

WSR 17-18-003
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 24, 2017, 11:27 a.m.]

Title of Rule and Other Identifying Information:
 Amends WAC 181-86-145 to remove reference to "post mark" since all notifications are now electronic.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies timeline when an individual must appeal a decision by the office of superintendent of public instruction (OSPI) to take action on their certification.

Reasons Supporting Proposal: The certification office no longer uses the postal service to inform individuals about action being taken on their certification. Notice is now through email.

Statutory Authority for Adoption: RCW 28A.410.220.

Statute Being Implemented: Not applicable.

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

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: David Brenna, 600 Washington Street, Room 400, Olympia, 360-725-6238.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-making Process is Appropriate: The OSPI certification office has migrated services to electronic media and the United States postal service is no longer used for notification. The rule removes the reference to "post mark."

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO David Brenna, Professional Educator Standards Board, 600 Washington Street, Room 400, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, AND RECEIVED BY November 6, 2017.

August 24, 2017

David Brenna

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 13-20-029, filed 9/23/13, effective 10/24/13)

WAC 181-86-145 Appeal procedure—Informal SPI review. Any person who appeals the decision or order to deny his or her application, the issuance of a reprimand, or the order to suspend or revoke his or her certificate must file a written notice with the superintendent of public instruction within thirty calendar days following the date of ((~~post-marked mailing~~)) notification from the section of the superintendent of public instruction's office responsible for certification of the decision or order.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted or why his or her certificate should not be suspended or revoked, or why the reprimand should not be issued whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall proceed as follows:

(1) If the appeal does not involve good moral character, personal fitness, or unprofessional conduct, the review officer shall review the application and appeal notice and may request further written information including, but not limited to, an explanation from the person or persons who initially reviewed the application of the reason(s) why the application was denied. If the review officer deems it advisable, he or she shall schedule an informal meeting with the appellant, the person or persons who denied the application, and any other interested party designated by the review officer to receive oral information concerning the application. Any such meeting must be held within thirty calendar days of the date of receipt by the superintendent of public instruction of the timely filed appeal notice.

(2) If the appeal involves good moral character, personal fitness, or acts of unprofessional conduct, the review officer shall schedule an informal meeting of the applicant or certificate holder and/or counsel for the applicant or certificate holder with the admissions and professional conduct advisory committee. Such meeting shall be scheduled in accordance with the calendar of meetings of the advisory committee: Provided, That notice of appeal must be received at least fifteen calendar days in advance of a scheduled meeting.

(3) Send by certified mail a written decision (i.e., findings of fact and conclusions of law) on the appeal within thirty calendar days from the date of post-marked mailing the timely filed appeal notice or informal meeting, whichever is later. The review officer may uphold, reverse, or modify the decision to deny the application, the order to reprimand, or the order to suspend or revoke the certificate.

(4) The timelines stated herein may be extended by the review officer for cause.

(5) Provided, That in the case of an action for suspension or revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the suspension or revocation proceeding, are completed, including appeals, if the appellant signs the agreement stated in WAC 181-86-160. In requesting such delay, the appellant shall dis-

close fully all pending quasi-judicial administrative proceedings in which the appellant is involved.

WSR 17-18-057
EXPEDITED RULES
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed September 1, 2017, 8:44 a.m.]

Title of Rule and Other Identifying Information: WAC 182-500-0020 Definitions—C.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correct a typo.

Reasons Supporting Proposal: The agency is revising this rule to correct a typo in the definition of "community spouse." The WAC citation referenced in the definition should read WAC 182-500-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: Health care authority (HCA), governmental.

Name of Agency Personnel Responsible for Drafting: Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Aranzazu Granrose, P.O. Box 42684, Olympia, WA 98504-2684, 360-725-1390.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Wendy Barcus, Rules Coordinator, HCA, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9727, email arc@hca.wa.gov, AND RECEIVED BY November 7, 2017.

September 1, 2017

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-18-019, filed 8/26/16, effective 9/26/16)

WAC 182-500-0020 Definitions—C. "Caretaker relative" means a relative of a dependent child by blood, adop-

tion, or marriage with whom the child is living, who assumes primary responsibility for the child's care, and who is one of the following:

(1) The child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece.

(2) The spouse of such parent or relative (including same sex marriage or domestic partner), even after the marriage is terminated by death or divorce.

(3) Other relatives including relatives of half-blood, first cousins once removed, people of earlier generations (as shown by the prefixes of great, great-great, or great-great-great), and natural parents whose parental rights were terminated by a court order.

"Carrier" means an organization that contracts with the federal government to process claims under medicare Part B.

"Categorically needy (CN) or categorically needy program (CNP)" is the state and federally funded health care program established under Title XIX of the Social Security Act for people within medicaid-eligible categories, whose income and/or resources are at or below set standards.

