediate dentures,))~~ partial dentures, and overdentures includes laboratory fees. The provider is responsible to pay a denture laboratory for services furnished at the request of the provider.

WSR 10-22-065
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed October 29, 2010, 2:29 p.m., effective November 1, 2010]

Effective Date of Rule: November 1, 2010.

Purpose: Amending rules in chapters 388-71 and 388-106 WAC to implement Governor's Executive Order 10-04 to reduce current year spending by 6.287%. The law creates three classifications of personal care services. Participants will be eligible for either agency managed personal care services or participant managed personal care services based upon their assessed cognitive and decision making abilities. Eligible participants may also choose residential personal care services. The department may authorize exceptions based on the client's health and safety. These rules will not affect the amount, duration, or scope of the personal care services benefit to which the client may be entitled.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0500, 388-71-0540, 388-71-0546, 388-106-0010, 388-106-0020, 388-106-0055, 388-106-0600, 388-106-1300, 388-106-1303, and 388-106-1445.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520.

Other Authority: Governor's Executive Order 10-04.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: State law authorizes and directs the governor to implement across-the-board reductions of allotments of appropriations to avoid a projected cash deficit. Governor's Executive Order 10-04 reduces current year spending by 6.287%, and the department is proposing these amendments to stay within the reduced appropriation.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 10, Repealed 0.

Date Adopted: October 27, 2010.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

WAC 388-71-0500 **What is the purpose of WAC 388-71-0500 through ((~~388-71-05952~~) ~~388-71-05909~~)) 388-71-05909?** A client/legal representative may choose an individual provider or a home care agency provider based upon criteria set forth in WAC 388-106-0042 and 388-106-0043. The intent of WAC 388-71-0500 through ((~~388-71-05952~~) ~~388-71-05909~~)) 388-71-05909 is to describe the:

(1) Qualifications of an individual provider, as defined in WAC 388-106-0010;

(2) Qualifications of a home care agency provider, as defined in WAC 388-106-0010 and chapter 246-336 WAC;

(3) Conditions under which the department or the area agency on aging (AAA) will pay for the services of an individual provider or a home care agency provider;

(4) Training requirements for an individual provider and home care agency provider.

AMENDATORY SECTION (Amending WSR 10-06-112, filed 3/3/10, effective 4/3/10)

WAC 388-71-0540 **When will the department((~~AAA~~)) or the department's designee deny payment for services of an individual provider or home care agency provider?** The department((~~AAA~~)) or the department's designee will deny payment for the services of an individual provider or a home care agency provider ((if the services are provided by an employee of the home care agency who is related by blood, marriage, adoption, or registered domestic partnership to the client.

The department, AAA, or department designee will deny payment for the services of an individual provider or home care agency provider)) who:

(1) Is the client's spouse, per 42 C.F.R. 441.360(g), except in the case of an individual provider for a chore services client. Note: For chore spousal providers, the department pays a rate not to exceed the amount of a one-person standard for a continuing general assistance grant, per WAC 388-478-0030;

(2) Is the natural/step/adoptive parent of a minor client aged seventeen or younger receiving services under medicaid personal care;

(3) Is a foster parent providing personal care to a child residing in their licensed foster home;

(4) Has been convicted of a disqualifying crime, under RCW 43.43.830 and 43.43.842 or of a crime relating to drugs as defined in RCW 43.43.830;

(5) Has abused, neglected, abandoned, or exploited a minor or vulnerable adult, as defined in chapter 74.34 RCW;

(6) Has had a license, certification, or a contract for the care of children or vulnerable adults denied, suspended, revoked, or terminated for noncompliance with state and/or federal regulations;

(7) Does not successfully complete the training requirements within the time limits required in WAC 388-71-05665 through 388-71-05865;

(8) Is already meeting the client's needs on an informal basis, and the client's assessment or reassessment does not identify any unmet need; ((~~and/or~~))

(9) Is terminated by the client (in the case of an individual provider) or by the home care agency (in the case of an agency provider~~(s)~~); and/or

(10) Is not a qualified provider of a service the client is eligible to receive.

In addition, the department, AAA, or department designee may deny payment to or terminate the contract of an individual provider as provided under WAC 388-71-0546, 388-71-0551, and 388-71-0556.

AMENDATORY SECTION (Amending WSR 06-05-022, filed 2/6/06, effective 3/9/06)

WAC 388-71-0546 When can the department(~~(, AAA,)~~) or (~~(managed care entity)~~) the department's designee reject the client's choice of an individual provider?

The department(~~(, AAA,)~~) or (~~(managed care entity)~~) the department's designee may reject a client's request to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the person will be unable to appropriately meet the client's needs. Examples of circumstances indicating an inability to meet the client's needs could include, without limitation:

- (1) Evidence of alcohol or drug abuse;
- (2) A reported history of domestic violence, no-contact orders, or criminal conduct (whether or not the conduct is disqualifying under RCW 43.43.830 and 43.43.842;
- (3) A report from the client's health care provider or other knowledgeable person that the requested provider lacks the ability or willingness to provide adequate care;
- (4) Other employment or responsibilities that prevent or interfere with the provision of required services;
- (5) Excessive commuting distance that would make it impractical to provide services as they are needed and outlined in the client's service plan.

AMENDATORY SECTION (Amending WSR 10-08-074, filed 4/6/10, effective 5/7/10)

WAC 388-106-0010 What definitions apply to this chapter? "Ability to make self understood" means how you make yourself understood to those closest to you; express or communicate requests, needs, opinions, urgent problems and social conversations, whether in speech, writing, sign language, symbols, or a combination of these including use of a communication board or keyboard:

- (a) Understood: You express ideas clearly;
- (b) Usually understood: You have difficulty finding the right words or finishing thoughts, resulting in delayed responses, or you require some prompting to make self understood;
- (c) Sometimes understood: You have limited ability, but are able to express concrete requests regarding at least basic needs (e.g. food, drink, sleep, toilet);
- (d) Rarely/never understood. At best, understanding is limited to caregiver's interpretation of client specific sounds or body language (e.g. indicated presence of pain or need to toilet.)

"Activities of daily living (ADL)" means the following:

(a) Bathing: How you take a full-body bath/shower, sponge bath, and transfer in/out of tub/shower.

(b) Bed mobility: How you move to and from a lying position, turn side to side, and position your body while in bed, in a recliner, or other type of furniture.

(c) Body care: How you perform with passive range of motion, applications of dressings and ointments or lotions to the body and pedicure to trim toenails and apply lotion to feet. In adult family homes, contracted assisted living, enhanced adult residential care, and enhanced adult residential care-specialized dementia care facilities, dressing changes using clean technique and topical ointments must be performed by a licensed nurse or through nurse delegation in accordance with chapter 246-840 WAC. Body care excludes:

(i) Foot care if you are diabetic or have poor circulation; or

(ii) Changing bandages or dressings when sterile procedures are required.

(d) Dressing: How you put on, fasten, and take off all items of clothing, including donning/removing prosthesis.

(e) Eating: How you eat and drink, regardless of skill. Eating includes any method of receiving nutrition, e.g., by mouth, tube or through a vein.

(f) Locomotion in room and immediate living environment: How you move between locations in your room and immediate living environment. If you are in a wheelchair, locomotion includes how self-sufficient you are once in your wheelchair.

(g) Locomotion outside of immediate living environment including outdoors: How you move to and return from more distant areas. If you are living in a boarding home or nursing facility (NF), this includes areas set aside for dining, activities, etc. If you are living in your own home or in an adult family home, locomotion outside immediate living environment including outdoors, includes how you move to and return from a patio or porch, backyard, to the mailbox, to see the next-door neighbor, etc.

(h) Walk in room, hallway and rest of immediate living environment: How you walk between locations in your room and immediate living environment.

(i) Medication management: Describes the amount of assistance, if any, required to receive medications, over the counter preparations or herbal supplements.

(j) Toilet use: How you use the toilet room, commode, bedpan, or urinal, transfer on/off toilet, cleanse, change pad, manage ostomy or catheter, and adjust clothes.

(k) Transfer: How you move between surfaces, i.e., to/from bed, chair, wheelchair, standing position. Transfer does not include how you move to/from the bath, toilet, or vehicle.

(l) Personal hygiene: How you maintain personal hygiene, including combing hair, brushing teeth, shaving, applying makeup, washing/drying face, hands (including nail care), and perineum (menses care). Personal hygiene does not include hygiene in baths and showers.

"Aged person" means a person sixty-five years of age or older.

"Agency managed personal care services", per WAC 388-106-0043, means in-home personal care services and performance of the employer functions such as recruitment, scheduling, supervision, and monitoring of personal care workers for clients who, based upon criteria in a CARE assessment, may need assistance with employer functions.

"Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to you in your own home.

"Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant must submit the request on a form prescribed by the department.

"Assessment details" means a summary of information that the department entered into the CARE assessment describing your needs.

"Assessment or reassessment" means an inventory and evaluation of abilities and needs based on an in-person interview in your own home or your place of residence, using CARE.

"Assistance available" means the amount of informal support available if the need is partially met. The department determines the amount of the assistance available using one of four categories:

- (a) Less than one-fourth of the time;
- (b) One-fourth to one-half of the time;
- (c) Over one-half of the time to three-fourths of the time;

or

- (d) Over three-fourths but not all of the time.

"Assistance with body care" means you need assistance with:

- (a) Application of ointment or lotions;
- (b) Trimming of toenails;
- (c) Dry bandage changes; or
- (d) Passive range of motion treatment.

"Assistance with medication management" means you need assistance managing your medications. You are scored as:

(a) Independent if you remember to take medications as prescribed and manage your medications without assistance.

(b) Assistance required if you need assistance from a nonlicensed provider to facilitate your self-administration of a prescribed, over the counter, or herbal medication, as defined in chapter 246-888 WAC. Assistance required includes reminding or coaching you, handing you the medication container, opening the container, using an enabler to assist you in getting the medication into your mouth, alteration of a medication for self-administration, and placing the medication in your hand. This does not include assistance with intravenous or injectable medications. You must be aware that you are taking medications.

(c) Self-directed medication assistance/administration if you are a person with a functional disability who is capable of and who chooses to self-direct your medication assistance/administration.

(d) Must be administered if you must have medications placed in your mouth or applied or instilled to your skin or mucus membrane. Administration must either be performed by a licensed professional or delegated by a registered nurse to a qualified caregiver (per chapter 246-840 WAC). Intravenous or injectable medications may never be delegated. Administration may also be performed by a family member or unpaid caregiver if facility licensing regulations allow.

"Authorization" means an official approval of a departmental action, for example, a determination of client eligibility for service or payment for a client's long-term care services.

"Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

"Categorically needy" means the status of a person who is eligible for medical care under Title XIX of the Social Security Act. See WAC 388-475-0100 and chapter 388-513 WAC.

"Client" means an applicant for service or a person currently receiving services from the department.

"Current" means a behavior occurred within seven days of the CARE assessment date, including the day of the assessment. Behaviors that the department designates as current must include information about:

- (a) Whether the behavior is easily altered or not easily altered; and
- (b) The frequency of the behavior.

"Decision making" means your ability and actual performance in making everyday decisions about tasks or activities of daily living. The department determines whether you are:

(a) Independent: Decisions about your daily routine are consistent and organized; reflecting your lifestyle, choices, culture, and values.

(b) Modified independence/difficulty in new situations: You have an organized daily routine, are able to make decisions in familiar situations, but experience some difficulty in decision making when faced with new tasks or situations.

(c) Moderately impaired/poor decisions; unaware of consequences: Your decisions are poor and you require reminders, cues and supervision in planning, organizing and correcting daily routines. You attempt to make decisions, although poorly.

(d) Severely impaired/no or few decisions: Decision making is severely impaired; you never/rarely make decisions.

"Department" means the state department of social and health services, aging and disability services administration or its designee.

"Designee" means area agency on aging.

"Difficulty" means how difficult it is or would be for you to perform an instrumental activity of daily living (IADL). This is assessed as:

- (a) No difficulty in performing the activity;
- (b) Some difficulty in performing the activity (e.g., you need some help, are very slow, or fatigue easily); or
- (c) Great difficulty in performing the activity (e.g., little or no involvement in the activity is possible).

"Disabling condition" means you have a medical condition which prevents you from self performance of personal care tasks without assistance.

"Estate recovery" means the department's process of recouping the cost of medicaid and long-term care benefit payments from the estate of the deceased client. See chapter 388-527 WAC.

"Home health agency" means a licensed:

(a) Agency or organization certified under medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved medicaid waiver program.

"Income" means income as defined under WAC 388-500-0005.

"Individual provider" means a person employed by you to provide personal care services in your own home. See WAC 388-71-0500 through 388-71-05909.

"Disability" is described under WAC 388-511-1105.

"Informal support" means a person or resource that is available to provide assistance without home and community program funding. The person or resource providing the informal support must be age 18 or older.

"Institution" means medical facilities, nursing facilities, and institutions for the mentally retarded. It does not include correctional institutions. See medical institutions in WAC 388-500-0005.

"Instrumental activities of daily living (IADL)" means routine activities performed around the home or in the community and includes the following:

(a) Meal preparation: How meals are prepared (e.g., planning meals, cooking, assembling ingredients, setting out food, utensils, and cleaning up after meals). NOTE: The department will not authorize this IADL to plan meals or clean up after meals. You must need assistance with actual meal preparation.

(b) Ordinary housework: How ordinary work around the house is performed (e.g., doing dishes, dusting, making bed, tidying up, laundry).

(c) Essential shopping: How shopping is completed to meet your health and nutritional needs (e.g., selecting items). Shopping is limited to brief, occasional trips in the local area to shop for food, medical necessities and household items required specifically for your health, maintenance or well-being. This includes shopping with or for you.

(d) Wood supply: How wood is supplied (e.g., splitting, stacking, or carrying wood) when you use wood as the sole source of fuel for heating and/or cooking.

(e) Travel to medical services: How you travel by vehicle to a physician's office or clinic in the local area to obtain medical diagnosis or treatment-includes driving vehicle yourself, traveling as a passenger in a car, bus, or taxi.

(f) Managing finances: How bills are paid, checkbook is balanced, household expenses are managed. The department cannot pay for any assistance with managing finances.

(g) Telephone use: How telephone calls are made or received (with assistive devices such as large numbers on telephone, amplification as needed).

"Long-term care services" means the services administered directly or through contract by the aging and disability services administration and identified in WAC 388-106-0015.

"Medicaid" is defined under WAC 388-500-0005.

"Medically necessary" is defined under WAC 388-500-0005.

"Medically needy (MN)" means the status of a person who is eligible for a federally matched medical program under Title XIX of the Social Security Act, who, but for income above the categorically needy level, would be eligible as categorically needy. Effective January 1, 1996, an AFDC-related adult is not eligible for MN.

"New Freedom consumer directed services (NFCDS)" means a mix of services and supports to meet needs identified in your assessment and identified in a New Freedom spending plan, within the limits of the individual budget, that provide you with flexibility to plan, select, and direct the purchase of goods and services to meet identified needs. Participants have a meaningful leadership role in:

(a) The design, delivery and evaluation of services and supports;

(b) Exercising control of decisions and resources, making their own decisions about health and well being;

(c) Determining how to meet their own needs;

(d) Determining how and by whom these needs should be met; and

(e) Monitoring the quality of services received.

"New Freedom consumer directed services (NFCDS) participant" means a participant who is an applicant for or currently receiving services under the NFCDS waiver.

"New Freedom spending plan (NFSP)" means the plan developed by you, as a New Freedom participant, within the limits of an individual budget, that details your choices to purchase specific NFCDS and provides required federal medicaid documentation.

"Own home" means your present or intended place of residence:

(a) In a building that you rent and the rental is not contingent upon the purchase of personal care services as defined in this section;

(b) In a building that you own;

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

"Participant managed personal care services", per WAC 388-106-0042, means in-home personal care services for clients who, based upon criteria in a CARE assessment, are able to manage employer functions, or who have an alternate plan in place to assist with employer functions. Clients have employer authority, including hiring, firing, scheduling, and supervision of the care provider(s).

"Past" means the behavior occurred from eight days to five years of the assessment date. For behaviors indicated as past, the department determines whether the behavior is

addressed with current interventions or whether no interventions are in place.

"Personal aide" is defined in RCW 74.39.007.

"Personal care services" means physical or verbal assistance with activities of daily living (ADL) and instrumental activities of daily living (IADL) due to your functional limitations. Assistance is evaluated with the use of assistive devices. Personal care services are based upon eligibility for three distinct service options: participant managed personal care services, agency managed personal care services, and residential personal care services (see definitions).

"Physician" is defined under WAC 388-500-0005.

"Plan of care" means assessment details and service summary generated by CARE.

"Provider or provider of service" means an institution, agency, or person:

- (a) Having a signed department contract to provide long-term care client services; and
- (b) Qualified and eligible to receive department payment.

"Reasonable cost" means a cost for a service or item that is consistent with the market standards for comparable services or items.

"Representative" means a person who you have chosen, or has been appointed by a court, whose primary duty is to act on your behalf to direct your service budget to meet your identified health, safety, and welfare needs.

"Residential facility" means a licensed adult family home under department contract or licensed boarding home under department contract to provide assisted living, adult residential care or enhanced adult residential care.

"Residential personal care services" means clients may choose to receive personal care services provided by a licensed and contracted adult family home or boarding home.

"Self performance for ADLs" means what you actually did in the last seven days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the seven-day period and does not include support provided as defined in WAC 388-106-0010. Your self performance level is scored as:

- (a) Independent if you received no help or oversight, or if you needed help or oversight only once or twice;
- (b) Supervision if you received oversight (monitoring or standby), encouragement, or cueing three or more times;
- (c) Limited assistance if you were highly involved in the activity and given physical help in guided maneuvering of limbs or other nonweight bearing assistance on three or more occasions. For bathing, limited assistance means physical help is limited to transfer only;
- (d) Extensive assistance if you performed part of the activity, but on three or more occasions, you needed weight bearing support or you received full performance of the activity during part, but not all, of the activity. For bathing, extensive assistance means you needed physical help with part of the activity (other than transfer);
- (e) Total dependence if you received full caregiver performance of the activity and all subtasks during the entire

seven-day period from others. Total dependence means complete nonparticipation by you in all aspects of the ADL; or

(f) Activity did not occur if you or others did not perform an ADL over the last seven days before your assessment. The activity may not have occurred because:

- (i) You were not able (e.g., walking, if paralyzed);
- (ii) No provider was available to assist; or
- (iii) You declined assistance with the task.

"Self performance for IADLs" means what you actually did in the last thirty days before the assessment, not what you might be capable of doing. Coding is based on the level of performance that occurred three or more times in the thirty-day period. Your self performance is scored as:

- (a) Independent if you received no help, set-up help, or supervision;
- (b) Set-up help/arrangements only if on some occasions you did your own set-up/arrangement and at other times you received help from another person;
- (c) Limited assistance if on some occasions you did not need any assistance but at other times in the last thirty days you required some assistance;
- (d) Extensive assistance if you were involved in performing the activity, but required cueing/supervision or partial assistance at all times;
- (e) Total dependence if you needed the activity fully performed by others; or
- (f) Activity did not occur if you or others did not perform the activity in the last thirty days before the assessment.

"Service summary" is CARE information which includes: Contacts (e.g. emergency contact), services the client is eligible for, number of hours or residential rates, personal care needs, the list of formal and informal providers and what tasks they will provide, a provider schedule, referral needs/information, and dates and agreement to the services.

"SSI-related" is defined under WAC 388-475-0050.

"Status" means the amount of informal support available. The department determines whether the ADL or IADL is:

- (a) Met, which means the ADL or IADL will be fully provided by an informal support;
- (b) Unmet, which means an informal support will not be available to provide assistance with the identified ADL or IADL;
- (c) Partially met, which means an informal support will be available to provide some assistance, but not all, with the identified ADL or IADL; or
- (d) Client declines, which means you do not want assistance with the task.

"Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

"Support provided" means the highest level of support provided (to you) by others in the last seven days before the assessment, even if that level of support occurred only once.

- (a) No set-up or physical help provided by others;
- (b) Set-up help only provided, which is the type of help characterized by providing you with articles, devices, or preparation necessary for greater self performance of the activity. (For example, set-up help includes but is not limited to giving or holding out an item or cutting food);
- (c) One-person physical assist provided;

- (d) Two- or more person physical assist provided; or
 - (e) Activity did not occur during entire seven-day period.
- "You/your" means the client.

AMENDATORY SECTION (Amending WSR 08-05-026, filed 2/12/08, effective 3/14/08)

WAC 388-106-0020 Under the MPC, COPES, MNRW, MNIW, and chore programs, what services are not covered? The following types of services are not covered under MPC, COPES, MNRW, MNIW, and chore:

- (1) Child care.
- (2) Individual providers must not provide:
 - (a) Sterile procedures unless the provider is a family member or the client self directs the procedure;
 - (b) Administration of medications or other tasks requiring a licensed health professional unless these tasks are provided through nurse delegation, self-directed care, or the provider is a family member.
- (3) Agency providers, including family members who provide care while working as an agency provider, must not provide:
 - (a) Sterile procedures;
 - (b) Self-directed care;
 - (c) Administration of medications or other tasks requiring a licensed health care professional unless these tasks are provided through nurse delegation.
- (4) Services provided over the telephone.
- (5) Services to assist other household members not eligible for services.
- (6) Development of social, behavioral, recreational, communication, or other types of community living skills.
- (7) Nursing care.
- (8) Pet care.
- (9) Assistance with managing finances.
- (10) Respite.
- (11) Yard care.
- (12) Agency managed personal care services, unless based on a CARE assessment, you are determined to be eligible for such services based on the criteria set forth in WAC 388-106-0043.

NEW SECTION

WAC 388-106-0042 When am I eligible to receive participant managed personal care services from an individual provider? You are eligible to receive participant managed personal care services when you:

- (1) Are assessed using the CARE tool and have unmet needs for personal care;
- (2) Are found financially and functionally eligible for services; and
- (3) Are able to manage employer functions, or your assessment demonstrates a need for assistance with employer functions and alternative monitoring is in place.

NEW SECTION

WAC 388-106-0043 When am I eligible to receive agency managed personal care services from a home care agency? You are eligible to receive agency managed per-

sonal care services when you meet the criteria outlined in WAC 388-106-0042 (1) and (2) and:

- (1) You meet the following criteria based on your CARE assessment:
 - (a) You have a cognitive performance score of two or more as defined in WAC 388-106-0090; and
 - (b) Decision making is coded as "poor decisions/unaware of consequences" or "no/few decisions".
- (2) You may also be eligible to use a contracted home care agency for your in-home plan of care for a maximum of sixty days when you are actively seeking, but have been unable to obtain an individual provider.

AMENDATORY SECTION (Amending WSR 06-16-035, filed 7/25/06, effective 8/25/06)

WAC 388-106-0055 What is the purpose of an assessment? The purpose of an assessment is to:

- (1) Determine eligibility for long-term care programs;
- (2) Identify your strengths, limitations, and preferences;
- (3) Evaluate your living situation and environment;
- (4) Evaluate your physical health, functional and cognitive abilities, including your ability to perform employer functions based on the criteria set forth in WAC 388-106-0042 and 388-106-0043;
- (5) Determine availability of informal supports and other nondepartment paid resources;
- (6) Determine need for intervention;
- (7) Determine need for case management activities;
- (8) Determine your classification group that will set your payment rate for residential care or number of hours of in-home care;
- (9) Determine need for referrals; ~~((and))~~
- (10) Develop a plan of care, as defined in WAC 388-106-0010(-); and
- (11) Determine whether you are eligible for participant managed personal care services or agency managed personal care services based on the criteria set forth in WAC 388-106-0042 and 388-106-0043, if you are receiving, or may receive, services in your own home.
- (12) In the case of New Freedom consumer directed services, the purpose of an assessment is to determine functional eligibility and for the participant to develop the New Freedom spending plan, as defined in WAC 388-106-0010.

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

WAC 388-106-0600 What services may I receive under chore? You may receive personal care services in your own home and, as applicable, assistance with personal care tasks while you are out of the home accessing community resources or working. The personal care services you receive are those you are determined to be eligible pursuant to WAC 388-106-0042 or 388-106-0043.

AMENDATORY SECTION (Amending WSR 05-11-082, filed 5/17/05, effective 6/17/05)

WAC 388-106-1300 What rights do I have as a client of the department? As a client of the department, you have a right to:

- (1) Be treated with dignity, respect and without discrimination;
- (2) Not be abused, neglected, financially exploited, abandoned;
- (3) Have your property treated with respect;
- (4) Not answer questions, turn down services, and not accept case management services you do not want to receive. However, it may not be possible for the department to offer some services if you do not give enough information;
- (5) Be told about all services you can receive and make choices about services you want or don't want;
- (6) Have information about you kept private within the limits of the laws and DSHS regulations;
- (7) Be told in writing of agency decisions and receive a copy of your care plan;
- (8) Make a complaint without fear of harm;
- (9) Not be forced to answer questions or do something you don't want to;
- (10) Talk with your social service worker's supervisor if you and your social service worker do not agree;
- (11) Request a fair hearing;
- (12) Have interpreter services provided to you free of charge if you cannot speak or understand English well;
- (13) Take part in and have your wishes included in planning your care;
- (14) Choose, fire, or change a qualified personal care service provider ~~((you want))~~ that provides the type of services for which you are determined to be eligible pursuant to WAC 388-106-0042 and 388-106-0043; and
- (15) Receive results of the background check for any individual provider you choose.

AMENDATORY SECTION (Amending WSR 10-06-112, filed 3/3/10, effective 4/3/10)

WAC 388-106-1303 What responsibilities do I have as a client of the department? As a client of the department, you have a responsibility to:

- (1) Give us enough information to assess your needs;
- (2) Let the social services worker into your home so that your needs can be assessed;
- (3) Follow your care plan;
- (4) Not act in a way that puts anyone in danger;
- (5) Provide a safe work place;
- (6) Tell your social services worker if there is a change in:
 - (a) Your medical condition;
 - (b) The help you get from family or other agencies;
 - (c) Where you live; or
 - (d) Your financial situation.
- (7) Tell your social services worker if someone else makes medical or financial decision for you;
- (8) Choose a qualified personal care services provider that provides the type of services for which you are deter-

mined to be eligible pursuant to WAC 388-106-0042 and 388-106-0043;

(9) Inform the department and your home care agency if an employee assigned by the home care agency is related to you by blood, marriage, adoption, or registered domestic partnership.

- (10) Keep provider background checks private;
- (11) Tell your social services worker if you are having problems with your provider; and
- (12) Choose your own health care. Tell your social services worker when you do not do what your doctor says.

AMENDATORY SECTION (Amending WSR 10-08-074, filed 4/6/10, effective 5/7/10)

WAC 388-106-1445 How is the amount of the individual budget determined? The department will calculate your individual budget amount after you are assigned a classification resulting from completion of the comprehensive assessment reporting and evaluation tool, CARE. The calculation will be based on:

~~((a))~~ (1) The hourly wage as determined by the collective bargaining agreement for individual provider personal care paid by the department multiplied by the number of hours generated by the assessment, multiplied by a factor of .95, plus an amount equal to the average per participant expenditures for nonpersonal care supports purchased in the COPES waiver. The average will be recalculated in July of each year.

~~((b))~~ (2) If ~~((you))~~ the participant is determined to be eligible for agency managed personal care services and selects a home care agency, an adjustment will be made for each hour of personal care identified in the NFSP for an amount equal to the difference between the published individual provider rate and home care agency rate.

WSR 10-23-002

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 10-290—Filed November 3, 2010, 3:41 p.m., effective November 3, 2010, 3:41 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000V [220-52-04000U] and 220-52-04600X; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047, 77.04.020, and 77.70.430.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation adjusts pot restrictions that are used to achieve commercial

harvest objectives and maintain state-tribal sharing agreements. Closes Puget Sound Crab Management Region 2 West because the state commercial crab harvest has reached its initial quota for this region. The extra gear retrieval days allow for inclement weather. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 3, 2010.

Joe Stohr
for Phillip Anderson
Director

NEW SECTION

WAC 220-52-04000V Commercial crab fishery— Lawful and unlawful gear, methods, and other unlawful acts. Notwithstanding the provisions of WAC 220-52-040:

1) Effective 8:00 a.m. November 8, 2010, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license per buoy tag number in Puget Sound Crab Management Region 1 (which includes Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B), and Crab Management Region 2 East (which includes Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E). The remaining 25 buoy tags per license per region must be onboard the designated vessel and available for inspection in Puget Sound Crab Management Region 1 and 2 East.

2) Additional area gear limits:

Effective immediately until further notice, no commercial gear is allowed in that portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

NEW SECTION

WAC 220-52-04600Y Puget Sound crab fishery— Seasons and areas. Notwithstanding the provisions of WAC 220-52-046:

(1) Effective 7:00 p.m. November 4, 2010, until further notice, it is unlawful to fish for or possess Dungeness Crab for commercial purposes in those waters of Crab Management Region 2 West (Marine Fish-Shellfish Management and

Catch Reporting Areas 25B, 25D, and 26A West), except that crab fishers may continue to remove their gear from the grounds until 7:00 p.m. November 6, 2010. During the gear removal period, no crab may be retained, possessed or landed from this area.

(2) Effective immediately until further notice, it is permissible to fish for Dungeness crab for commercial purposes in the following areas:

(a) Port Gardner: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo, projected to the green #3 buoy at the mouth of the Snohomish River, and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

(b) Possession Point to Glendale: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line that extends true north from the green #1 buoy at Possession Point to Possession Point, and west of a line from the green #1 buoy at Possession Point extending northward along the 200-foot depth contour to the Glendale dock.

(c) Langley: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 24C shoreward of the 400-foot depth contour within an area described by two lines projected northeasterly from Sandy Point and the entrance to the marina at Langley.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina, and a line from the same boat ramp to Birch Point.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern most oil dock.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(3) Effective immediately until further notice, the following areas are closed to commercial crab fishing:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected due north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-52-0400U	Commercial crab fishery— Lawful and unlawful gear, methods, and other unlawful acts. (10-256).
WAC 220-52-04600X	Puget Sound crab fishery— Seasons and areas. (10-256)

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-52-0400U is probably intended to be WAC 220-52-04000U.

WSR 10-23-009**EMERGENCY RULES****DEPARTMENT OF LICENSING**

[Filed November 4, 2010, 1:11 p.m., effective November 4, 2010, 1:11 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend WAC 308-104-014 to require that applicants for driver's licenses who do not have a Social Security number must sign an affidavit that they do not have a Social Security number, and to require that an applicant for a new driver's license who submits such an affidavit must submit additional documentation establishing the applicant's Washington residence address.

Citation of Existing Rules Affected by this Order: Amending WAC 308-104-014.

Statutory Authority for Adoption: RCW 46.01.110, 46.20.091, 46.20.119.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There has been a dramatic increase in the number of individuals obtaining Washington state driver's licenses with no Social Security number coming from states that have historically had very stable immigration rates, strongly suggesting that Washington has become a state of opportunity in which individuals from other states come here to obtain a Washington driver's license and falsely use a Washington residence address and then return to their home states. The legislature has expressly held that fraudulent driver's licenses are a serious social problem creating economic hardship and problems which impede the efficient conduct of commerce and government. This emergency rule is necessary to assist the department in reducing this sudden increase in apparently fraudulent license applications. The proposal for a permanent rule, with an opportunity for comment, is forthcoming.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 4, 2010.

Walt Fahrner

Rules Coordinator

AMENDATORY SECTION [(Amending WSR 09-16-012, filed 7/23/09)]

WAC 308-104-014 Application for driver's license or identicard. A person applying for an original driver's license, instruction permit, or identification card must provide the following information:

(1) The person's full name, current mailing and residential address, and telephone number;

(2) The person's physical description, including sex, height, weight, and eye color;

(3) The person's date and place of birth;

(4)(a) The person's Social Security number, if the Social Security number is required by state or federal law. If the person's Social Security number is not required by state or federal law, the person may voluntarily provide his or her Social Security number in order to assist the department in verifying identity;

(b) If the Social Security number is required by state or federal law and the person has not been issued a Social Security number, the person must submit a sworn affidavit, under penalty of perjury, stating that he or she does not have a Social Security number. The department may require that a person who is applying for a new license and who has signed an affidavit under this subsection provide additional documentation satisfactory to the department establishing the person's Washington residence address;

(5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time;

(6) If the application is for a driver's license or instruction permit, whether the person has been previously licensed, where such license was issued, and under what name;

(7) If the application is for a driver's license or instruction permit, whether the person has ever had his or her driver's license or driving privilege suspended, revoked, cancelled, disqualified, withheld, or denied, and if so, where and when such driving sanction was imposed and the reason for such action;

(8) If the application is for a driver's license or instruction permit, whether the person has had a mental or physical condition or is taking any medication which could impair his or her ability to operate a motor vehicle;

(9) If the application is for a driver's license and the person is under the age of eighteen, a declaration by the person's parent, guardian, or employer that he or she has read and understands the intermediate license restrictions, and a decla-

ration by the person that he or she has read and understands the intermediate license restrictions;

(10) The person's signature and, if the application is for a driver's license or instruction permit and the person is under the age of eighteen, the signature of the person's custodial parent or legal guardian; and

(11) Any supplementary documentation as may be necessary to verify any of the information required by this section.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 10-23-018

EMERGENCY RULES

DEPARTMENT OF ECOLOGY

[Order 10-15—Filed November 5, 2010, 10:22 a.m., effective November 5, 2010, 10:22 a.m.]

Effective Date of Rule: Immediately.

Purpose: This ninth emergency rule establishes a partial withdrawal of groundwater within a portion of WRIA 39 in Kittitas County, Washington. The partial withdrawal and restrictions are designed to prevent new uses of water that negatively affect flows in the Yakima River and its tributaries. The withdrawal allows for continued development using the groundwater exemption or new permits when the new consumptive use is mitigated by one or more pre-1905 water rights held by ecology in the trust water right program of equal or greater consumptive quantity. Withdrawals of groundwater for structures for which building permit applications were vested prior to July 16, 2009, shall be allowed but shall be subject to curtailment. **Ecology filed a proposed withdrawal rule on June 22, 2010, WSR 10-13-122. A public hearing was held in Cle Elum, Washington on July 28, 2010.**

Statutory Authority for Adoption: RCW 90.54.050.

Other Authority: Chapter 43.27A RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The Yakima Basin is one of the state's most water-short areas. Water rights with priority dates as old as 1905 were shut off during the 2001 and 2005 droughts, and during 2004 when USBR prorated May 10, 1905, water rights. The town of Roslyn's municipal supply and another one hundred thirty-three single domestic, group domestic, and municipal water systems throughout the basin are subject to curtailment when USBR prorates the May 10, 1905, water rights. Water supply in the Yakima Basin is limited and overappropriated. Western portions of Kittitas County are experiencing rapid growth and this growth is being largely served by exempt wells. Permit-exempt ground water withdrawals in this area would negatively affect the flow of the Yakima River or its tributaries.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 12, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 5, 2010.

Ted Sturdevant

Director

Chapter 173-539A WAC

UPPER KITTITAS GROUND WATER RULE

NEW SECTION

WAC 173-539A-010 Purpose. The purpose of this rule is to withdraw from appropriation all unappropriated ground water within upper Kittitas County pending completion of a ground water study. New ground water withdrawals will be limited to those that are water budget neutral, as defined in this rule.

NEW SECTION

WAC 173-539A-020 Authority. RCW 90.54.050 provides that when lacking enough information to support sound decisions, ecology may withdraw waters of the state from new appropriations until sufficient information is available. Before withdrawing waters of the state, ecology must consult with standing committees of the legislature on water management. Further, RCW 90.44.050 authorizes ecology to establish metering requirements for permit-exempt wells where needed.

In 1999, ecology imposed an administrative moratorium on issuing any ground water permits for new consumptive uses in the Yakima basin, which includes Kittitas County. That moratorium did not apply to permit-exempt withdrawals. In 2007, ecology received a petition seeking unconditional withdrawal of all unappropriated ground water in Kittitas County until enough is known about potential effects from new permit-exempt wells on senior water rights and stream flows. Ecology consulted with standing committees of the Washington state legislature on the petition and proposed withdrawal. Ecology rejected the proposed unconditional withdrawal, and instead signed a memorandum of agreement (MOA) with Kittitas County. Ecology proposed a rule in January 2009 and Kittitas County questioned ecology's authority for the proposed rule. Ecology later invoked the dispute resolution process under the MOA and the MOA was later terminated.

NEW SECTION

WAC 173-539A-025 Applicability. This rule applies to new uses of ground water relying on the authority of the exemption from permitting found at RCW 90.44.050, as defined in WAC 173-539A-030, and to any new permit authorizing the withdrawal of public ground water within the upper Kittitas area boundaries issued on or after July 16, 2009.

NEW SECTION

WAC 173-539A-027 Advisory. All unmitigated withdrawals that began after May 10, 1905, may be subject to future curtailment due to conflicts with senior water rights. All unmitigated users are advised to obtain mitigation through senior trust water rights to avoid such curtailment.

NEW SECTION

WAC 173-539A-030 Definitions. The definitions provided below apply only to this chapter.

"Applicant" includes the owner(s) of parcels that are the subject of a land use application, a person making a request for water budget neutral determination, or a person requesting a permit to appropriate public ground water.

"Common ownership" means any type or degree of legal or equitable property interest held by an applicant in any proximate parcel. Common ownership also includes a joint development arrangement between an applicant and any owner of a proximate parcel. A joint development arrangement is defined as involving significant voluntary joint activity and cooperation between the applicant and the owner(s) of one or more proximate parcels with respect to the development of parcels in question. Joint activity and cooperation that is customary or required by land use or other legal requirements does not itself constitute a joint development arrangement. A joint development arrangement may be evidenced by, but is not limited to, agreements for coordinated development and shared use of services or materials for permitting, design, engineering, architecture, plat or legal documents, financing, marketing, environmental review, clearing or preparing land, or construction (including road construction); covenants; agreements for common use of building materials, equipment, structures, facilities, lands, water, sewer, or other infrastructure.

"Consumptive use" of a proposed withdrawal is the total depletion that the withdrawal has on any affected surface water bodies.

"Ecology" means the department of ecology.

"Exemption" or **"ground water exemption"** means the exemption from the permit requirement for a withdrawal of ground water provided under RCW 90.44.050.

"Existing use of the ground water exemption" means a use of ground water under the authority of the exemption from permitting where water was:

(a) First regularly and beneficially used prior to July 16, 2009; and

(b) The water right is perfected within the five years following the first regular beneficial use for that purpose. Water to serve a parcel that is part of a group use begun within five

years of the date water was first regularly and beneficially used on one or more parcels in the group is an existing use if the group use remains within the limit of the permit exemption.

"Group use" means use of the ground water exemption for two or more parcels. A group use includes use of the exemption for all parcels of a proposed development. It further includes use of the exemption for all parcels that are proximate and held in common ownership with a proposed new development. If a parcel that is part of a group use is later divided into multiple parcels more than five years following the first use, the new uses of the exemption on the resulting multiple parcels will be considered a separate group use distinct from the original group.

"Land use application" means an application to Kittitas County requesting a:

- Subdivision;
- Short subdivision;
- Large lot subdivision;
- Administrative or exempt segregation;
- Binding site plan; or
- Performance based cluster plat.

"New use of the ground water exemption" means a valid permit-exempt use of ground water begun on or after July 16, 2009. When an existing group use is expanded to serve a parcel in the future, the expanded use is a new use if it begins more than five years after the date water was first regularly and beneficially used for that purpose on any parcel in the group.

"Parcel" means any parcel, land, lot, tract or other unit of land.

"Proximate" means all parcels that have at least one of the following attributes:

- Share any common boundary; or
- Are separated only by roads, easements, or parcels in common ownership; or
- Are within five hundred feet of each other at the nearest point.

"Proximate shortplat" means a shortplat that would be considered a group use with another subdivision or shortplat.

"Regular beneficial use" means a use of water under the ground water permit exemption that is recurring or functioning at fixed, uniform, or normal intervals and is done in conformity with established usages, rules, or discipline.

"Total water supply available" means the amount of water available in any year from natural flow of the Yakima River, and its tributaries, from storage in the various government reservoirs on the Yakima watershed and from other sources, to supply the contract obligations of the United States to deliver water and to supply claimed rights to the use of water on the Yakima River, and its tributaries, heretofore recognized by the United States.

"Upper Kittitas County" is the area of Kittitas County delineated in WAC 173-539A-990.

"Water budget neutral project" means an appropriation or project where withdrawals of public ground water are proposed in exchange for placement of other water rights into the trust water right program that are at least equivalent to the amount of consumptive use.

NEW SECTION

WAC 173-539A-040 Withdrawal of unappropriated water in upper Kittitas County. (1) Beginning on the effective date of this rule, all public ground waters within the upper Kittitas County are withdrawn from appropriation. No new appropriation or withdrawal of ground water may occur, including those exempt from permitting, except:

(a) Uses of ground water for a structure for which a building permit is granted and the building permit application vested prior to July 16, 2009; and

(b) Uses determined to be water budget neutral under WAC 173-539A-050.