"Categorically needy income level (CNIL)" is the standard used by the agency to determine eligibility under a categorically needy program.

"Categorically needy (CN) scope of care" is the range of health care services included within the scope of service categories described in WAC 182-501-0060 available to people eligible to receive benefits under a CN program. Some state-funded health care programs provide CN scope of care.

"Center of excellence" - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

"Centers for Medicare and Medicaid Services (CMS)" - The federal agency that runs the medicare, medicaid, and children's health insurance programs, and the federally facilitated marketplace.

"Children's health program or children's health care programs" See "Apple health for kids."

"Client" means a person who is an applicant for, or recipient of, any Washington apple health program, including managed care and long-term care. See definitions for "applicant" and "recipient" in RCW 74.09.741.

"Community spouse." See "spouse" in WAC ((182-500-100)) 182-500-0100.

"Cost-sharing" means any expenditure required by or on behalf of an enrollee with respect to essential health benefits; such term includes deductibles, coinsurance, copayments, or similar charges, but excludes premiums, balance billing amounts for nonnetwork providers, and spending for uncovered services.

"Cost-sharing reductions" means reductions in cost-sharing for an eligible person enrolled in a silver level plan in the health benefit exchange or for a person who is an American Indian or Alaska native enrolled in a qualified health plan (QHP) in the exchange.

"Couple." See "spouse" in WAC 182-500-0100.

"Covered service" is a health care service contained within a "service category" that is included in a Washington apple health (WAH) benefits package described in WAC 182-501-0060. For conditions of payment, see WAC 182-

501-0050(5). A noncovered service is a specific health care service (for example, cosmetic surgery), contained within a service category that is included in a WAH benefits package, for which the agency or the agency's designee requires an approved exception to rule (ETR) (see WAC 182-501-0160). A noncovered service is not an excluded service (see WAC 182-501-0060).

"**Creditable coverage**" means most types of public and private health coverage, except Indian health services, that provide access to physicians, hospitals, laboratory services, and radiology services. This term applies to the coverage whether or not the coverage is equivalent to that offered under premium-based programs included in Washington apple health (WAH). Creditable coverage is described in 42 U.S.C. 300gg-3 (c)(1).

WSR 17-18-068

EXPEDITED RULES

BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS

[Filed September 1, 2017, 3:17 p.m.]

Title of Rule and Other Identifying Information: Public records—Adoption of statutory fee schedule.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to WAC 491-20-050 implement the state legislature's new Public Records Act requirement and provide the necessary findings so that the board for volunteer firefighters and reserve officers may use the amended statutory default fee schedule.

Reasons Supporting Proposal: Changes provide statutory fee schedule for cost of copying for public records request.

Statutory Authority for Adoption: RCW 42.56.120 (as amended by chapter 304, Laws of 2017), 42.56.100, 42.56.040 (1)(d).

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

Name of Proponent: Board for volunteer firefighter and reserve officers, governmental.

Name of Agency Personnel Responsible for Drafting: Hailey Blankenship, P.O. Box 114, Olympia, WA 98507, 360-753-7318; Implementation and Enforcement: Board for Volunteer Firefighters and Reserve Officers, P.O. Box 114, Olympia, WA 98507, 360-753-7318.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person; and

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-making Process is Appropriate: Effective July 23, 2017, the board for volunteer firefighters and reserve officers proposed emergency rule WAC 491-20-050 in order to be in statutory compliance with 2017 legislature amended RCW 42.56.120 at section 3, chapter 304, Laws of 2017. There was insufficient time under the permanent rule-making procedures for the board to bring its copy fees into statutory compliance by the effective date. The board believes the expedited rule-making process is appropriate as it is adopting the new law's amended statutory default copy fee schedule (rather than determining actual cost of copies), and has proven that calculating actual cost for copying records would be unduly burdensome for the reasons specified in WAC 491-20-050. If the permanent rule-making procedure is used the board would need to request an extension for the emergency rule currently in place in order to be in compliance while the permanent rule procedure is completed.

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September 1, 2017
Hailey Blankenship
Executive Secretary

AMENDATORY SECTION (Amending Order II, filed 7/5/77)

WAC 491-20-050 ((Copying)) Public records—Adoption of statutory fee schedule. ~~((No fee shall be charged for the inspection of public records. The agency shall charge a fee equal to 2 the amount necessary to reimburse the agency for its actual costs incident to such copying.))~~

(1) Pursuant to RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017, the Washington board for volunteer firefighters and reserve officers declares for the following reasons that it would be unduly burdensome for it to calculate the actual cost it charges for providing copies of public records: Funds were not allocated to conduct a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(2) The Washington state board for volunteer firefighters and reserve officers may charge fees for producing copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.