(2) The exception for water used at structures provided in subsection (1)(a) of this section shall not apply or shall cease to apply if the structure is not completed and a water system that uses the new appropriation is not operable within the time allowed under the building permit. This shall not in any case exceed three years from the date the permit application vested. The exception is to avoid potential hardship and does not reflect ecology's view on when the priority date for a permit-exempt water right is established.

(3) Water to serve a parcel that is part of an existing group use is not a new appropriation or withdrawal if the water use to serve such parcel began within five years of the date water was first beneficially used on any parcel in the group, if the first use was prior to July 16, 2009, and the group use remains within the limit of the permit exemption.

NEW SECTION**WAC 173-539A-050 Water budget neutral projects.**

(1) Persons proposing a new use of ground water shall apply to ecology for a permit to appropriate public ground water or, if seeking to rely on the ground water permit-exemption, shall submit to ecology a request for determination that the proposed permit-exempt use would be water budget neutral.

(2) As part of a permit application to appropriate public ground water or a request for a determination of water budget neutrality, applicants or requestors shall include the following information:

(a) Identification of one or more water rights that would be placed into the trust water right program to offset the consumptive use (as calculated pursuant to subsection (3) of this section) associated with the proposed new use of ground water;

(b) A site map;

(c) The area to be irrigated (in acres);

(d) A soil report, if proposed discharge is to a septic system and the applicant or requestor proposes to deviate from the values in subsection (3) of this section;

(e) A property covenant that prohibits trees or shrubs over the septic drain field; and

(f) A copy of the sewer utility agreement, if the proposed wastewater discharge is to a sanitary sewer system.

(3) Consumptive use will be calculated using the following assumptions: Thirty percent of domestic in-house use on a septic system is consumptively used; ninety percent of outdoor use is consumptively used; twenty percent of domestic in-house use treated through a wastewater treatment plant which discharges to surface water is consumptively used.

(4) Applications for public ground water or requests for a determination of water budget neutrality will be processed concurrent with trust water right applications necessary to achieve water budget neutrality, unless:

(a) A suitable trust water right is already held by the state in the trust water right program; and

(b) The applicant or requestor has executed an agreement to designate a portion of the trust water right for mitigation of the applicant's proposed use.

(5) Applications to appropriate public ground water or requests for determination of water budget neutrality that do not include the information listed in subsection (2) of this section will be rejected and returned to the applicant.

(6) To the extent that ecology determines that the mitigation offered would not reliably mitigate to be water budget neutral, ecology may deny the request or limit its approval to a lesser amount.

NEW SECTION

WAC 173-539A-060 Expedited processing of trust water applications, and new water right applications or requests for a determination of water budget neutrality associated with trust water rights. (1) RCW 90.42.100 authorizes ecology to use the trust water right program for water banking purposes within the Yakima River Basin.

(2) Ecology may expedite the processing of an application for a new water right or a request for a determination of water budget neutrality under Water Resources Program Procedures PRO-1000, Chapter One, including any amendments thereof, if the following requirements are met:

(a) The application or request must identify an existing trust water right or pending application to place a water right in trust, and such trust water right would have an equal or greater contribution to flow during the irrigation season, as measured on the Yakima River at Parker that would serve to mitigate the proposed use. This trust water right must have priority earlier than May 10, 1905, and be eligible to be used for instream flow protection and mitigation of out-of-priority uses.

(b) The proposed use on the new application or request must be for domestic, group domestic, lawn or noncommercial garden, municipal water supply, stock watering, or industrial purposes within the Yakima River Basin. The proposed use must be consistent with any agreement governing the use of the trust water right.

(3) If an application for a new water right or a request for a determination of water budget neutrality is eligible for expedited processing under subsection (2) of this section and is based upon one or more pending applications to place one or more water rights in trust, processing of the pending trust water right application(s) shall also be expedited.

(4) Upon determining that the application or request is eligible for expedited processing, ecology will do the following:

(a) Review the application or request to withdraw ground water to ensure that ground water is available from the aquifer without detriment or injury to existing rights, considering the mitigation offered.

(b) Condition the permit or determination to ensure that existing water rights, including instream flow water rights, are not impaired if the trust water right is from a different source or located downstream of the proposed diversion or withdrawal. The applicant or requestor also has the option to change their application to prevent the impairment. If impairment cannot be prevented, ecology must deny the permit or determination.

(c) Condition each permit or determination to ensure that the tie to the trust water right is clear, and to accurately reflect any limitations or constraints in the trust water right.

(d) Condition or otherwise require that the trust water right will serve as mitigation for impacts to "total water supply available."

NEW SECTION

WAC 173-539A-070 Measuring and reporting water use. (1) For residential uses (domestic use and irrigation of not more than 1/2 acre of noncommercial lawn and garden) of ground water within upper Kittitas County that begin after July 8, 2008, a meter must be installed for each residential connection or each source well that serves multiple residential connections in compliance with the requirements of WAC 173-173-100.

(2) For all other uses within upper Kittitas County that begin after November 25, 2009, including permit-exempt uses, a meter must be installed for each source well in compliance with such requirements as prescribed in WAC 173-173-100.

(3) Water users must collect and report metering data to ecology within thirty days of the end of each recording period. The following table shows the recording periods and the due dates for each metering report:

Recording Period	Report Due No Later Than:
October 1 - March 31	April 30
April - June 30	July 30
July 1 - July 31	August 30
August 1 - August 31	September 30
September 1 - September 30	October 30

NEW SECTION

WAC 173-539A-080 Educational information, technical assistance and enforcement. (1) To help the public comply with this chapter, ecology may prepare and distribute technical and educational information on the scope and requirements of this chapter.

(2) When ecology finds that a violation of this rule has occurred, we shall first attempt to achieve voluntary compliance. One approach is to offer information and technical assistance to the person, in writing, identifying one or more means to legally carry out the person's purposes.

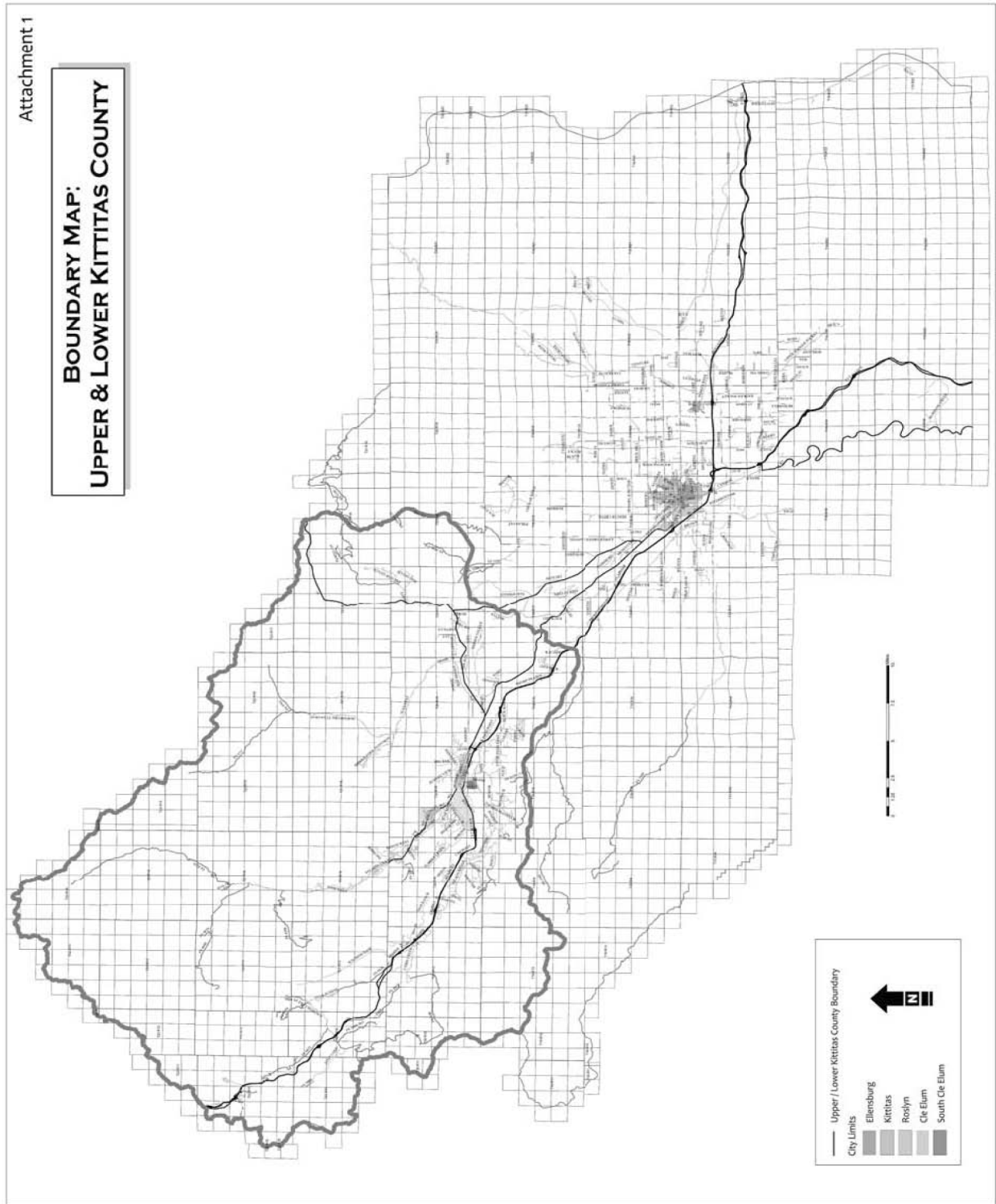
(3) To obtain compliance and enforce this chapter, ecology may impose such sanctions as suitable, including, but not limited to, issuing regulatory orders under RCW 43.27A.190 and imposing civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-539A-090 Appeals. All of ecology's final written decisions pertaining to permits, regulatory orders, and other related decisions made under this chapter are subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-539A-990 Appendix 1—Map of upper Kittitas County boundaries.



WSR 10-23-025
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 10-292—Filed November 5, 2010, 3:09 p.m., effective November 5, 2010, 3:09 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100G and 220-47-41100P; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Pursuant to the Pacific salmon treaty (January 2009), Fraser River chum levels of less than one million are defined as critical. When run sizes are expected to be below the critical threshold, Canada is required to notify the United States and will conduct only assessment fisheries. When this occurs, commercial fisheries targeting Fraser River chum salmon will be suspended. Canada has determined that the current run size of chum inside Johnstone Strait is one million or less, which indicates a critical level. Commercial fisheries are suspended until further notice. Schedules in Hood Canal Areas 12, 12B, and 12C have been adjusted and agreed upon by the state and affected treaty tribes. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 5, 2010.

Joe Stohr
for Phillip Anderson
Director

NEW SECTION

WAC 220-47-3100H Purse seines—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with purse

seine gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7, 7A, 12, 12B, and 12C.

NEW SECTION

WAC 220-47-41100Q Gill nets—Open periods. Notwithstanding the provisions of WAC 220-47-411:

(1) Effective immediately until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7, 7A, and Area 12C.

(2) Effective November 8 through November 9, 2010, it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 12 and 12B.

(3) Effective November 12, 2010, from 6:00 a.m. to 4:00 p.m., gill nets using 6 1/4 inch mesh may fish in Puget Sound Management and Catch Reporting Areas 12 and 12B.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-47-31100G Purse seine—Open periods.
(10-283)

WAC 220-47-41100P Gill nets—Open periods.
(10-283)

WSR 10-23-033
EMERGENCY RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 9, 2010, 11:20 a.m., effective November 9, 2010, 11:20 a.m.]

Effective Date of Rule: Immediately.

Purpose: This rule revision will modify the revenue recently added to the levy base under rule revision WSR 10-15-038. That revision added revenue 6113 Federal Stimulus - State Fiscal Stabilization Fund to the levy base. It should have included only that portion of the allocation that replaced state initiative 728 funds. The portion of the allocation that replaced local effort assistance should not be added to the levy base. Local effort assistance is not part of the levy base because the levy base determines local effort assistance.

Citation of Existing Rules Affected by this Order: Amending WAC 392-139-310.

Statutory Authority for Adoption: RCW 28A.150.290 and 84.52.0531.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule will keep \$164,007,000 that should not be in the levy base out of the levy base for the 2011 levy authority and local effort assistance calculations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 9, 2010.

Randy Dorn
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 10-19-030, filed 9/9/10, effective 10/10/10)

WAC 392-139-310 Determination of excess levy base.

The superintendent of public instruction shall calculate each school district's excess levy base as provided in this section.

(1) Sum the following state and federal allocations from the prior school year(s) as determined in subsections (4) and (5) of this section:

(a) The basic education allocation as defined in WAC 392-139-115 and as reported on the August Report 1191;

(b) The state and federal categorical allocations for the following:

(i) Pupil transportation. Allocations for pupil transportation include allocations for the following accounts:

4199 Transportation - operations;
4399 Transportation - operations;
4499 Transportation - depreciation;
6199 Transportation - operations;
6299 Transportation - operations; and
6399 Transportation - operations.

(ii) Special education. Allocations for special education include allocations for the following accounts:

4121 Special education;
4321 Special education;
6114 Federal Stimulus - IDEA;
6124 Special education supplemental;
6214 Federal Stimulus - IDEA;
6224 Special education supplemental;
6314 Federal Stimulus - IDEA; and
6324 Special education supplemental.

(iii) Education of highly capable students. Allocations for education of highly capable students include allocations identified by account 4174 Highly capable.

(iv) Compensatory education. Allocations for compensatory education include allocations identified by the following accounts:

3100 Barrier reduction;
4155 Learning assistance;
4165 Transitional bilingual;
4163 Promoting academic success;
4166 Student achievement;
4365 Transitional bilingual;
6111 Federal Stimulus - Title 1;
6151 Disadvantaged;
6153 Migrant;
6164 Limited English proficiency;
6211 Federal Stimulus - Title 1;
6251 Disadvantaged;
6253 Migrant;
6264 Limited English proficiency;
6267 Indian education - JOB;
6268 Indian education - ED;
6311 Federal Stimulus - Title 1;
6351 Disadvantaged;
6353 Migrant;
6364 Limited English proficiency;
6367 Indian education - JOM; and
6368 Indian education - ED.

(v) Food services. Allocations for food services include allocations identified by the following accounts:

4198 School food services (state);
4398 School food services;
6198 School food services (federal);
6298 School food services;
6398 School food services; and
6998 USDA commodities.

(vi) Statewide block grant programs. Allocations for statewide block grant programs include allocations identified by the following accounts:

310004 Full-day kindergarten;
4134 Middle school vocational;
4175 Professional development;
6113 Federal Stimulus - State Fiscal Stabilization Fund_

and

Only that portion of the allocation that replaced State Initiative 728 funds;
6176 Targeted assistance;
6213 Federal Stimulus - State Fiscal Stabilization Fund;
6276 Targeted assistance;
6313 Federal Stimulus - State Fiscal Stabilization Fund;
6376 Targeted assistance.
(c) General federal programs. Allocations for general federal programs identified by the following accounts:
5200 General purpose direct federal grants - unassigned;
6100 Special purpose - OSPI - unassigned;
6112 Federal Stimulus - School Improvement;
6118 Federal Stimulus - Competitive Grants;
6119 Federal Stimulus - Other;
6121 Special education - Medicaid reimbursement;
6138 Secondary vocational education;
6146 Skills center;
6152 School improvement;
6154 Reading first;

6162 Math and science - professional development;
 6200 Direct special purpose grants;
 6212 Federal Stimulus - School Improvement;
 6218 Federal Stimulus - Competitive Grants;
 6219 Federal Stimulus - Other;
 6221 Special education - Medicaid reimbursement;
 6238 Secondary vocational education;
 6246 Skills center;
 6252 School improvement;
 6254 Reading first;
 6262 Math and science - professional development;
 6300 Federal grants through other agencies - unassigned;
 6310 Medicaid administrative match;
 6312 Federal Stimulus - School Improvement;
 6318 Federal Stimulus - Competitive Grants;
 6319 Federal Stimulus - Other;
 6321 Special education - Medicaid reimbursement;
 6338 Secondary vocational education;
 6346 Skills center;
 6352 School improvement;
 6354 Reading first; and
 6362 Math and science - professional development.

(2) Increase the result obtained in subsection (1) of this section by the percentage increase per full-time equivalent student in the state basic education appropriation between the prior school year and the current school year as stated in the state Operating Appropriations Act divided by 0.55.

(3) Revenue accounts referenced in this section are defined in the accounting manual for public school districts in the state of Washington.

(4) The dollar amount of revenues for state and federal categorical allocations identified in this section shall come from the following sources:

(a) The following state and federal categorical allocations are taken from the Report 1197 Column A (Annual Allotment Due):

3100 Barrier reduction;
 310004 Full-day kindergarten;
 4121 Special education;
 4134 Middle school vocational;
 4155 Learning assistance;
 4163 Promoting academic success;
 4165 Transitional bilingual;
 4166 Student achievement;
 4174 Highly capable;
 4175 Professional development;
 4198 School food services (state);
 4199 Transportation - operations;
 4499 Transportation - depreciation;
 6111 Federal Stimulus - Title 1;
 6112 Federal Stimulus - School Improvement;
 6113 Federal Stimulus - State Fiscal Stabilization Fund -

Only that portion of the allocation that replaced State Initiative 728 funds;

6114 Federal Stimulus - IDEA, one-half the August 2010 amount will be used in the 2011 calculation, and one-half in the 2012;

6118 Federal Stimulus - Competitive Grants;
 6119 Federal Stimulus - Other;
 6121 Special education - Medicaid reimbursements;

6124 Special education - supplemental;
 6138 Secondary vocational education;
 6146 Skills center;
 6151 Disadvantaged;
 6152 School improvement;
 6153 Migrant;
 6154 Reading first;
 6162 Math and science - professional development;
 6164 Limited English proficiency;
 6176 Targeted assistance;
 6198 School food services (federal); and
 6199 Transportation - operations.

(b) For the 2004 calendar year, the following state and federal allocations are taken from the F-195 budget including budget extensions.

For the 2005 calendar year and thereafter, the following federal allocations shall be taken from the school district's second prior year F-196 annual financial report:

4321 Special education;
 4365 Transitional bilingual;
 4398 School food services;
 4399 Transportation - operations;
 5200 General purpose direct federal grants - unassigned;
 6100 Special purpose - OSPI - unassigned;
 6200 Direct special purpose grants;
 6211 Federal Stimulus - Title 1;
 6212 Federal Stimulus - School Improvement;
 6213 Federal Stimulus - State Fiscal Stabilization Fund;
 6214 Federal Stimulus - IDEA;
 6218 Federal Stimulus - Competitive Grants;
 6219 Federal Stimulus - Other;
 6221 Special education - Medicaid reimbursement;
 6224 Special education supplemental;
 6238 Secondary vocational education;
 6246 Skills center;
 6251 Disadvantaged;
 6252 School improvement;
 6253 Migrant;
 6254 Reading first;
 6262 Math and science - professional development;
 6264 Limited English proficiency;
 6267 Indian education - JOM;
 6268 Indian education - ED;
 6276 Targeted assistance;
 6298 School food services;
 6299 Transportation - operations;
 6300 Federal grants through other agencies - unassigned;
 6310 Medicaid administrative match;
 6311 Federal Stimulus - Title 1;
 6312 Federal Stimulus - School Improvement;
 6313 Federal Stimulus - State Fiscal Stabilization Fund;
 6314 Federal Stimulus - IDEA;
 6318 Federal Stimulus - Competitive Grants;
 6319 Federal Stimulus - Other;
 6321 Special education - Medicaid reimbursement;
 6324 Special education supplemental;
 6338 Secondary vocational education;
 6346 Skills center;
 6351 Disadvantaged;
 6352 School improvement;

6353 Migrant;
 6354 Reading first;
 6362 Math and science - professional development;
 6364 Limited English proficiency;
 6367 Indian education - JOM;
 6368 Indian education - ED;
 6376 Targeted assistance;
 6398 School food services;
 6399 Transportation - operations; and
 6998 USDA commodities.

(5) Effective for levy authority and local effort assistance calculations for the 2005 calendar year and thereafter:

(a) District revenues determined in subsection (4) of this section shall be reduced for revenues received as a fiscal agent. School districts shall report fiscal agent revenues pursuant to instructions provided by the superintendent of public instruction.

(b) The amount determined in subsection (4)(b) of this section, after adjustment for fiscal agent moneys, shall be inflated for one year using the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the Bureau of Economic Analysis of the Federal Department of Commerce.

(6) State and federal moneys generated by a school district's students and redirected by the superintendent of public instruction to an educational service district at the request of the school district shall be included in the district's levy base.

(7) State basic education moneys generated by a school district's students and allocated directly to a technical college shall be included in the district's levy base.

(8) Funding which the district would have received calculated pursuant to RCW 84.52.0531 shall be included in the district's levy base.

WSR 10-23-036

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 10-293—Filed November 9, 2010, 2:47 p.m., effective November 11, 2010]

Effective Date of Rule: November 11, 2010.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900M; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recent heavy rains have contributed to higher river flows and rapidly distributing salmon, helping to promote and maintain an orderly fishery and no

longer requiring a night fishery closure on the Tilton River. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 9, 2010.

Philip Anderson
 Director

REPEALER

The following section of the Washington Administrative Code is repealed, effective November 11, 2010:

WAC 232-28-61900M Exceptions to statewide rules—Tilton River. (10-265)

WSR 10-23-047

EMERGENCY RULES

LIQUOR CONTROL BOARD

[Filed November 10, 2010, 10:41 a.m., effective November 10, 2010, 10:41 a.m.]

Effective Date of Rule: Immediately.

Purpose: The board is prohibiting the sale or distribution of alcohol energy drinks in the state of Washington.

Statutory Authority for Adoption: RCW 66.08.010, 66.08.030, 66.24.261, 66.28.120.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The mission of the Washington state liquor control board (WSLCB) includes ensuring the responsible sale, and preventing the misuse of, alcohol. As part of this mission, the board endeavors to ensure that products which pose a threat to public safety are handled appropriately. The board is particularly concerned about alcohol energy drinks, which are marketed in a way that implies the consumption of these beverages has a stimulating or energizing effect. These beverages promote a situation where people may become inebriated, but cannot judge their own condi-

tion, which is contrary to human health and public safety. This is contrary to the mission of the WSLCB.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 10, 2010.

Sharon Foster
Chairman

NEW SECTION

WAC 314-20-022 Alcohol energy drinks. No product that combines beer, strong beer, or malt liquor with caffeine, guarana, taurine, or other similar substances which are commonly referred to as "alcohol energy drinks" may be imported into the state, produced, manufactured, distributed, sold or offered for sale by a licensed retailer in the state of Washington after November 17, 2010.

**WSR 10-23-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 10-294—Filed November 10, 2010, 4:29 p.m., effective November 10, 2010, 4:29 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-07300Q; and amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of red and green sea urchins exist in the areas described. Prohibiting all diving from licensed sea urchin harvest vessels within Sea Urchin District 3 when those vessels have red sea urchin on-board discourages the taking of red urchins from the district (currently closed to red urchin harvest) and reporting the catch to the adjacent harvest district. Prohibiting transport of

urchins from Districts 1 and 2 to other districts will prevent spoiling of product, promote accurate catch accounting, and provide for an orderly fishery. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 10, 2010.

Philip Anderson
Director

NEW SECTION

WAC 220-52-07300R Sea urchins. Notwithstanding the provisions of WAC 220-52-073, effective immediately until further notice, it is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section:

(1) Green sea urchins: Sea Urchin Districts 1 and 2 are open only on Monday and Tuesday of each week. Sea Urchin Districts 3, 4, 6 and 7 are open seven days per week.

(2) Red sea urchins: Sea Urchin Districts 1, 2 and 4 are open seven days per week.

(3) It is unlawful to dive for any purpose from a commercially licensed sea urchin fishing vessel in Sea Urchin District 3 when the vessel has red sea urchins on-board.

(4) Red and green sea urchins harvested in Sea Urchin Districts 1 and 2 must be landed within Sea Urchin Districts 1 and 2.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07300Q Sea urchins. (10-267)

**WSR 10-23-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 10-295—Filed November 12, 2010, 3:14 p.m., effective November 12, 2010, 4:01 p.m.]

Effective Date of Rule: November 12, 2010, 4:01 p.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-47-31100H and 220-47-41100Q; and amending WAC 220-47-311 and 220-47-411.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Pursuant to the Pacific salmon treaty (January 2009), Fraser River chum levels of less than one million are defined as critical. When run sizes are expected to be below the critical threshold, Canada is required to notify the United States and will conduct only assessment fisheries. When this occurs, commercial fisheries targeting Fraser River chum salmon will be suspended. Canada has determined that the current run size is below the critical threshold and so commercial fisheries in 7 and 7A are suspended until further notice. Nontribal fisheries in Areas 10, 11, 12, 12B, and 12C are estimated to have harvested the available shares for 2010 and as a result commercial fisheries targeting fall chum salmon in these areas are closed. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 12, 2010.

Joe Stohr
for Philip Anderson
Director

NEW SECTION

WAC 220-47-31100I Purse seines—Open periods. Notwithstanding the provisions of WAC 220-47-311, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with purse seine gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7, 7A, 10, 11, 12, 12B, and 12C.

NEW SECTION

WAC 220-47-41100R Gill nets—Open periods. Notwithstanding the provisions of WAC 220-47-411, effective immediately until further notice, it is unlawful to fish for or

possess salmon taken for commercial purposes with gill net gear in waters of Puget Sound Salmon Management and Catch Reporting Areas 7, 7A, 10, 11, 12, 12B, and 12C.

REPEALER

The following sections of the Washington Administrative Code are repealed, effective 4:01 p.m. November 12, 2010:

WAC 220-47-31100H	Purse seine—Open periods. (10-292)
WAC 220-47-41100Q	Gill nets—Open periods. (10-292)

WSR 10-23-099
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 16, 2010, 1:46 p.m., effective January 1, 2011]

Effective Date of Rule: January 1, 2011.

Purpose: This emergency rule making is being made for calendar year 2011 to amend the tables of classification base premium rates, experience rating plan parameters, experience modification factor calculation limitations, and create retrospective rating plan standard premium size ranges. Classification base rates were amended in order to base the rates on updated loss and payroll experience and the proposed decision to increase premium rates an overall average twelve percent per hour worked.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-855 Experience modification, 296-17-875 Table I, 296-17-880 Table II, 296-17-885 Table III, 296-17-890 Table IV, 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry, 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications, 296-17-89503 Farm internship program industrial insurance, accident fund and medical aid fund by class, 296-17-89504 Horse racing industry industrial insurance, medical aid, and supplemental pension by class and 296-17-920 Assessment for supplemental pension fund; repealing WAC 296-17-86502 Medical aid experience modification limitations; and new WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

Statutory Authority for Adoption: RCW 51.16.035 (base rates), 51.32.073 (supplemental pension), 51.18.010 (retrospective rating), and 51.04.020(1) (general authority).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department has historically adjusted industrial insurance premium rates annually in

the fall, to be in effect for the following calendar year. Currently, the department's rules price its insurance using worker hours as the basis. Initiative 1082, put to a vote of the people on November 2, 2010, would have required the department to price its insurance products using payroll rather than hours as the basis for premiums, and the section of the initiative that imposed that requirement would have been effective December 2, 2010. Now that the election is over, rates will continue to be hours based. To adopt rates effective January 1, 2011, the department must use the emergency rule-making process. This is necessary for the protection of the general welfare, as actuarial analysis shows current rates to be inadequate to maintain the solvency of the state fund. Annual rate changes each year can also be to the benefit of employers with better than average accident prevention and claim performance.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 10, Repealed 1.

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

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

Date Adopted: November 16, 2010.

Judy Schurke
Director

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the expected losses for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to weigh the extent to which the actual experience is credible, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification factor shall be calculated from the formula:

$$\text{EXPERIENCE MODIFICATION FACTOR} = \frac{(\text{Credible Actual Primary Loss} + \text{Credible Actual Excess Loss}) / \text{Expected Loss}}$$

Where

Credible Actual Primary Loss = Actual Primary Loss x Primary Credibility

+ Expected Primary Loss x (100% - Primary Credibility)

Credible Actual Excess Loss = Actual Excess Loss x Excess Credibility

$$+ \text{Expected Excess Loss} \times (100\% - \text{Excess Credibility})$$

The meaning and function of each term in the formula is specified below.

For each claim, the actual primary loss is the first dollar portion of the claim costs, which has been shown in actuarial studies, to have the greater credibility in predicting future experience. These amounts are summed over all claims. For each claim in excess of \$20,112 the actual primary loss shall be determined from the formula:

$$\text{ACTUAL PRIMARY LOSS} = \frac{50,280}{(\text{Total loss} + 30,168)} \times \text{total loss}$$

For each claim, less than \$20,112 the full value of the claim shall be considered a primary loss.

For each claim, the excess actual loss is the remaining portion of the claim costs, which have been shown in actuarial studies to have less credibility in predicting future experience. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss. These amounts are summed over all claims.

For any claim without disability benefits (time loss, partial permanent disability, total permanent disability or death) either actually paid or estimated to be paid, the total actual losses for calculating the primary loss and excess loss shall first be reduced by the lesser of \$(1,950) 2,120 or the total cost of the claim. Here are some examples for these claims:

Total Loss	(after deduction)	Primary Loss	Excess Loss
200	-	-	-
2,000	50	50	-
20,000	18,050	18,050	-
200,000	198,050	43,634	154,416
2,000,000	220,638	44,232	176,406

Total Loss	Type of Claim	Total Loss (after deduction)	Primary Loss	Excess Loss
200	Medical Only	0	0	0
2,500	Medical Only	380	380	0
2,500	Time Loss	2,500	2,500	0
25,000	Medical Only	22,880	21,686	1,194
25,000	Time Loss	25,000	22,785	2,215
100,000	PPD	100,000	38,627	61,373
2,000,000	TPD Pension	233,084	44,518	188,566

Note: The deduction, \$(1,950) 2,120, is twice the average case incurred cost of these types of claims occurring during the three-year period used for experience rating. On average this results in reducing the average actual loss about seventy percent for these types of claims adjusted. This is done to help make the transition between the two different experience rating methods better by helping make the change in experience factor reasonable for small changes to the actual losses. The \$2,000,000 loss is limited by the Maximum Claim Value before the reduction of \$(1,950) 2,120 is applied.

For each employer, the primary credibility and the excess credibility determines the percentage weight given to

the corresponding actual primary losses and the actual excess losses, included in the calculation of the experience modification, based on the volume of expected losses. Primary credibility and excess credibility values are set forth in Table II.

An employer's expected losses shall be determined by summing the expected loss for each of the three years of the experience period, which are calculated by multiplying the reported exposure in each classification during the year by the corresponding classification expected loss rate and rounding the result to the nearest cent. Classification expected loss rates by year are set forth in Table III.

Expected losses in each classification shall be multiplied by the classification "Primary-Ratio" to obtain "expected primary losses" which shall be rounded to the nearest cent. Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses rounded to the nearest cent. Primary-Ratios are also set forth in Table III.

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-875 Table I.

**Primary Losses for Selected Claim Values
Effective January 1, (~~2010~~) 2011**

CLAIM VALUE	PRIMARY LOSS
5,000	5,000
10,000	10,000
15,000	15,000
20,112	20,112
29,834	25,000
44,627	30,000
69,102	35,000
100,000	38,627
117,385	40,000
200,000	43,690
((222,588))	((44,279))
<u>233,084**</u>	<u>44,518</u>

** Maximum claim value

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-880 Table II.

**PRIMARY AND EXCESS CREDIBILITY VALUES
Effective January 1, (~~2010~~) 2011**

Maximum Claim Value = \$((222,588)) 233,084
Average Death Value = \$((222,588)) 233,084

((Expected Losses	Primary-Credibility	Excess-Credibility
± - 7,397	12%	7%
7,398 - 7,896	13%	7%
7,897 - 8,402	14%	7%

((Expected Losses	Primary-Credibility	Excess-Credibility
8,403 - 8,912	15%	7%
8,913 - 9,428	16%	7%
9,429 - 9,952	17%	7%
9,953 - 10,481	18%	7%
10,482 - 11,018	19%	7%
11,019 - 11,562	20%	7%
11,563 - 12,113	21%	7%
12,114 - 12,673	22%	7%
12,674 - 13,240	23%	7%
13,241 - 13,815	24%	7%
13,816 - 14,401	25%	7%
14,402 - 14,995	26%	7%
14,996 - 15,597	27%	7%
15,598 - 16,212	28%	7%
16,213 - 16,836	29%	7%
16,837 - 17,473	30%	7%
17,474 - 18,122	31%	7%
18,123 - 18,783	32%	7%
18,784 - 19,458	33%	7%
19,459 - 20,147	34%	7%
20,148 - 20,851	35%	7%
20,852 - 21,572	36%	7%
21,573 - 22,311	37%	7%
22,312 - 23,070	38%	7%
23,071 - 23,848	39%	7%
23,849 - 24,650	40%	7%
24,651 - 25,475	41%	7%
25,476 - 26,328	42%	7%
26,329 - 27,211	43%	7%
27,212 - 28,126	44%	7%
28,127 - 29,079	45%	7%
29,080 - 30,073	46%	7%
30,074 - 31,115	47%	7%
31,116 - 32,214	48%	7%
32,215 - 33,379	49%	7%
33,380 - 34,623	50%	7%
34,624 - 35,966	51%	7%
35,967 - 37,435	52%	7%
37,436 - 39,075	53%	7%
39,076 - 39,242	54%	7%
39,243 - 40,964	54%	8%
40,965 - 43,270	55%	8%
43,271 - 65,487	56%	8%
65,488 - 72,180	57%	8%
72,181 - 103,099	57%	9%
103,100 - 106,190	57%	10%

((Expected Losses		Primary- Credibility	Excess Credibility	((Expected Losses		Primary- Credibility	Excess Credibility
106,191	- 134,208	58%	10%	960,939	- 979,387	79%	35%
134,209	- 146,892	58%	11%	979,388	- 1,001,640	79%	36%
146,893	- 165,512	59%	11%	1,001,641	- 1,016,135	80%	36%
165,513	- 187,594	59%	12%	1,016,136	- 1,042,341	80%	37%
187,595	- 197,005	60%	12%	1,042,342	- 1,053,130	81%	37%
197,006	- 228,297	60%	13%	1,053,131	- 1,083,044	81%	38%
228,298	- 228,696	61%	13%	1,083,045	- 1,090,375	82%	38%
228,697	- 260,585	61%	14%	1,090,376	- 1,123,747	82%	39%
260,586	- 268,999	61%	15%	1,123,748	- 1,127,872	83%	39%
269,000	- 292,674	62%	15%	1,127,873	- 1,164,450	83%	40%
292,675	- 309,701	62%	16%	1,164,451	- 1,165,623	84%	40%
309,702	- 324,963	63%	16%	1,165,624	- 1,203,630	84%	41%
324,964	- 350,404	63%	17%	1,203,631	- 1,205,149	84%	42%
350,405	- 357,455	64%	17%	1,205,150	- 1,241,896	85%	42%
357,456	- 390,153	64%	18%	1,241,897	- 1,245,853	85%	43%
390,154	- 391,105	64%	19%	1,245,854	- 1,280,427	86%	43%
391,106	- 423,059	65%	19%	1,280,428	- 1,286,556	86%	44%
423,060	- 431,807	65%	20%	1,286,557	- 1,319,220	87%	44%
431,808	- 456,173	66%	20%	1,319,221	- 1,327,259	87%	45%
456,174	- 472,510	66%	21%	1,327,260	- 1,358,283	88%	45%
472,511	- 489,497	67%	21%	1,358,284	- 1,367,960	88%	46%
489,498	- 513,213	67%	22%	1,367,961	- 1,397,616	89%	46%
513,214	- 523,036	68%	22%	1,397,617	- 1,408,662	89%	47%
523,037	- 553,914	68%	23%	1,408,663	- 1,437,222	90%	47%
553,915	- 556,788	69%	23%	1,437,223	- 1,449,366	90%	48%
556,789	- 590,759	69%	24%	1,449,367	- 1,477,104	91%	48%
590,760	- 594,616	69%	25%	1,477,105	- 1,490,066	91%	49%
594,617	- 624,947	70%	25%	1,490,067	- 1,517,265	92%	49%
624,948	- 635,319	70%	26%	1,517,266	- 1,530,770	92%	50%
635,320	- 659,359	71%	26%	1,530,771	- 1,557,709	93%	50%
659,360	- 676,022	71%	27%	1,557,710	- 1,571,471	93%	51%
676,023	- 693,993	72%	27%	1,571,472	- 1,598,437	94%	51%
693,994	- 716,723	72%	28%	1,598,438	- 1,612,174	94%	52%
716,724	- 728,854	73%	28%	1,612,175	- 1,639,454	95%	52%
728,855	- 757,427	73%	29%	1,639,455	- 1,652,875	95%	53%
757,428	- 763,941	74%	29%	1,652,876	- 1,680,761	96%	53%
763,942	- 798,128	74%	30%	1,680,762	- 1,693,579	96%	54%
798,129	- 799,260	75%	30%	1,693,580	- 1,722,362	97%	54%
799,261	- 834,811	75%	31%	1,722,363	- 1,734,280	97%	55%
834,812	- 838,831	75%	32%	1,734,281	- 1,764,260	98%	55%
838,832	- 870,597	76%	32%	1,764,261	- 1,774,983	98%	56%
870,598	- 879,532	76%	33%	1,774,984	- 1,806,460	99%	56%
879,533	- 906,619	77%	33%	1,806,461	- 1,815,684	99%	57%
906,620	- 920,236	77%	34%	1,815,685	- 1,848,964	100%	57%
920,237	- 942,883	78%	34%	1,848,965	- 1,891,774	100%	58%
942,884	- 960,938	78%	35%	1,891,775	- 1,934,894	100%	59%

((Expected Losses		Primary- Credibility	Excess Credibility	Expected Losses	Primary Credibility	Excess Credibility
1,934,895 - 1,978,329	100%	60%	16,846 = 17,509	28%	7%	
1,978,330 - 2,022,081	100%	61%	17,510 = 18,183	29%	7%	
2,022,082 - 2,066,153	100%	62%	18,184 = 18,871	30%	7%	
2,066,154 - 2,110,549	100%	63%	18,872 = 19,572	31%	7%	
2,110,550 - 2,155,273	100%	64%	19,573 = 20,286	32%	7%	
2,155,274 - 2,200,329	100%	65%	20,287 = 21,015	33%	7%	
2,200,330 - 2,245,721	100%	66%	21,016 = 21,759	34%	7%	
2,245,722 - 2,291,452	100%	67%	21,760 = 22,519	35%	7%	
2,291,453 - 2,337,524	100%	68%	22,520 = 23,298	36%	7%	
2,337,525 - 2,383,944	100%	69%	23,299 = 24,096	37%	7%	
2,383,945 - 2,430,714	100%	70%	24,097 = 24,916	38%	7%	
2,430,715 - 2,477,839	100%	71%	24,917 = 25,756	39%	7%	
2,477,840 - 2,525,323	100%	72%	25,757 = 26,622	40%	7%	
2,525,324 - 2,573,168	100%	73%	26,623 = 27,513	41%	7%	
2,573,169 - 2,621,382	100%	74%	27,514 = 28,434	42%	7%	
2,621,383 - 2,669,965	100%	75%	28,435 = 29,388	43%	7%	
2,669,966 - 2,718,924	100%	76%	29,389 = 30,376	44%	7%	
2,718,925 - 2,768,263	100%	77%	30,377 = 31,405	45%	7%	
2,768,264 - 2,817,987	100%	78%	31,406 = 32,479	46%	7%	
2,817,988 - 2,868,099	100%	79%	32,480 = 33,604	47%	7%	
2,868,100 - 2,918,604	100%	80%	33,605 = 34,791	48%	7%	
2,918,605 - 2,969,509	100%	81%	34,792 = 36,049	49%	7%	
2,969,510 - 3,020,814	100%	82%	36,050 = 37,393	50%	7%	
3,020,815 - 3,072,528	100%	83%	37,394 = 38,843	51%	7%	
3,072,529 - 3,124,653	100%	84%	38,844 = 40,430	52%	7%	
3,124,654 - 3,177,197	100%	85%	40,431 = 42,201	53%	7%	
3,177,198 & over	100%	86%))	42,202 = 42,381	54%	7%	
			42,382 = 44,241	54%	8%	
			44,242 = 46,732	55%	8%	
			46,733 = 70,726	56%	8%	
			70,727 = 77,954	57%	8%	
			77,955 = 111,347	57%	9%	
			111,348 = 114,685	57%	10%	
			114,686 = 144,945	58%	10%	
			144,946 = 158,643	58%	11%	
			158,644 = 178,753	59%	11%	
			178,754 = 202,602	59%	12%	
			202,603 = 212,765	60%	12%	
			212,766 = 246,561	60%	13%	
			246,562 = 246,992	61%	13%	
			246,993 = 281,432	61%	14%	
			281,433 = 290,519	61%	15%	
			290,520 = 316,088	62%	15%	
			316,089 = 334,477	62%	16%	
			334,478 = 350,960	63%	16%	
			350,961 = 378,436	63%	17%	
<u>Expected Losses</u>	<u>Primary</u> <u>Credibility</u>	<u>Excess</u> <u>Credibility</u>				
1 = 7,989	12%	7%				
7,990 = 8,528	13%	7%				
8,529 = 9,074	14%	7%				
9,075 = 9,625	15%	7%				
9,626 = 10,182	16%	7%				
10,183 = 10,748	17%	7%				
10,749 = 11,320	18%	7%				
11,321 = 11,900	19%	7%				
11,901 = 12,487	20%	7%				
12,488 = 13,082	21%	7%				
13,083 = 13,687	22%	7%				
13,688 = 14,299	23%	7%				
14,300 = 14,920	24%	7%				
14,921 = 15,553	25%	7%				
15,554 = 16,195	26%	7%				
16,196 = 16,845	27%	7%				

Expected Losses		Primary Credibility	Excess Credibility	Expected Losses		Primary Credibility	Excess Credibility		
<u>378,437</u>	=	<u>386,051</u>	64%	<u>17%</u>	<u>1,301,562</u>	=	<u>1,341,248</u>	85%	42%
<u>386,052</u>	=	<u>421,365</u>	64%	<u>18%</u>	<u>1,341,249</u>	=	<u>1,345,521</u>	85%	43%
<u>421,366</u>	=	<u>422,393</u>	64%	<u>19%</u>	<u>1,345,522</u>	=	<u>1,382,861</u>	86%	43%
<u>422,394</u>	=	<u>456,904</u>	65%	<u>19%</u>	<u>1,382,862</u>	=	<u>1,389,481</u>	86%	44%
<u>456,905</u>	=	<u>466,352</u>	65%	<u>20%</u>	<u>1,389,482</u>	=	<u>1,424,758</u>	87%	44%
<u>466,353</u>	=	<u>492,667</u>	66%	<u>20%</u>	<u>1,424,759</u>	=	<u>1,433,440</u>	87%	45%
<u>492,668</u>	=	<u>510,311</u>	66%	<u>21%</u>	<u>1,433,441</u>	=	<u>1,466,946</u>	88%	45%
<u>510,312</u>	=	<u>528,657</u>	67%	<u>21%</u>	<u>1,466,947</u>	=	<u>1,477,397</u>	88%	46%
<u>528,658</u>	=	<u>554,270</u>	67%	<u>22%</u>	<u>1,477,398</u>	=	<u>1,509,425</u>	89%	46%
<u>554,271</u>	=	<u>564,879</u>	68%	<u>22%</u>	<u>1,509,426</u>	=	<u>1,521,355</u>	89%	47%
<u>564,880</u>	=	<u>598,227</u>	68%	<u>23%</u>	<u>1,521,356</u>	=	<u>1,552,200</u>	90%	47%
<u>598,228</u>	=	<u>601,331</u>	69%	<u>23%</u>	<u>1,552,201</u>	=	<u>1,565,315</u>	90%	48%
<u>601,332</u>	=	<u>638,020</u>	69%	<u>24%</u>	<u>1,565,316</u>	=	<u>1,595,272</u>	91%	48%
<u>638,021</u>	=	<u>642,185</u>	69%	<u>25%</u>	<u>1,595,273</u>	=	<u>1,609,271</u>	91%	49%
<u>642,186</u>	=	<u>674,943</u>	70%	<u>25%</u>	<u>1,609,272</u>	=	<u>1,638,646</u>	92%	49%
<u>674,944</u>	=	<u>686,145</u>	70%	<u>26%</u>	<u>1,638,647</u>	=	<u>1,653,232</u>	92%	50%
<u>686,146</u>	=	<u>712,108</u>	71%	<u>26%</u>	<u>1,653,233</u>	=	<u>1,682,326</u>	93%	50%
<u>712,109</u>	=	<u>730,104</u>	71%	<u>27%</u>	<u>1,682,327</u>	=	<u>1,697,189</u>	93%	51%
<u>730,105</u>	=	<u>749,513</u>	72%	<u>27%</u>	<u>1,697,190</u>	=	<u>1,726,312</u>	94%	51%
<u>749,514</u>	=	<u>774,061</u>	72%	<u>28%</u>	<u>1,726,313</u>	=	<u>1,741,148</u>	94%	52%
<u>774,062</u>	=	<u>787,162</u>	73%	<u>28%</u>	<u>1,741,149</u>	=	<u>1,770,610</u>	95%	52%
<u>787,163</u>	=	<u>818,021</u>	73%	<u>29%</u>	<u>1,770,611</u>	=	<u>1,785,105</u>	95%	53%
<u>818,022</u>	=	<u>825,056</u>	74%	<u>29%</u>	<u>1,785,106</u>	=	<u>1,815,222</u>	96%	53%
<u>825,057</u>	=	<u>861,978</u>	74%	<u>30%</u>	<u>1,815,223</u>	=	<u>1,829,065</u>	96%	54%
<u>861,979</u>	=	<u>863,201</u>	75%	<u>30%</u>	<u>1,829,066</u>	=	<u>1,860,151</u>	97%	54%
<u>863,202</u>	=	<u>901,596</u>	75%	<u>31%</u>	<u>1,860,152</u>	=	<u>1,873,022</u>	97%	55%
<u>901,597</u>	=	<u>905,938</u>	75%	<u>32%</u>	<u>1,873,023</u>	=	<u>1,905,401</u>	98%	55%
<u>905,939</u>	=	<u>940,245</u>	76%	<u>32%</u>	<u>1,905,402</u>	=	<u>1,916,982</u>	98%	56%
<u>940,246</u>	=	<u>949,895</u>	76%	<u>33%</u>	<u>1,916,983</u>	=	<u>1,950,977</u>	99%	56%
<u>949,896</u>	=	<u>979,149</u>	77%	<u>33%</u>	<u>1,950,978</u>	=	<u>1,960,939</u>	99%	57%
<u>979,150</u>	=	<u>993,855</u>	77%	<u>34%</u>	<u>1,960,940</u>	=	<u>1,996,881</u>	100%	57%
<u>993,856</u>	=	<u>1,018,314</u>	78%	<u>34%</u>	<u>1,996,882</u>	=	<u>2,043,116</u>	100%	58%
<u>1,018,315</u>	=	<u>1,037,813</u>	78%	<u>35%</u>	<u>2,043,117</u>	=	<u>2,089,686</u>	100%	59%
<u>1,037,814</u>	=	<u>1,057,738</u>	79%	<u>35%</u>	<u>2,089,687</u>	=	<u>2,136,595</u>	100%	60%
<u>1,057,739</u>	=	<u>1,081,771</u>	79%	<u>36%</u>	<u>2,136,596</u>	=	<u>2,183,848</u>	100%	61%
<u>1,081,772</u>	=	<u>1,097,426</u>	80%	<u>36%</u>	<u>2,183,849</u>	=	<u>2,231,445</u>	100%	62%
<u>1,097,427</u>	=	<u>1,125,728</u>	80%	<u>37%</u>	<u>2,231,446</u>	=	<u>2,279,393</u>	100%	63%
<u>1,125,729</u>	=	<u>1,137,380</u>	81%	<u>37%</u>	<u>2,279,394</u>	=	<u>2,327,695</u>	100%	64%
<u>1,137,381</u>	=	<u>1,169,688</u>	81%	<u>38%</u>	<u>2,327,696</u>	=	<u>2,376,355</u>	100%	65%
<u>1,169,689</u>	=	<u>1,177,605</u>	82%	<u>38%</u>	<u>2,376,356</u>	=	<u>2,425,379</u>	100%	66%
<u>1,177,606</u>	=	<u>1,213,647</u>	82%	<u>39%</u>	<u>2,425,380</u>	=	<u>2,474,768</u>	100%	67%
<u>1,213,648</u>	=	<u>1,218,102</u>	83%	<u>39%</u>	<u>2,474,769</u>	=	<u>2,524,526</u>	100%	68%
<u>1,218,103</u>	=	<u>1,257,606</u>	83%	<u>40%</u>	<u>2,524,527</u>	=	<u>2,574,660</u>	100%	69%
<u>1,257,607</u>	=	<u>1,258,873</u>	84%	<u>40%</u>	<u>2,574,661</u>	=	<u>2,625,171</u>	100%	70%
<u>1,258,874</u>	=	<u>1,299,920</u>	84%	<u>41%</u>	<u>2,625,172</u>	=	<u>2,676,066</u>	100%	71%
<u>1,299,921</u>	=	<u>1,301,561</u>	84%	<u>42%</u>	<u>2,676,067</u>	=	<u>2,727,349</u>	100%	72%

Expected Losses	Primary Credibility	Excess Credibility	((Class	2006	2007	2008	Primary- Ratio
<u>2,727,350</u> = <u>2,779,022</u>	<u>100%</u>	<u>73%</u>	0510	1.5550	1.5088	1.3598	0.476
<u>2,779,023</u> = <u>2,831,093</u>	<u>100%</u>	<u>74%</u>	0511	1.4156	1.3669	1.2167	0.501
<u>2,831,094</u> = <u>2,883,562</u>	<u>100%</u>	<u>75%</u>	0512	1.3932	1.3500	1.2204	0.427
<u>2,883,563</u> = <u>2,936,438</u>	<u>100%</u>	<u>76%</u>	0513	0.6680	0.6462	0.5774	0.497
<u>2,936,439</u> = <u>2,989,724</u>	<u>100%</u>	<u>77%</u>	0514	1.7000	1.6434	1.4680	0.491
<u>2,989,725</u> = <u>3,043,426</u>	<u>100%</u>	<u>78%</u>	0516	1.3886	1.3451	1.2089	0.470
<u>3,043,427</u> = <u>3,097,547</u>	<u>100%</u>	<u>79%</u>	0517	1.8369	1.7838	1.6149	0.448
<u>3,097,548</u> = <u>3,152,092</u>	<u>100%</u>	<u>80%</u>	0518	1.2678	1.2266	1.1005	0.463
<u>3,152,093</u> = <u>3,207,070</u>	<u>100%</u>	<u>81%</u>	0519	1.7529	1.6999	1.5351	0.438
<u>3,207,071</u> = <u>3,262,479</u>	<u>100%</u>	<u>82%</u>	0521	0.5298	0.5129	0.4599	0.485
<u>3,262,480</u> = <u>3,318,330</u>	<u>100%</u>	<u>83%</u>	0601	0.5481	0.5306	0.4753	0.489
<u>3,318,331</u> = <u>3,374,625</u>	<u>100%</u>	<u>84%</u>	0602	0.6846	0.6603	0.5867	0.498
<u>3,374,626</u> = <u>3,431,373</u>	<u>100%</u>	<u>85%</u>	0603	0.9434	0.9131	0.8248	0.415
<u>3,431,374</u> & over	<u>100%</u>	<u>86%</u>	0604	0.9762	0.9500	0.8602	0.497
			0606	0.5167	0.5008	0.4471	0.551
			0607	0.5520	0.5339	0.4750	0.550
			0608	0.3178	0.3084	0.2774	0.506
			0701	1.7045	1.6400	1.4710	0.373
			0803	0.4471	0.4335	0.3877	0.553
			0901	1.2678	1.2266	1.1005	0.463
			1002	0.9746	0.9462	0.8534	0.485
			1003	0.7361	0.7150	0.6445	0.499
			1004	0.5123	0.4949	0.4399	0.515
			1005	7.6720	7.4154	6.6182	0.457
			1007	0.3219	0.3110	0.2776	0.489
			1101	0.7326	0.7100	0.6347	0.539
			1102	1.3217	1.2784	1.1454	0.468
			1103	1.1538	1.1196	1.0087	0.468
			1104	0.5619	0.5462	0.4902	0.569
			1105	0.7857	0.7610	0.6826	0.487
			1106	0.3255	0.3181	0.2900	0.530
			1108	0.5995	0.5814	0.5212	0.535
			1109	1.4021	1.3606	1.2236	0.501
			1301	0.5536	0.5328	0.4663	0.578
			1303	0.2020	0.1956	0.1741	0.570
			1304	0.0283	0.0274	0.0245	0.542
			1305	0.4548	0.4407	0.3933	0.565
			1401	0.4377	0.4281	0.3936	0.437
			1404	0.7967	0.7724	0.6895	0.569
			1405	0.6202	0.6000	0.5303	0.594
			1407	0.4914	0.4787	0.4326	0.539
			1501	0.5700	0.5511	0.4900	0.547
			1507	0.5658	0.5478	0.4888	0.538
			1701	0.8544	0.8282	0.7430	0.490
			1702	1.7516	1.6925	1.5272	0.383
			1703	0.7723	0.7427	0.6605	0.428
			1704	0.8544	0.8282	0.7430	0.490
			1801	0.4503	0.4386	0.4003	0.440
			1802	0.6916	0.6714	0.6018	0.526
			2002	0.7252	0.7049	0.6347	0.525
			2004	0.8591	0.8341	0.7472	0.553
			2007	0.5045	0.4905	0.4425	0.525
			2008	0.3224	0.3137	0.2842	0.506
			2009	0.3849	0.3748	0.3378	0.556
			2101	0.6444	0.6266	0.5643	0.525

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-885 Table III.

**Expected Loss Rates and Primary Ratios
for Indicated Fiscal Year**

**Expected Loss Rates in Dollars Per Worker Hour
Effective January 1, (~~2010~~) 2011**

((Class	2006	2007	2008	Primary- Ratio
0101	1.1114	1.0759	0.9654	0.468
0103	1.5650	1.5168	1.3645	0.474
0104	0.8112	0.7861	0.7065	0.475
0105	1.1603	1.1243	1.0051	0.536
0107	1.1546	1.1158	1.0008	0.446
0108	0.8112	0.7861	0.7065	0.475
0112	0.6183	0.5990	0.5378	0.482
0201	2.2598	2.1766	1.9445	0.412
0202	2.7958	2.7091	2.4476	0.414
0210	1.0213	0.9855	0.8791	0.463
0212	1.1915	1.1512	1.0296	0.459
0214	1.2870	1.2420	1.1077	0.474
0217	0.9020	0.8723	0.7793	0.496
0219	1.0322	0.9998	0.8957	0.485
0301	0.6054	0.5875	0.5266	0.547
0302	1.7359	1.6757	1.4991	0.444
0303	1.5459	1.4927	1.3366	0.442
0306	0.8526	0.8237	0.7354	0.480
0307	0.8169	0.7906	0.7074	0.497
0308	0.5054	0.4913	0.4415	0.557
0403	1.5614	1.5117	1.3509	0.512
0502	1.1718	1.1319	1.0111	0.467
0504	1.5718	1.5270	1.3810	0.463
0507	2.6227	2.5479	2.3041	0.466
0508	1.6478	1.5919	1.4330	0.409
0509	1.7113	1.6581	1.5026	0.401

((Class	2006	2007	2008	Primary- Ratio	((Class	2006	2007	2008	Primary- Ratio
2102	0.5281	0.5135	0.4615	0.567	3902	0.4488	0.4372	0.3951	0.551
2104	0.3194	0.3126	0.2847	0.582	3903	1.0714	1.0470	0.9543	0.527
2105	0.5351	0.5190	0.4632	0.582	3905	0.1512	0.1476	0.1339	0.587
2106	0.4149	0.4036	0.3630	0.550	3906	0.4715	0.4588	0.4137	0.548
2201	0.2381	0.2317	0.2092	0.524	3909	0.2641	0.2574	0.2326	0.570
2202	0.6912	0.6706	0.6020	0.529	4002	1.1682	1.1292	1.0078	0.498
2203	0.4575	0.4447	0.3993	0.569	4101	0.3270	0.3175	0.2854	0.533
2204	0.2381	0.2317	0.2092	0.524	4103	0.4931	0.4795	0.4294	0.601
2401	0.5015	0.4829	0.4225	0.587	4107	0.1515	0.1473	0.1328	0.524
2903	0.6155	0.5987	0.5391	0.550	4108	0.1728	0.1677	0.1502	0.568
2904	0.6504	0.6327	0.5723	0.515	4109	0.1949	0.1896	0.1714	0.525
2905	0.5846	0.5682	0.5101	0.567	4201	0.6465	0.6226	0.5498	0.517
2906	0.3292	0.3203	0.2890	0.547	4301	0.6273	0.6113	0.5522	0.554
2907	0.5046	0.4898	0.4380	0.572	4302	0.6517	0.6320	0.5645	0.554
2908	0.9817	0.9529	0.8578	0.493	4304	0.9024	0.8800	0.7982	0.525
2909	0.3750	0.3652	0.3299	0.543	4305	1.1617	1.1197	0.9872	0.552
3101	0.7036	0.6819	0.6116	0.505	4401	0.3994	0.3904	0.3566	0.498
3102	0.2601	0.2526	0.2274	0.525	4402	0.8434	0.8175	0.7291	0.589
3103	0.5159	0.5011	0.4512	0.504	4404	0.5064	0.4929	0.4447	0.536
3104	0.5885	0.5706	0.5119	0.520	4501	0.1824	0.1781	0.1604	0.615
3105	0.6947	0.6759	0.6099	0.534	4502	0.0386	0.0377	0.0342	0.530
3303	0.4184	0.4059	0.3630	0.565	4504	0.1089	0.1064	0.0964	0.615
3304	0.4724	0.4602	0.4155	0.573	4601	0.7463	0.7244	0.6492	0.533
3309	0.3774	0.3668	0.3314	0.509	4802	0.3336	0.3257	0.2966	0.504
3402	0.5219	0.5067	0.4553	0.523	4803	0.3012	0.2944	0.2678	0.576
3403	0.1959	0.1905	0.1723	0.512	4804	0.4924	0.4794	0.4317	0.577
3404	0.4852	0.4716	0.4240	0.542	4805	0.2855	0.2780	0.2507	0.580
3405	0.2917	0.2836	0.2548	0.563	4806	0.0592	0.0577	0.0525	0.538
3406	0.2233	0.2170	0.1943	0.593	4808	0.4690	0.4582	0.4179	0.498
3407	0.7775	0.7523	0.6722	0.503	4809	0.3388	0.3308	0.3003	0.562
3408	0.1984	0.1919	0.1691	0.618	4810	0.1401	0.1370	0.1243	0.577
3409	0.1638	0.1587	0.1409	0.634	4811	0.3016	0.2950	0.2685	0.580
3410	0.2700	0.2624	0.2355	0.578	4812	0.3836	0.3732	0.3360	0.577
3411	0.4654	0.4509	0.4038	0.518	4813	0.1596	0.1558	0.1410	0.572
3412	0.5586	0.5404	0.4843	0.475	4900	0.1898	0.1839	0.1666	0.413
3414	0.5338	0.5175	0.4640	0.523	4901	0.0643	0.0625	0.0562	0.502
3415	0.7721	0.7518	0.6859	0.437	4902	0.1116	0.1081	0.0964	0.561
3501	1.0079	0.9780	0.8769	0.515	4903	0.1563	0.1512	0.1335	0.621
3503	0.2927	0.2865	0.2615	0.562	4904	0.0265	0.0259	0.0234	0.565
3506	0.8239	0.7957	0.7097	0.487	4905	0.3723	0.3639	0.3308	0.571
3509	0.4001	0.3888	0.3485	0.604	4906	0.0929	0.0900	0.0801	0.584
3510	0.3349	0.3251	0.2906	0.579	4907	0.0514	0.0502	0.0454	0.554
3511	0.6143	0.5977	0.5406	0.504	4908	0.0773	0.0765	0.0707	0.560
3512	0.3503	0.3416	0.3092	0.568	4909	0.0368	0.0367	0.0346	0.521
3513	0.4661	0.4564	0.4200	0.468	4910	0.4523	0.4398	0.3969	0.515
3602	0.1231	0.1196	0.1073	0.555	4911	0.0564	0.0548	0.0495	0.514
3603	0.4499	0.4377	0.3942	0.553	5001	6.2704	6.0760	5.4982	0.398
3604	0.7561	0.7406	0.6816	0.488	5002	0.5767	0.5580	0.4958	0.562
3605	0.5027	0.4867	0.4337	0.540	5003	1.9816	1.9178	1.7282	0.421
3701	0.2601	0.2526	0.2274	0.525	5004	0.7844	0.7649	0.6982	0.452
3702	0.4195	0.4071	0.3643	0.561	5005	0.5810	0.5634	0.5081	0.437
3708	0.5594	0.5413	0.4820	0.543	5006	1.3366	1.2943	1.1689	0.402
3802	0.1935	0.1881	0.1689	0.560	5101	0.8349	0.8084	0.7205	0.551
3808	0.3972	0.3851	0.3463	0.493	5103	0.7374	0.7183	0.6479	0.575
3901	0.1700	0.1658	0.1496	0.608	5106	0.7374	0.7183	0.6479	0.575

((Class	2006	2007	2008	Primary- Ratio	((Class	2006	2007	2008	Primary- Ratio
5108	0.8239	0.8014	0.7207	0.577	6506	0.1055	0.1029	0.0930	0.588
5109	0.4929	0.4778	0.4283	0.520	6509	0.3741	0.3648	0.3298	0.570
5201	0.3848	0.3731	0.3344	0.546	6510	0.4330	0.4197	0.3771	0.470
5204	0.8431	0.8189	0.7406	0.469	6511	0.3891	0.3787	0.3410	0.570
5206	0.3573	0.3467	0.3121	0.498	6512	0.1693	0.1644	0.1479	0.520
5207	0.1604	0.1566	0.1419	0.586	6601	0.1901	0.1851	0.1671	0.542
5208	0.7742	0.7522	0.6752	0.543	6602	0.5122	0.4986	0.4505	0.540
5209	0.6729	0.6542	0.5907	0.500	6603	0.3289	0.3191	0.2856	0.557
5300	0.1170	0.1133	0.1007	0.577	6604	0.0809	0.0787	0.0706	0.591
5301	0.0357	0.0346	0.0312	0.572	6605	0.3239	0.3165	0.2865	0.602
5302	0.0163	0.0159	0.0143	0.538	6607	0.1651	0.1606	0.1443	0.556
5305	0.0541	0.0526	0.0471	0.618	6608	0.4786	0.4616	0.4139	0.421
5306	0.0570	0.0556	0.0499	0.606	6620	3.1606	3.0426	2.6641	0.605
5307	0.5707	0.5513	0.4893	0.545	6704	0.1452	0.1410	0.1262	0.576
5308	0.0876	0.0855	0.0772	0.595	6705	0.8094	0.7911	0.7181	0.593
6103	0.0828	0.0808	0.0729	0.615	6706	0.2975	0.2909	0.2660	0.525
6104	0.3598	0.3498	0.3136	0.583	6707	4.3172	4.2003	3.7312	0.696
6105	0.3635	0.3523	0.3152	0.537	6708	8.1890	8.1121	7.6401	0.450
6107	0.1496	0.1466	0.1339	0.592	6709	0.2640	0.2576	0.2331	0.577
6108	0.4576	0.4459	0.4026	0.572	6801	0.6067	0.5856	0.5174	0.573
6109	0.1015	0.0985	0.0884	0.537	6802	0.5553	0.5382	0.4786	0.593
6110	0.5943	0.5775	0.5194	0.540	6803	0.8073	0.7821	0.7115	0.363
6120	0.2779	0.2695	0.2416	0.538	6804	0.3334	0.3242	0.2915	0.572
6121	0.3451	0.3347	0.3000	0.542	6809	4.6501	4.5504	4.1372	0.567
6201	0.2803	0.2727	0.2476	0.480	6901	0.0177	0.0187	0.0193	0.706
6202	0.5999	0.5844	0.5292	0.523	6902	0.8990	0.8687	0.7809	0.421
6203	0.1063	0.1039	0.0938	0.658	6903	6.3402	6.1802	5.7143	0.328
6204	0.1166	0.1137	0.1029	0.576	6904	0.4649	0.4461	0.3857	0.622
6205	0.2551	0.2480	0.2230	0.550	6905	0.3917	0.3780	0.3331	0.607
6206	0.2319	0.2255	0.2028	0.573	6906	0.1657	0.1675	0.1635	0.687
6207	1.1101	1.0905	1.0059	0.521	6907	1.2442	1.2076	1.0824	0.544
6208	0.2397	0.2342	0.2125	0.574	6908	0.4209	0.4088	0.3670	0.540
6209	0.3021	0.2948	0.2670	0.560	6909	0.1192	0.1161	0.1044	0.585
6301	0.1226	0.1186	0.1065	0.462	7100	0.0307	0.0300	0.0274	0.485
6302	0.2036	0.1980	0.1778	0.576	7101	0.0219	0.0214	0.0197	0.457
6303	0.0670	0.0650	0.0584	0.545	7102	4.1538	4.0954	3.7945	0.571
6304	0.3824	0.3734	0.3385	0.586	7103	0.6336	0.6108	0.5370	0.586
6305	0.1090	0.1062	0.0954	0.604	7104	0.0308	0.0300	0.0269	0.611
6306	0.2787	0.2710	0.2442	0.539	7105	0.0295	0.0287	0.0256	0.608
6308	0.0660	0.0642	0.0577	0.576	7106	0.2298	0.2233	0.1994	0.618
6309	0.2036	0.1980	0.1778	0.576	7107	0.2292	0.2244	0.2048	0.568
6402	0.2694	0.2617	0.2340	0.612	7108	0.2007	0.1957	0.1768	0.582
6403	0.1826	0.1781	0.1607	0.586	7109	0.1441	0.1403	0.1262	0.604
6404	0.2625	0.2558	0.2308	0.572	7110	0.3167	0.3067	0.2747	0.499
6405	0.5125	0.4972	0.4467	0.520	7111	0.3903	0.3776	0.3378	0.483
6406	0.1242	0.1211	0.1092	0.601	7112	0.6446	0.6276	0.5667	0.558
6407	0.2695	0.2623	0.2361	0.570	7113	0.3868	0.3768	0.3403	0.570
6408	0.3954	0.3838	0.3446	0.548	7114	0.4808	0.4686	0.4219	0.609
6409	0.6890	0.6669	0.5959	0.518	7115	0.5581	0.5441	0.4919	0.574
6410	0.2811	0.2736	0.2468	0.559	7116	0.6116	0.5948	0.5352	0.542
6501	0.1605	0.1558	0.1392	0.589	7117	1.6241	1.5771	1.4118	0.587
6502	0.0321	0.0312	0.0280	0.554	7118	1.4104	1.3725	1.2367	0.553
6503	0.0714	0.0691	0.0615	0.529	7119	1.3516	1.3087	1.1634	0.577
6504	0.3715	0.3626	0.3282	0.603	7120	5.8332	5.6693	5.1095	0.520
6505	0.1053	0.1034	0.0945	0.612	7121	5.4396	5.2875	4.7670	0.520

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>	<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>
2908	1.0963	1.0789	0.9625	0.471	4304	0.9374	0.9276	0.8340	0.495
2909	0.4032	0.3976	0.3546	0.518	4305	1.2500	1.2172	1.0578	0.522
3101	0.7330	0.7198	0.6391	0.491	4401	0.4302	0.4268	0.3865	0.480
3102	0.2765	0.2723	0.2429	0.508	4402	0.9040	0.8847	0.7749	0.556
3103	0.5497	0.5409	0.4820	0.479	4404	0.5634	0.5556	0.4957	0.512
3104	0.6360	0.6251	0.5556	0.494	4501	0.1983	0.1952	0.1727	0.586
3105	0.7595	0.7490	0.6691	0.509	4502	0.0414	0.0410	0.0366	0.507
3303	0.4738	0.4642	0.4077	0.542	4504	0.1281	0.1262	0.1115	0.595
3304	0.5219	0.5146	0.4580	0.545	4601	0.8045	0.7897	0.6983	0.506
3309	0.3984	0.3929	0.3521	0.475	4801	2.9958	2.9506	2.6555	0.401
3402	0.5507	0.5417	0.4818	0.497	4802	0.3556	0.3519	0.3169	0.490
3403	0.2102	0.2074	0.1859	0.488	4803	0.3132	0.3101	0.2776	0.560
3404	0.5019	0.4940	0.4392	0.512	4804	0.5148	0.5075	0.4514	0.547
3405	0.3037	0.2989	0.2655	0.533	4805	0.3139	0.3093	0.2743	0.554
3406	0.2441	0.2398	0.2116	0.565	4806	0.0646	0.0638	0.0573	0.515
3407	0.8322	0.8164	0.7242	0.474	4808	0.5085	0.5035	0.4536	0.480
3408	0.2269	0.2209	0.1904	0.590	4809	0.3503	0.3467	0.3113	0.531
3409	0.1752	0.1712	0.1487	0.598	4810	0.1471	0.1456	0.1305	0.546
3410	0.2755	0.2711	0.2405	0.543	4811	0.3394	0.3360	0.3011	0.556
3411	0.5120	0.5025	0.4453	0.491	4812	0.4054	0.3992	0.3548	0.545
3412	0.6022	0.5907	0.5248	0.458	4813	0.1772	0.1749	0.1560	0.550
3414	0.6004	0.5898	0.5237	0.495	4900	0.1758	0.1736	0.1570	0.400
3415	0.8365	0.8291	0.7544	0.420	4901	0.0660	0.0649	0.0579	0.481
3501	1.0816	1.0625	0.9419	0.489	4902	0.1223	0.1197	0.1052	0.539
3503	0.3205	0.3179	0.2863	0.534	4903	0.1676	0.1636	0.1419	0.589
3506	0.8531	0.8343	0.7357	0.477	4904	0.0278	0.0273	0.0244	0.546
3509	0.4253	0.4177	0.3680	0.571	4905	0.4054	0.4014	0.3601	0.542
3510	0.3702	0.3630	0.3194	0.554	4906	0.0990	0.0969	0.0847	0.560
3511	0.6332	0.6253	0.5620	0.467	4907	0.0562	0.0555	0.0496	0.534
3512	0.3954	0.3897	0.3462	0.553	4908	0.0874	0.0874	0.0796	0.548
3513	0.5140	0.5114	0.4667	0.457	4909	0.0406	0.0413	0.0388	0.526
3602	0.1288	0.1265	0.1119	0.532	4910	0.4852	0.4781	0.4263	0.496
3603	0.4816	0.4741	0.4214	0.525	4911	0.0613	0.0605	0.0539	0.493
3604	0.7972	0.7945	0.7277	0.467	5001	7.3796	7.2825	6.5926	0.377
3605	0.5443	0.5330	0.4689	0.514	5002	0.6259	0.6118	0.5355	0.534
3701	0.2765	0.2723	0.2429	0.508	5003	2.1501	2.1124	1.8921	0.405
3702	0.4462	0.4378	0.3861	0.532	5004	0.8100	0.8039	0.7318	0.425
3708	0.5888	0.5770	0.5087	0.516	5005	0.6818	0.6708	0.6007	0.421
3802	0.2106	0.2072	0.1837	0.535	5006	1.4000	1.3794	1.2445	0.381
3808	0.4288	0.4214	0.3751	0.471	5101	0.9268	0.9065	0.7957	0.517
3901	0.1824	0.1798	0.1594	0.576	5103	0.7860	0.7746	0.6892	0.540
3902	0.4746	0.4684	0.4183	0.531	5106	0.7860	0.7746	0.6892	0.540
3903	1.1545	1.1439	1.0314	0.502	5108	0.8758	0.8622	0.7651	0.545
3905	0.1591	0.1571	0.1401	0.564	5109	0.5483	0.5375	0.4750	0.500
3906	0.4890	0.4824	0.4308	0.514	5201	0.4114	0.4033	0.3561	0.523
3909	0.3038	0.2997	0.2673	0.536	5204	0.9140	0.9011	0.8092	0.450
4002	1.2574	1.2317	1.0899	0.473	5206	0.3974	0.3907	0.3481	0.488
4101	0.3558	0.3499	0.3107	0.509	5207	0.1647	0.1629	0.1458	0.549
4103	0.5661	0.5549	0.4868	0.569	5208	0.8146	0.8008	0.7094	0.520
4107	0.1614	0.1589	0.1416	0.504	5209	0.7119	0.7023	0.6295	0.478
4108	0.1952	0.1915	0.1685	0.548	5300	0.1268	0.1241	0.1088	0.538
4109	0.2080	0.2050	0.1832	0.503	5301	0.0379	0.0372	0.0328	0.549
4201	0.7100	0.6922	0.6057	0.488	5302	0.0169	0.0167	0.0147	0.510
4301	0.6812	0.6734	0.6032	0.520	5305	0.0606	0.0594	0.0522	0.591
4302	0.6994	0.6857	0.6036	0.528	5306	0.0572	0.0563	0.0498	0.573

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>	<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary</u> <u>Ratio</u>
5307	0.6315	0.6172	0.5413	0.518	6705	0.9066	0.8951	0.7965	0.575
5308	0.0988	0.0975	0.0867	0.578	6706	0.3141	0.3119	0.2826	0.496
6103	0.0891	0.0879	0.0782	0.589	6707	4.9587	4.8517	4.2034	0.664
6104	0.3954	0.3883	0.3426	0.557	6708	8.7875	8.8803	8.3466	0.435
6105	0.4067	0.3985	0.3517	0.511	6709	0.2866	0.2828	0.2517	0.547
6107	0.1655	0.1642	0.1476	0.570	6801	0.6741	0.6569	0.5712	0.546
6108	0.4995	0.4925	0.4380	0.545	6802	0.6279	0.6139	0.5355	0.569
6109	0.1110	0.1089	0.0965	0.516	6803	0.8328	0.8238	0.7529	0.342
6110	0.6452	0.6348	0.5634	0.519	6804	0.3618	0.3562	0.3164	0.540
6120	0.3033	0.2972	0.2620	0.520	6809	5.0493	4.9940	4.4681	0.546
6121	0.3681	0.3613	0.3196	0.514	6901	0.0191	0.0205	0.0210	0.715
6201	0.3063	0.3025	0.2722	0.469	6902	0.9391	0.9234	0.8290	0.403
6202	0.6426	0.6344	0.5680	0.500	6903	6.6199	6.6055	6.1538	0.311
6203	0.1167	0.1150	0.1017	0.630	6904	0.5390	0.5205	0.4413	0.584
6204	0.1308	0.1289	0.1145	0.560	6905	0.4294	0.4183	0.3618	0.581
6205	0.2761	0.2718	0.2413	0.530	6906	0.1821	0.1874	0.1799	0.662
6206	0.2513	0.2471	0.2190	0.543	6907	1.3578	1.3332	1.1786	0.522
6207	1.2356	1.2318	1.1242	0.499	6908	0.4561	0.4484	0.3978	0.510
6208	0.2649	0.2620	0.2342	0.553	6909	0.1239	0.1222	0.1086	0.550
6209	0.3312	0.3271	0.2921	0.536	7100	0.0328	0.0326	0.0296	0.463
6301	0.1318	0.1291	0.1145	0.460	7101	0.0231	0.0230	0.0210	0.441
6303	0.0774	0.0760	0.0674	0.517	7102	4.4906	4.4901	4.1042	0.545
6304	0.3981	0.3933	0.3511	0.561	7103	0.6907	0.6721	0.5813	0.553
6305	0.1182	0.1162	0.1024	0.577	7104	0.0335	0.0329	0.0289	0.580
6306	0.3022	0.2972	0.2641	0.515	7105	0.0319	0.0312	0.0275	0.574
6308	0.0724	0.0711	0.0627	0.550	7106	0.2617	0.2564	0.2242	0.591
6309	0.2227	0.2192	0.1943	0.544	7107	0.2519	0.2496	0.2244	0.546
6402	0.2977	0.2919	0.2561	0.587	7108	0.2184	0.2156	0.1918	0.552
6403	0.1934	0.1907	0.1694	0.565	7109	0.1614	0.1586	0.1399	0.578
6404	0.2851	0.2810	0.2500	0.542	7110	0.3391	0.3327	0.2951	0.475
6405	0.5396	0.5307	0.4724	0.495	7111	0.4388	0.4303	0.3823	0.454
6406	0.1374	0.1352	0.1196	0.580	7112	0.7112	0.7009	0.6239	0.538
6407	0.2963	0.2916	0.2584	0.549	7113	0.4206	0.4147	0.3691	0.538
6408	0.4450	0.4368	0.3862	0.526	7114	0.6036	0.5940	0.5241	0.594
6409	0.7265	0.7125	0.6307	0.491	7115	0.5815	0.5737	0.5112	0.544
6410	0.3093	0.3044	0.2704	0.538	7116	0.6495	0.6391	0.5673	0.511
6501	0.1672	0.1642	0.1445	0.556	7117	1.5262	1.5004	1.3282	0.544
6502	0.0328	0.0323	0.0287	0.531	7118	1.5250	1.5040	1.3417	0.515
6503	0.0759	0.0743	0.0655	0.507	7119	1.4744	1.4421	1.2613	0.548
6504	0.4089	0.4034	0.3586	0.581	7120	6.2839	6.1882	5.5174	0.496
6505	0.1196	0.1189	0.1069	0.599	7121	5.8696	5.7810	5.1555	0.495
6506	0.1166	0.1148	0.1019	0.564	7122	0.5496	0.5408	0.4783	0.571
6509	0.3967	0.3916	0.3490	0.547	7200	1.4295	1.3898	1.2011	0.539
6510	0.4628	0.4544	0.4040	0.457	7201	1.6002	1.5632	1.3713	0.494
6511	0.4121	0.4055	0.3594	0.538	7202	0.0309	0.0303	0.0269	0.482
6512	0.1684	0.1656	0.1474	0.494	7203	0.1322	0.1319	0.1201	0.570
6601	0.2080	0.2051	0.1830	0.513	7204	0.0000	0.0000	0.0000	0.500
6602	0.5686	0.5607	0.4999	0.522	7205	0.0000	0.0000	0.0000	0.500
6603	0.3516	0.3455	0.3057	0.531	7301	0.4468	0.4423	0.3992	0.483
6604	0.0862	0.0847	0.0750	0.561	7302	0.9842	0.9743	0.8786	0.482
6605	0.3779	0.3722	0.3293	0.581	7307	0.4810	0.4751	0.4254	0.501
6607	0.1785	0.1754	0.1550	0.533	7308	0.4646	0.4578	0.4054	0.579
6608	0.5059	0.4966	0.4453	0.396	7309	0.2828	0.2795	0.2497	0.556
6620	3.4169	3.3153	2.8477	0.572	7400	1.6002	1.5632	1.3713	0.494
6704	0.1493	0.1467	0.1298	0.544					

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

<u>Class</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>Primary Ratio</u>
0540	0.0173	0.0169	0.0152	0.471
0541	0.0105	0.0101	0.0091	0.444
0550	0.0211	0.0205	0.0184	0.394
0551	0.0136	0.0132	0.0118	0.411))

<u>Class</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>Primary Ratio</u>
0540	0.0188	0.0185	0.0167	0.446
0541	0.0109	0.0107	0.0095	0.426
0550	0.0218	0.0214	0.0193	0.387
0551	0.0142	0.0138	0.0125	0.394

<u>((Expected Loss Range</u>			<u>Maximum Experience Modification</u>
32,329	-	33,786	0.65
33,787	-	36,057	0.64
36,058	-	39,146	0.63
39,147	-	42,717	0.62
42,718	-	49,659	0.61
49,660	& Over		0.60))

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents: Effective ((1/1/2010)) 1/1/2011

<u>((Expected Loss Range</u>	<u>Maximum Experience Modification</u>
0 - 6,698	0.90
6,699 - 8,180	0.89
8,181 - 9,061	0.88
9,062 - 9,877	0.87
9,878 - 10,737	0.86
10,738 - 11,639	0.85
11,639 - 12,433	0.84
12,433 - 13,238	0.83
13,238 - 14,075	0.82
14,076 - 14,947	0.81
14,948 - 15,855	0.80
15,855 - 16,794	0.79
16,795 - 17,772	0.78
17,773 - 18,783	0.77
18,784 - 19,831	0.76
19,832 - 20,914	0.75
20,915 - 22,033	0.74
22,034 - 23,189	0.73
23,190 - 24,383	0.72
24,384 - 25,613	0.71
25,614 - 26,881	0.70
26,882 - 28,187	0.69
28,188 - 29,529	0.68
29,530 - 30,911	0.67
30,912 - 32,328	0.66

<u>Expected Loss Range</u>			<u>Maximum Experience Modification</u>
0	=	7,234	0.90
7,235	=	8,834	0.89
8,835	=	9,786	0.88
9,787	=	10,667	0.87
10,668	=	11,596	0.86
11,597	=	12,569	0.85
12,570	=	13,427	0.84
13,428	=	14,296	0.83
14,297	=	15,201	0.82
15,202	=	16,143	0.81
16,144	=	17,122	0.80
17,123	=	18,138	0.79
18,139	=	19,194	0.78
19,195	=	20,286	0.77
20,287	=	21,418	0.76
21,419	=	22,587	0.75
22,588	=	23,796	0.74
23,797	=	25,044	0.73
25,045	=	26,334	0.72
26,335	=	27,662	0.71
27,663	=	29,032	0.70
29,033	=	30,442	0.69
30,443	=	31,891	0.68
31,892	=	33,384	0.67
33,385	=	34,914	0.66
34,915	=	36,489	0.65
36,490	=	38,942	0.64
38,943	=	42,278	0.63
42,279	=	46,134	0.62
46,135	=	53,632	0.61
53,633	& Over		0.60

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry.

Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Base Rates Effective
January 1, ((2010)) 2011

Class	Base Rates Effective January 1, ((2010)) 2011		Class	Base Rates Effective January 1, ((2010)) 2011	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
			0608	0.3793	0.2749
			0701	2.6692	0.8643
((0101	1.4171	0.8290	0803	0.5012	0.3928
0103	1.9338	1.2162	0901	1.6739	0.9394
0104	1.0096	0.6354	1002	1.1556	0.8052
0105	1.3556	0.9833	1003	0.8526	0.6326
0107	1.5715	0.7938	1004	0.6353	0.3850
0108	1.0096	0.6354	1005	10.0027	5.4183
0112	0.7694	0.4834	1007	0.4178	0.2336
0201	3.3385	1.3070	1101	0.8323	0.6186
0202	3.7335	2.0036	1102	1.6845	0.9535
0210	1.3643	0.6803	1103	1.3856	0.9186
0212	1.5700	0.8234	1104	0.5841	0.5301
0214	1.7231	0.8805	1105	0.9692	0.6107
0217	1.1270	0.6759	1106	0.3297	0.3397
0219	1.2680	0.8069	1108	0.6918	0.5210
0301	0.6707	0.5364	1109	1.6232	1.1602
0302	2.3884	1.1450	1301	0.6755	0.4030
0303	2.1114	1.0183	1303	0.2296	0.1777
0306	1.1288	0.6136	1304	0.0325	0.0245
0307	1.0347	0.6405	1305	0.5022	0.3979
0308	0.5270	0.4717	1401	0.4683	0.4139
0403	1.8851	1.2485	1404	0.8551	0.6952
0502	1.5522	0.8223	1405	0.6934	0.5449
0504	1.8623	1.2855	1407	0.5018	0.4713
0507	3.1354	2.1578	1501	0.6745	0.4526
0508	2.3390	1.0577	1507	0.6612	0.4698
0509	2.3461	1.1925	1701	1.0210	0.6847
0510	1.8754	1.2515	1702	2.5362	1.0757
0511	1.8230	1.0339	1703	1.1360	0.4290
0512	1.8524	1.0148	1704	1.0210	0.6847
0513	0.8355	0.5102	1801	0.5465	0.3923
0514	2.1954	1.2756	1802	0.8426	0.6411
0516	1.7452	1.0601	2002	0.7986	0.6569
0517	2.2429	1.4494	2004	0.9340	0.7782
0518	1.6739	0.9394	2007	0.5582	0.4592
0519	2.2514	1.3304	2008	0.3639	0.2948
0521	0.6528	0.4036	2009	0.4009	0.3796
0601	0.7014	0.4297	2101	0.7088	0.5904
0602	0.9119	0.4800	2102	0.5491	0.5042
0603	1.3023	0.6556	2104	0.2933	0.3622
0604	1.0991	0.8748	2105	0.5858	0.4942
0606	0.5892	0.4476	2106	0.4456	0.4007
0607	0.6405	0.4453	2201	0.2549	0.2160

Class	Base Rates Effective January 1, ((2010)) 2011		Class	Base Rates Effective January 1, ((2010)) 2011	
	Accident Fund	Medical Aid Fund		Accident Fund	Medical Aid Fund
2202	0.7879	0.5985	3701	0.3026	0.2349
2203	0.4773	0.4394	3702	0.4686	0.3837
2204	0.2549	0.2160	3708	0.6605	0.4568
2401	0.6002	0.3776	3802	0.2084	0.1845
2903	0.6590	0.5855	3808	0.4888	0.3266
2904	0.7282	0.5975	3901	0.1579	0.1826
2905	0.6153	0.5586	3902	0.4684	0.4432
2906	0.3636	0.3214	3903	1.0645	1.0981
2907	0.5502	0.4716	3905	0.1444	0.1662
2908	1.1640	0.8225	3906	0.4899	0.4481
2909	0.4014	0.3672	3909	0.2702	0.2707
3101	0.8596	0.5807	4002	1.4751	0.8685
3102	0.3026	0.2349	4101	0.3687	0.2912
3103	0.5839	0.4394	4103	0.5002	0.4946
3104	0.6910	0.4946	4107	0.1727	0.1409
3105	0.7751	0.6618	4108	0.1857	0.1589
3303	0.4543	0.3759	4109	0.2167	0.1816
3304	0.4710	0.4735	4201	0.8514	0.4386
3309	0.4301	0.3308	4301	0.6312	0.6235
3402	0.6066	0.4628	4302	0.7332	0.5802
3403	0.2269	0.1753	4304	0.9278	0.8790
3404	0.5421	0.4520	4305	1.4217	0.8551
3405	0.3139	0.2830	4401	0.4275	0.4082
3406	0.2340	0.2224	4402	0.8814	0.7486
3407	0.9562	0.5987	4404	0.5500	0.4857
3408	0.2141	0.1754	4501	0.1831	0.2083
3409	0.1607	0.1541	4502	0.0412	0.0392
3410	0.2693	0.2555	4504	0.1062	0.1284
3411	0.5572	0.3813	4601	0.8262	0.6540
3412	0.7240	0.4160	4802	0.3456	0.3288
3414	0.6268	0.4499	4803	0.2709	0.3226
3415	0.9404	0.6604	4804	0.5040	0.4945
3501	1.1501	0.8573	4805	0.2827	0.2909
3503	0.2669	0.3257	4806	0.0602	0.0591
3506	1.1081	0.6052	4808	0.4878	0.4655
3509	0.3939	0.3892	4809	0.3266	0.3530
3510	0.3614	0.3151	4810	0.1324	0.1525
3511	0.7003	0.5643	4811	0.2869	0.3416
3512	0.3638	0.3723	4812	0.3979	0.3819
3513	0.4852	0.4738	4813	0.1530	0.1654
3602	0.1356	0.1148	4900	0.2575	0.1366
3603	0.4839	0.4354	4901	0.0782	0.0555
3604	0.7954	0.7977	4902	0.1288	0.0962
3605	0.5918	0.4192	4903	0.1730	0.1435

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
4904	0.0279	0.0273	6204	0.1183	0.1208
4905	0.3406	0.3978	6205	0.2728	0.2393
4906	0.1024	0.0834	6206	0.2415	0.2228
4907	0.0545	0.0541	6207	1.0143	1.2759
4908	0.0806	0.1218	6208	0.2244	0.2592
4909	0.0382	0.0669	6209	0.3077	0.3166
4910	0.5009	0.4089	6301	0.1609	0.0880
4911	0.0634	0.0524	6303	0.0762	0.0610
5001	8.4242	4.3361	6304	0.3542	0.4100
5002	0.6681	0.4872	6305	0.1049	0.1123
5003	2.6380	1.3541	6306	0.3104	0.2629
5004	0.8890	0.6982	6308	0.0699	0.0643
5005	0.7338	0.4382	6309	0.2111	0.1985
5006	1.8037	0.9098	6402	0.2715	0.2652
5101	0.9643	0.7056	6403	0.1738	0.1925
5103	0.7549	0.7505	6404	0.2606	0.2635
5106	0.7549	0.7505	6405	0.6054	0.4414
5108	0.8738	0.8176	6406	0.1197	0.1319
5109	0.5952	0.4182	6407	0.2795	0.2637
5201	0.4450	0.3385	6408	0.4542	0.3596
5204	1.0081	0.6895	6409	0.8423	0.5516
5206	0.4385	0.2985	6410	0.3063	0.2770
5207	0.1522	0.1736	6501	0.1664	0.1496
5208	0.8554	0.7154	6502	0.0357	0.0308
5209	0.7818	0.6011	6503	0.0913	0.0569
5300	0.1327	0.1029	6504	0.3467	0.4042
5301	0.0393	0.0342	6505	0.0950	0.1352
5302	0.0180	0.0156	6506	0.1047	0.1099
5305	0.0544	0.0554	6509	0.3708	0.3856
5306	0.0569	0.0586	6510	0.5342	0.3342
5307	0.6843	0.4378	6511	0.3872	0.3769
5308	0.0910	0.0973	6512	0.1844	0.1476
6103	0.0785	0.0929	6601	0.1992	0.1824
6104	0.3692	0.3480	6602	0.5314	0.4813
6105	0.4232	0.3039	6603	0.3655	0.2939
6107	0.1442	0.1821	6604	0.0828	0.0818
6108	0.4638	0.4655	6605	0.3174	0.3731
6109	0.1177	0.0910	6607	0.1711	0.1566
6110	0.6429	0.5387	6608	0.6901	0.2936
6120	0.3149	0.2402	6620	3.7083	2.4009
6121	0.3910	0.2994	6704	0.1546	0.1354
6201	0.3403	0.2493	6705	0.7293	0.8933
6202	0.6530	0.5826	6706	0.2918	0.3046
6203	0.0925	0.1277	6707	4.0650	5.0433

Base Rates Effective January 1, ((2010)) 2011			Base Rates Effective January 1, ((2010)) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
6708	7.0901	10.5720	7205	0.0000	0.0000
6709	0.2563	0.2809	7301	0.4802	0.4316
6801	0.7462	0.4947	7302	0.9712	0.8900
6802	0.6026	0.5085	7307	0.4627	0.4419
6803	1.1557	0.5314	7308	0.3701	0.4328
6804	0.3567	0.3226	7309	0.2372	0.2761
6809	4.7521	5.4232	7400	1.7720	1.0474))
6901	0.0000	0.0687	0101	1.9913	0.7878
6902	1.2346	0.5839	0103	2.5351	1.1235
6903	8.5839	4.8015	0104	1.3529	0.5826
6904	0.5686	0.3353	0105	1.8059	0.8927
6905	0.4538	0.3325	0107	1.9321	0.6800
6906	0.0000	0.3325	0108	1.3529	0.5826
6907	1.3582	1.0936	0112	0.9852	0.4337
6908	0.4740	0.3841	0201	4.4299	1.1360
6909	0.1230	0.1210	0202	4.9314	1.8028
7100	0.0332	0.0298	0210	1.7341	0.6051
7101	0.0256	0.0213	0212	2.0374	0.7248
7102	3.1418	5.3264	0214	2.2476	0.7960
7103	0.7334	0.4845	0217	1.5258	0.6260
7104	0.0317	0.0323	0219	1.8060	0.7492
7105	0.0298	0.0296	0301	0.9229	0.5091
7106	0.2208	0.2251	0302	3.3552	1.0702
7107	0.2138	0.2577	0303	2.7012	0.8922
7108	0.1890	0.2086	0306	1.5059	0.5633
7109	0.1393	0.1477	0307	1.3203	0.5543
7110	0.3825	0.2465	0308	0.6746	0.4431
7111	0.4967	0.2923	0403	2.5384	1.1181
7112	0.6743	0.6337	0502	2.0327	0.7345
7113	0.3770	0.3843	0504	2.2999	1.1556
7114	0.4426	0.5004	0507	4.2765	2.0017
7115	0.5418	0.5626	0508	3.1091	0.9358
7116	0.6358	0.5641	0509	2.9627	1.0077
7117	1.6923	1.5334	0510	2.5862	1.1644
7118	1.4536	1.3427	0511	2.3325	0.9043
7119	1.4657	1.1602	0512	2.3533	0.9083
7120	6.5297	5.2259	0513	1.1211	0.4589
7121	6.0861	4.8878	0514	2.7704	1.1316
7122	0.5045	0.5382	0516	2.3543	0.9553
7200	1.5557	0.9474	0517	3.1373	1.3718
7201	1.7720	1.0474	0518	2.1988	0.7991
7202	0.0377	0.0240	0519	2.7689	1.1423
7203	0.1054	0.1650	0521	0.8247	0.3570
7204	0.0000	0.0000	0601	0.9101	0.3730

Base Rates Effective January 1, (2010) 2011			Base Rates Effective January 1, (2010) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>0602</u>	<u>1.1677</u>	<u>0.4150</u>	<u>2102</u>	<u>0.7349</u>	<u>0.4602</u>
<u>0603</u>	<u>1.6954</u>	<u>0.5583</u>	<u>2104</u>	<u>0.3455</u>	<u>0.3159</u>
<u>0604</u>	<u>1.4682</u>	<u>0.8126</u>	<u>2105</u>	<u>0.7380</u>	<u>0.4406</u>
<u>0606</u>	<u>0.7735</u>	<u>0.4001</u>	<u>2106</u>	<u>0.6018</u>	<u>0.3700</u>
<u>0607</u>	<u>0.8759</u>	<u>0.4264</u>	<u>2201</u>	<u>0.3165</u>	<u>0.1895</u>
<u>0608</u>	<u>0.4980</u>	<u>0.2435</u>	<u>2202</u>	<u>1.0588</u>	<u>0.5617</u>
<u>0701</u>	<u>3.4669</u>	<u>0.7652</u>	<u>2203</u>	<u>0.6146</u>	<u>0.4012</u>
<u>0803</u>	<u>0.6659</u>	<u>0.3675</u>	<u>2204</u>	<u>0.3165</u>	<u>0.1895</u>
<u>0901</u>	<u>2.1988</u>	<u>0.7991</u>	<u>2401</u>	<u>0.7634</u>	<u>0.3258</u>
<u>1002</u>	<u>1.4477</u>	<u>0.6931</u>	<u>2903</u>	<u>0.8534</u>	<u>0.5232</u>
<u>1003</u>	<u>1.1163</u>	<u>0.5836</u>	<u>2904</u>	<u>0.9650</u>	<u>0.5256</u>
<u>1004</u>	<u>0.8347</u>	<u>0.3468</u>	<u>2905</u>	<u>0.8463</u>	<u>0.5305</u>
<u>1005</u>	<u>13.1041</u>	<u>4.8573</u>	<u>2906</u>	<u>0.4727</u>	<u>0.2897</u>
<u>1007</u>	<u>0.5492</u>	<u>0.2097</u>	<u>2907</u>	<u>0.7022</u>	<u>0.4117</u>
<u>1101</u>	<u>1.0534</u>	<u>0.5356</u>	<u>2908</u>	<u>1.5599</u>	<u>0.7707</u>
<u>1102</u>	<u>2.2602</u>	<u>0.8662</u>	<u>2909</u>	<u>0.5186</u>	<u>0.3257</u>
<u>1103</u>	<u>1.8269</u>	<u>0.8111</u>	<u>3101</u>	<u>1.0666</u>	<u>0.5099</u>
<u>1104</u>	<u>0.7945</u>	<u>0.4966</u>	<u>3102</u>	<u>0.3828</u>	<u>0.2103</u>
<u>1105</u>	<u>1.2720</u>	<u>0.5289</u>	<u>3103</u>	<u>0.7510</u>	<u>0.3911</u>
<u>1106</u>	<u>0.4243</u>	<u>0.3002</u>	<u>3104</u>	<u>0.9005</u>	<u>0.4504</u>
<u>1108</u>	<u>0.8776</u>	<u>0.4661</u>	<u>3105</u>	<u>1.0063</u>	<u>0.5977</u>
<u>1109</u>	<u>2.0698</u>	<u>1.0129</u>	<u>3303</u>	<u>0.6155</u>	<u>0.3500</u>
<u>1301</u>	<u>0.8501</u>	<u>0.3735</u>	<u>3304</u>	<u>0.6206</u>	<u>0.4369</u>
<u>1303</u>	<u>0.2959</u>	<u>0.1575</u>	<u>3309</u>	<u>0.5616</u>	<u>0.2883</u>
<u>1304</u>	<u>0.0414</u>	<u>0.0214</u>	<u>3402</u>	<u>0.7696</u>	<u>0.4041</u>
<u>1305</u>	<u>0.6984</u>	<u>0.3746</u>	<u>3403</u>	<u>0.2959</u>	<u>0.1562</u>
<u>1401</u>	<u>0.6005</u>	<u>0.3679</u>	<u>3404</u>	<u>0.6782</u>	<u>0.3839</u>
<u>1404</u>	<u>1.1704</u>	<u>0.6736</u>	<u>3405</u>	<u>0.3876</u>	<u>0.2454</u>
<u>1405</u>	<u>0.9214</u>	<u>0.5132</u>	<u>3406</u>	<u>0.3000</u>	<u>0.2015</u>
<u>1407</u>	<u>0.6510</u>	<u>0.4292</u>	<u>3407</u>	<u>1.2442</u>	<u>0.5406</u>
<u>1501</u>	<u>0.8992</u>	<u>0.4120</u>	<u>3408</u>	<u>0.2879</u>	<u>0.1640</u>
<u>1507</u>	<u>0.8529</u>	<u>0.4210</u>	<u>3409</u>	<u>0.2046</u>	<u>0.1350</u>
<u>1701</u>	<u>1.2719</u>	<u>0.5943</u>	<u>3410</u>	<u>0.3235</u>	<u>0.2241</u>
<u>1702</u>	<u>3.2097</u>	<u>0.9132</u>	<u>3411</u>	<u>0.7420</u>	<u>0.3484</u>
<u>1703</u>	<u>1.6080</u>	<u>0.3934</u>	<u>3412</u>	<u>0.9478</u>	<u>0.3729</u>
<u>1704</u>	<u>1.2719</u>	<u>0.5943</u>	<u>3414</u>	<u>0.8479</u>	<u>0.4229</u>
<u>1801</u>	<u>0.6892</u>	<u>0.3369</u>	<u>3415</u>	<u>1.2348</u>	<u>0.6070</u>
<u>1802</u>	<u>1.1057</u>	<u>0.5906</u>	<u>3501</u>	<u>1.4885</u>	<u>0.7634</u>
<u>2002</u>	<u>1.0874</u>	<u>0.6184</u>	<u>3503</u>	<u>0.3506</u>	<u>0.2955</u>
<u>2004</u>	<u>1.1303</u>	<u>0.6476</u>	<u>3506</u>	<u>1.3806</u>	<u>0.5172</u>
<u>2007</u>	<u>0.7360</u>	<u>0.4253</u>	<u>3509</u>	<u>0.4988</u>	<u>0.3438</u>
<u>2008</u>	<u>0.4834</u>	<u>0.2730</u>	<u>3510</u>	<u>0.4737</u>	<u>0.2871</u>
<u>2009</u>	<u>0.5040</u>	<u>0.3296</u>	<u>3511</u>	<u>0.8914</u>	<u>0.4757</u>
<u>2101</u>	<u>0.9474</u>	<u>0.5639</u>	<u>3512</u>	<u>0.4860</u>	<u>0.3371</u>

Base Rates Effective January 1, (2010) 2011			Base Rates Effective January 1, (2010) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
3513	<u>0.6427</u>	<u>0.4365</u>	4813	<u>0.2013</u>	<u>0.1534</u>
3602	<u>0.1701</u>	<u>0.0990</u>	4900	<u>0.2935</u>	<u>0.1084</u>
3603	<u>0.6227</u>	<u>0.3812</u>	4901	<u>0.0977</u>	<u>0.0462</u>
3604	<u>1.0074</u>	<u>0.7053</u>	4902	<u>0.1667</u>	<u>0.0879</u>
3605	<u>0.7706</u>	<u>0.3759</u>	4903	<u>0.2185</u>	<u>0.1273</u>
3701	<u>0.3828</u>	<u>0.2103</u>	4904	<u>0.0347</u>	<u>0.0233</u>
3702	<u>0.5979</u>	<u>0.3340</u>	4905	<u>0.4368</u>	<u>0.3645</u>
3708	<u>0.8247</u>	<u>0.4088</u>	4906	<u>0.1301</u>	<u>0.0736</u>
3802	<u>0.2690</u>	<u>0.1670</u>	4907	<u>0.0711</u>	<u>0.0481</u>
3808	<u>0.6450</u>	<u>0.2869</u>	4908	<u>0.1046</u>	<u>0.1027</u>
3901	<u>0.2027</u>	<u>0.1609</u>	4909	<u>0.0484</u>	<u>0.0588</u>
3902	<u>0.5794</u>	<u>0.3970</u>	4910	<u>0.6414</u>	<u>0.3677</u>
3903	<u>1.3755</u>	<u>0.9846</u>	4911	<u>0.0833</u>	<u>0.0468</u>
3905	<u>0.1781</u>	<u>0.1443</u>	5001	<u>12.2018</u>	<u>4.3539</u>
3906	<u>0.6036</u>	<u>0.3939</u>	5002	<u>0.8691</u>	<u>0.4365</u>
3909	<u>0.3757</u>	<u>0.2539</u>	5003	<u>3.5793</u>	<u>1.1976</u>
4002	<u>1.9297</u>	<u>0.7811</u>	5004	<u>1.1143</u>	<u>0.6147</u>
4101	<u>0.4850</u>	<u>0.2625</u>	5005	<u>1.0563</u>	<u>0.4251</u>
4103	<u>0.6908</u>	<u>0.4482</u>	5006	<u>2.3288</u>	<u>0.8032</u>
4107	<u>0.2216</u>	<u>0.1219</u>	5101	<u>1.3201</u>	<u>0.6259</u>
4108	<u>0.2486</u>	<u>0.1483</u>	5103	<u>0.9733</u>	<u>0.6476</u>
4109	<u>0.2790</u>	<u>0.1610</u>	5106	<u>0.9733</u>	<u>0.6476</u>
4201	<u>1.1368</u>	<u>0.4010</u>	5108	<u>1.1126</u>	<u>0.7164</u>
4301	<u>0.8042</u>	<u>0.5812</u>	5109	<u>0.8092</u>	<u>0.3732</u>
4302	<u>0.9412</u>	<u>0.5135</u>	5201	<u>0.5756</u>	<u>0.2947</u>
4304	<u>1.1506</u>	<u>0.7729</u>	5204	<u>1.3306</u>	<u>0.6267</u>
4305	<u>1.8475</u>	<u>0.7679</u>	5206	<u>0.5788</u>	<u>0.2774</u>
4401	<u>0.5530</u>	<u>0.3660</u>	5207	<u>0.1868</u>	<u>0.1474</u>
4402	<u>1.1376</u>	<u>0.6595</u>	5208	<u>1.0667</u>	<u>0.6243</u>
4404	<u>0.7257</u>	<u>0.4496</u>	5209	<u>0.9967</u>	<u>0.5315</u>
4501	<u>0.2356</u>	<u>0.1804</u>	5300	<u>0.1750</u>	<u>0.0907</u>
4502	<u>0.0530</u>	<u>0.0342</u>	5301	<u>0.0500</u>	<u>0.0293</u>
4504	<u>0.1489</u>	<u>0.1163</u>	5302	<u>0.0232</u>	<u>0.0126</u>
4601	<u>1.0725</u>	<u>0.5809</u>	5305	<u>0.0721</u>	<u>0.0506</u>
4802	<u>0.4396</u>	<u>0.2937</u>	5306	<u>0.0682</u>	<u>0.0486</u>
4803	<u>0.3251</u>	<u>0.2871</u>	5307	<u>0.9034</u>	<u>0.4130</u>
4804	<u>0.6254</u>	<u>0.4329</u>	5308	<u>0.1178</u>	<u>0.0890</u>
4805	<u>0.3669</u>	<u>0.2637</u>	6103	<u>0.0970</u>	<u>0.0832</u>
4806	<u>0.0782</u>	<u>0.0538</u>	6104	<u>0.4796</u>	<u>0.3179</u>
4808	<u>0.6377</u>	<u>0.4155</u>	6105	<u>0.5779</u>	<u>0.2782</u>
4809	<u>0.4028</u>	<u>0.3064</u>	6107	<u>0.1881</u>	<u>0.1615</u>
4810	<u>0.1652</u>	<u>0.1335</u>	6108	<u>0.6024</u>	<u>0.4205</u>
4811	<u>0.3806</u>	<u>0.3139</u>	6109	<u>0.1541</u>	<u>0.0818</u>
4812	<u>0.5049</u>	<u>0.3338</u>	6110	<u>0.8319</u>	<u>0.4926</u>

Base Rates Effective January 1, (2010) 2011			Base Rates Effective January 1, (2010) 2011		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
<u>6120</u>	<u>0.4159</u>	<u>0.2155</u>	<u>6620</u>	<u>4.8059</u>	<u>2.1491</u>
<u>6121</u>	<u>0.5077</u>	<u>0.2620</u>	<u>6704</u>	<u>0.1886</u>	<u>0.1176</u>
<u>6201</u>	<u>0.4482</u>	<u>0.2248</u>	<u>6705</u>	<u>0.9772</u>	<u>0.8269</u>
<u>6202</u>	<u>0.8486</u>	<u>0.5149</u>	<u>6706</u>	<u>0.3719</u>	<u>0.2689</u>
<u>6203</u>	<u>0.1190</u>	<u>0.1134</u>	<u>6707</u>	<u>5.3057</u>	<u>4.5925</u>
<u>6204</u>	<u>0.1573</u>	<u>0.1105</u>	<u>6708</u>	<u>9.0627</u>	<u>9.6007</u>
<u>6205</u>	<u>0.3494</u>	<u>0.2169</u>	<u>6709</u>	<u>0.3327</u>	<u>0.2475</u>
<u>6206</u>	<u>0.3156</u>	<u>0.1986</u>	<u>6801</u>	<u>1.0011</u>	<u>0.4451</u>
<u>6207</u>	<u>1.3533</u>	<u>1.1700</u>	<u>6802</u>	<u>0.8080</u>	<u>0.4691</u>
<u>6208</u>	<u>0.2892</u>	<u>0.2404</u>	<u>6803</u>	<u>1.4912</u>	<u>0.4620</u>
<u>6209</u>	<u>0.4011</u>	<u>0.2843</u>	<u>6804</u>	<u>0.4633</u>	<u>0.2922</u>
<u>6301</u>	<u>0.2110</u>	<u>0.0781</u>	<u>6809</u>	<u>6.1440</u>	<u>4.6455</u>
<u>6303</u>	<u>0.1055</u>	<u>0.0576</u>	<u>6901</u>	<u>0.0000</u>	<u>0.0556</u>
<u>6304</u>	<u>0.4359</u>	<u>0.3565</u>	<u>6902</u>	<u>1.5697</u>	<u>0.5264</u>
<u>6305</u>	<u>0.1360</u>	<u>0.0995</u>	<u>6903</u>	<u>11.1708</u>	<u>4.2851</u>
<u>6306</u>	<u>0.4104</u>	<u>0.2294</u>	<u>6904</u>	<u>0.7841</u>	<u>0.3207</u>
<u>6308</u>	<u>0.0923</u>	<u>0.0568</u>	<u>6905</u>	<u>0.5840</u>	<u>0.3035</u>
<u>6309</u>	<u>0.2755</u>	<u>0.1803</u>	<u>6906</u>	<u>0.0000</u>	<u>0.3035</u>
<u>6402</u>	<u>0.3511</u>	<u>0.2432</u>	<u>6907</u>	<u>1.7689</u>	<u>1.0013</u>
<u>6403</u>	<u>0.2139</u>	<u>0.1705</u>	<u>6908</u>	<u>0.6193</u>	<u>0.3398</u>
<u>6404</u>	<u>0.3375</u>	<u>0.2372</u>	<u>6909</u>	<u>0.1527</u>	<u>0.1049</u>
<u>6405</u>	<u>0.7690</u>	<u>0.3874</u>	<u>7100</u>	<u>0.0430</u>	<u>0.0267</u>
<u>6406</u>	<u>0.1560</u>	<u>0.1197</u>	<u>7101</u>	<u>0.0328</u>	<u>0.0187</u>
<u>6407</u>	<u>0.3642</u>	<u>0.2415</u>	<u>7102</u>	<u>3.9953</u>	<u>4.7758</u>
<u>6408</u>	<u>0.6186</u>	<u>0.3278</u>	<u>7103</u>	<u>0.9515</u>	<u>0.4477</u>
<u>6409</u>	<u>1.0728</u>	<u>0.4862</u>	<u>7104</u>	<u>0.0413</u>	<u>0.0280</u>
<u>6410</u>	<u>0.4050</u>	<u>0.2482</u>	<u>7105</u>	<u>0.0388</u>	<u>0.0257</u>
<u>6501</u>	<u>0.2056</u>	<u>0.1309</u>	<u>7106</u>	<u>0.2962</u>	<u>0.2115</u>
<u>6502</u>	<u>0.0430</u>	<u>0.0264</u>	<u>7107</u>	<u>0.2785</u>	<u>0.2329</u>
<u>6503</u>	<u>0.1168</u>	<u>0.0499</u>	<u>7108</u>	<u>0.2421</u>	<u>0.1895</u>
<u>6504</u>	<u>0.4511</u>	<u>0.3708</u>	<u>7109</u>	<u>0.1856</u>	<u>0.1356</u>
<u>6505</u>	<u>0.1253</u>	<u>0.1286</u>	<u>7110</u>	<u>0.4979</u>	<u>0.2199</u>
<u>6506</u>	<u>0.1400</u>	<u>0.0983</u>	<u>7111</u>	<u>0.6881</u>	<u>0.2689</u>
<u>6509</u>	<u>0.4618</u>	<u>0.3430</u>	<u>7112</u>	<u>0.8836</u>	<u>0.5824</u>
<u>6510</u>	<u>0.6914</u>	<u>0.2977</u>	<u>7113</u>	<u>0.4934</u>	<u>0.3486</u>
<u>6511</u>	<u>0.4964</u>	<u>0.3297</u>	<u>7114</u>	<u>0.6384</u>	<u>0.5343</u>
<u>6512</u>	<u>0.2199</u>	<u>0.1241</u>	<u>7115</u>	<u>0.6760</u>	<u>0.4897</u>
<u>6601</u>	<u>0.2611</u>	<u>0.1658</u>	<u>7116</u>	<u>0.8163</u>	<u>0.4955</u>
<u>6602</u>	<u>0.6892</u>	<u>0.4561</u>	<u>7117</u>	<u>1.9260</u>	<u>1.1988</u>
<u>6603</u>	<u>0.4616</u>	<u>0.2673</u>	<u>7118</u>	<u>1.8834</u>	<u>1.2199</u>
<u>6604</u>	<u>0.1046</u>	<u>0.0723</u>	<u>7119</u>	<u>1.8968</u>	<u>1.0593</u>
<u>6605</u>	<u>0.4466</u>	<u>0.3399</u>	<u>7120</u>	<u>8.4798</u>	<u>4.6818</u>
<u>6607</u>	<u>0.2209</u>	<u>0.1396</u>	<u>7121</u>	<u>7.9178</u>	<u>4.3832</u>
<u>6608</u>	<u>0.9037</u>	<u>0.2611</u>	<u>7122</u>	<u>0.6200</u>	<u>0.4649</u>

Base Rates Effective
January 1, ((2010)) 2011

Class	Accident Fund	Medical Aid Fund
7200	2.0381	0.8820
7201	2.3671	0.9828
7202	0.0466	0.0204
7203	0.1338	0.1458
7204	0.0000	0.0000
7205	0.0000	0.0000
7301	0.5904	0.3625
7302	1.2378	0.7953
7307	0.5858	0.3912
7308	0.5195	0.4157
7309	0.3086	0.2521
7400	2.3671	0.9828

Base Rates Effective
June 11, ((2010)) 2011

Class	Accident Fund	Medical Aid Fund
4816	.3345	.4912))
4814	0.1246	0.1241
4815	0.2651	0.2960
4816	0.4342	0.4406

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Base Rates Effective
January 1, ((2010)) 2011

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
((0540	0.0220	0.0132	0.0008
0541	0.0141	0.0071	0.0008
0550	0.0295	0.0137	0.0008
0551	0.0193	0.0084	0.0008))
0540	0.0285	0.0124	0.0009
0541	0.0180	0.0063	0.0009
0550	0.0366	0.0124	0.0009
0551	0.0246	0.0074	0.0009

AMENDATORY SECTION (Amending WSR 10-17-028, filed 8/9/10, effective 9/9/10)

WAC 296-17-89503 Farm internship program industrial insurance, accident fund and medical aid fund by class.

Base Rates Effective
June 11, ((2010)) 2011

Class	Accident Fund	Medical Aid Fund
((4814	.0960	.1384
4815	.2042	.3300

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-89504 Horse racing industry industrial insurance, medical aid, and supplemental pension by class.

Base Rates Effective
January 1, ((2010)) 2011

Class	Accident Fund	Medical Aid Fund	Supplemental Pension Fund
((6614	59*	65*	1
6615	357*	377*	1
6616	13*	11*	1
6617	111*	98*	1
6618	99*	50*	1
6622	69**	75**	1
6623	22**	17**	1))
6614	83*	66*	1
6615	479*	340*	1
6616	18*	11*	1
6617	147*	87*	1
6618	99*	50*	1
6622	95**	74**	1
6623	30**	14**	1

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

** These rates are calculated on a per horse stall for parimutuel race tracks and are base rated.

AMENDATORY SECTION (Amending WSR 09-24-086, filed 11/30/09, effective 1/1/10)

WAC 296-17-920 Assessment for supplemental pension fund. The amount of ((48.5)) 53.9 mils (\$((0.0485)) 0.0539) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under

WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-86502 Medical aid experience modification limitations.

NEW SECTION

WAC 296-17B-900 Retrospective rating plans standard premium size ranges.

RETROSPECTIVE RATING STANDARD PREMIUM SIZE RANGES
Effective January 1, 2011

Size Group Number	Standard Premium Range		Size Group Number	Standard Premium Range	
	From:	To:		From:	To:
1	\$ 5,610	- 6,559	32	79,530	- 85,069
2	6,560	- 7,419	33	85,070	- 91,009
3	7,420	- 8,349	34	91,010	- 97,379
4	8,350	- 9,359	35	97,380	- 104,199
5	9,360	- 10,429	36	104,200	- 111,599
6	10,430	- 11,569	37	111,600	- 119,699
7	11,570	- 12,799	38	119,700	- 128,199
8	12,800	- 14,099	39	128,200	- 137,499
9	14,100	- 15,479	40	137,500	- 147,499
10	15,480	- 16,929	41	147,500	- 158,199
11	16,930	- 18,489	42	158,200	- 169,799
12	18,490	- 20,129	43	169,800	- 182,199
13	20,130	- 21,879	44	182,200	- 195,799
14	21,880	- 23,729	45	195,800	- 210,399
15	23,730	- 25,679	46	210,400	- 226,299
16	25,680	- 27,759	47	226,300	- 243,599
17	27,760	- 29,949	48	243,600	- 262,499
18	29,950	- 32,279	49	262,500	- 283,299
19	32,280	- 34,729	50	283,300	- 305,999
20	34,730	- 37,339	51	306,000	- 331,199
21	37,340	- 40,109	52	331,200	- 359,199
22	40,110	- 43,049	53	359,200	- 390,299
23	43,050	- 46,169	54	390,300	- 424,999
24	46,170	- 49,489	55	425,000	- 464,199
25	49,490	- 53,009	56	464,200	- 508,599
26	53,010	- 56,759	57	508,600	- 558,899
27	56,760	- 60,749	58	558,900	- 616,899
28	60,750	- 64,999	59	616,900	- 683,699
29	65,000	- 69,529	60	683,700	- 761,699
30	69,530	- 74,359	61	761,700	- 853,499
31	74,360	- 79,529	62	853,500	- 962,999
			63	963,000	- 1,094,999
			64	1,095,000	- 1,257,999
			65	1,258,000	- 1,460,999
			66	1,461,000	- 1,723,999
			67	1,724,000	- 2,070,999
			68	2,071,000	- 2,554,999
			69	2,555,000	- 3,268,999
			70	3,269,000	- 4,446,999
			71	4,447,000	- 6,664,999
			72	6,665,000	- 12,199,999
			73	12,200,000	- 31,209,999
			74	31,210,000	- and over

WSR 10-23-103
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 10-296—Filed November 16, 2010, 3:22 p.m., effective November 19, 2010, 8:00 a.m.]

Effective Date of Rule: November 19, 2010, 8:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04000V and 220-52-04600Y; and amending WAC 220-52-040 and 220-52-046.

Statutory Authority for Adoption: RCW 77.12.047, 77.04.020, and 77.70.430.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation reopens Puget Sound Crab Management Region 2 West because the regional quota was increased in accordance with the state-tribal management plan for this area. Pot limits for selected regions control harvest rates to achieve seasonal objectives and maintain state-tribal sharing agreements. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 16, 2010.

Philip Anderson
Director

NEW SECTION

WAC 220-52-04000W Commercial crab fishery—Lawful and unlawful gear, methods, and other unlawful acts. Notwithstanding the provisions of WAC 220-52-040:

1) Effective 8:00 a.m., November 19, 2010, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 50 pots per license per buoy tag number in Crab Management Region 2 West (which includes Marine Fish-Shellfish Management and Catch Reporting Areas 25 B, 25 D, and 26 A-W). The remaining 50 buoy tags per license per region must be onboard the designated vessel and available for inspection in Crab Management Region 2 West.

2) Effective immediately, until further notice, it is unlawful for any person to fish for crabs for commercial purposes with more than 75 pots per license per buoy tag number in Crab Management Region 1 (which includes Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A and 22B), and Crab Management Region 2 East (which includes Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, and 26A-E). The remaining 25 buoy tags per license per region must be onboard the designated vessel and available for inspection in Crab Management Regions 1 and 2 East.

NEW SECTION

WAC 220-52-04600Z Puget Sound crab fishery—Seasons and areas. Notwithstanding the provisions of WAC 220-52-046:

(1) Effective immediately until further notice, it is permissible to fish for Dungeness crab for commercial purposes in the following areas:

(a) Port Gardner: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line projected from the outermost tip of the ferry dock at Mukilteo, projected to the green #3 buoy at the mouth of the Snohomish River, and west of a line projected from that #3 buoy southward to the oil boom pier on the shoreline.

(b) Possession Point to Glendale: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 26A east of a line that extends true north from the green #1 buoy at Possession Point to Possession Point, and west of a line from the green #1 buoy at Possession Point extending northward along the 200-foot depth contour to the Glendale dock.

(c) Langley: That portion of Marine Fish-Shellfish Management and Catch Reporting Area 24C shoreward of the 400-foot depth contour within an area described by two lines projected northeasterly from Sandy Point and the entrance to the marina at Langley.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina, and a line from the same boat ramp to Birch Point.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cape Sante Marina to the northern end of the eastern most oil dock.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(2) Effective immediately until further notice, the following areas are closed to commercial crab fishing:

(a) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of the 123°7.0' longitude line projected from the new Dungeness light due south to the shore of Dungeness Bay.

(b) That portion of Marine Fish-Shellfish Management and Catch Reporting Area 23D west of a line from the eastern tip of Ediz Hook to the ITT Rayonier Dock.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of a line projected due

north from the most westerly tip of Skagit Island and extending south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 8:00 a.m. November 19, 2010:

WAC 220-52-0400V	Commercial crab fishery— Lawful and unlawful gear, methods, and other unlawful acts. (10-290)
WAC 220-52-04600Y	Puget Sound crab fishery— Seasons and areas. (10-290)

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-52-0400V is probably intended to be WAC 220-52-04000V.

WSR 10-23-105
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 10-297—Filed November 16, 2010, 3:53 p.m., effective November 20, 2010, 12:01 p.m.]

Effective Date of Rule: November 20, 2010, 12:01 p.m.
Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-36000K; and amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1 and 2. Washington department of health has certified clams from these beaches to be safe for human consumption. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 16, 2010.

Philip Anderson
Director

NEW SECTION

WAC 220-56-36000K Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

1. Effective 12:01 p.m. November 20 through 11:59 p.m. November 21, 2010, razor clam digging is allowed in Razor Clam Area 1 and Razor clam Area 2. Digging is allowed from 12:01 p.m. to 11:59 p.m. each day only.

2. It is unlawful to dig for razor clams at any time in Long Beach, Twin Harbors Beach or Copalis Beach Clam sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. November 22, 2010:

WAC 220-56-36000K	Razor clams—Areas and seasons.
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WSR 10-23-106
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 10-300—Filed November 16, 2010, 3:53 p.m., effective November 16, 2010, 3:53 p.m.]

Effective Date of Rule: Immediately.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sufficient surplus of hatchery fish exists to provide opportunity for Americans with Disabilities [Act] (ADA)-only sport fishery. There is insufficient time to adopt permanent rules.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

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

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

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

Date Adopted: November 16, 2010.

Philip Anderson
Director

NEW SECTION

WAC 232-28-61900D Exceptions to statewide rules—Satsop River. Notwithstanding the provisions of WAC 232-28-619, effective immediately through March 15, 2011:

(a) Persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card under WAC 220-55-065 may fish from the ADA-accessible site at the Bingham Creek Hatchery, defined as those waters from Bingham Creek hatchery barrier dam on the East Fork Satsop River downstream 400 feet, provided such persons follow all applicable rules and regulations. Night closure and single point barbless hooks required.

(b) Designated harvesters may fish from the ADA-accessible site with persons with disabilities who permanently use a wheelchair and/or who have a designated harvester card, if room allows. However, persons with disabilities who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.