

## WSR 20-04-054

## AGENDA

DEPARTMENT OF HEALTH  
STATE BOARD OF HEALTH

[Filed January 30, 2020, 8:59 a.m.]

## January 2020

## Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at 360-628-0096. If you have any questions regarding SBOH rule-making activities please contact Michelle Davis at 360-236-4105.

This agenda is for information purposes, and the anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional rule-making activities that cannot be forecasted as DOH and SBOH initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" below for explanations of terms and acronyms.

## KEY

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

**CR:** "Code reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

**CR-101:** Preproposal statement of inquiry filed under RCW 34.05.310.

**CR-102:** Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

**CR-103:** Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

**CR-105:** Expedited rule making filed under RCW 34.05.353.

**RCW:** Revised Code of Washington.

**WAC:** Washington Administrative Code.

**WSR:** Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

SBOH  
Rule Making

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
SBOH	43.20.050 70.104.055 43.70.545	Chapter 246-101 WAC, Notifiable conditions.	18-11-089	Anticipate filing			Alex Montano	360-236-4106
SBOH	43.20.050	WAC 246-203-130 Keeping of animals.	19-21-018				Stuart Glasoe	360-236-4111
SBOH	43.20.050 43.20.145	Chapter 246-215 WAC, Food service.	18-14-085	Anticipate filing			Stuart Glasoe or Peter Beaton	360-236-4111 or 360-236-4031
SBOH	43.20.050 70.90.120	Chapter 246-260 WAC, Water recreation facilities and chapter 246-262 WAC, Recreational water contact facilities.	17-01-048				Peter Beaton or Chris Trent	360-236-4031 or 360-789-2358
SBOH	43.20.050	Chapter 246-272A WAC, On-site sewage systems.	18-06-082				Stuart Glasoe or Mike Dexel	360-236-4111 or 360-236-3011
SBOH	43.20.050	Chapter 246-272A WAC, On-site sewage systems, drainfield remediation.	06-12-108				Stuart Glasoe or Mike Dexel	360-236-4111 or 360-236-3011

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
SBOH	43.20.050 70.119A.080 70.142.010	Chapter 246-290 WAC, Group A water supplies, per- and polyfluoroalkyl substances.	18-01-080	Anticipate filing			Stuart Glasoe or Jocelyn Jones	360-236-4111 or 360-236-3020
SBOH	43.20.050 70.83	Chapter 246-650 WAC, Newborn screening, adding spinal muscular atrophy to the list of mandatory conditions for newborn screening.	19-15-087	Anticipate filing			John Thompson	206-418-5531
SBOH	43.20.050 48.21.244 48.44.344 48.46.375 70.54.220	Chapter 246-680 WAC, Prenatal tests—Congenital and heritable disorders.	18-24-016	Anticipate filing			Michelle Davis	360-236-4105

**DOH  
Rule Making**

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Board of hearing and speech	ESB 5210 (chapter 183, Laws of 2019)	WAC 246-828-025, 246-828-290, hearing and speech definitions, purchaser rescission rights and new section(s) addressing consumer notification.	19-20-100				Kim-Boi Shaddock	360-236-2912
Board of hearing and speech	18.35.161 43.70.250	WAC 246-828-020, 246-828-025, 246-828-04503, 246-828-075, 246-828-300, and 246-828-990, hearing and speech, examinations, definitions, postgraduate professional work experience requirements—Audiologist and speech-language pathologist, supervisors of students, expired license or certification, and hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant fees and renewal cycle.	19-13-038				Kim-Boi Shaddock	360-236-2912

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Board of massage	18.215	WAC 246-830-005, 246-830-020, 246-830-035, 246-830-037, 246-830-420, 246-830-430, 246-830-440, 246-830-475, 246-830-550, 246-830-555, 246-830-560, 246-830-565, and 246-830-570, massage practitioners. DOH (department), in coordination with the board of massage (board), is considering revising sections of the massage practitioner rules following the chapter review that became effective July 30, 2017. The department and board will consider revising training hours, continuing education, approval of schools and programs, perineal massage, recordkeeping and record retention. The board and department will also consider clarifying other rules as needed.	17-18-110	Anticipate filing			Megan Maxey	360-236-4945
Board of naturopathy	18.36A.160	Chapter 246-836 WAC, considering the practice of nonsurgical cosmetic procedures in naturopathic practice.	13-22-059	18-14-087 Anticipating filing a new CR-102			Susan Gragg	360-236-4941
Board of nursing home administrators	18.52.061 18.340	WAC 246-843-XXX, Temporary practice permits for nursing home administrator military spouse and state-registered domestic partner eligibility and issuance. The board of nursing home administrators is considering adding a new rule to provide for temporary practice permits to be issued to military spouses or state-registered domestic partners who hold an out-of-state credential as a nursing home administrator.	19-13-106	20-01-077	Anticipate filing		Kendra Pitzler	360-236-4723

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Board of osteopathic physicians and surgeons	18.57.005 18.130.050 18.340.020	Chapter 246-853 WAC, Osteopathic physicians and surgeons. The board of osteopathic medicine and surgery (board) is considering rule amendments to several sections to ensure that the rules are current, up to date, and align with best practices. The board will also consider adding a new section describing the process for issuing expedited temporary practice permits for military spouses.	17-24-016	20-02-049	Anticipate filing		Sue Gragg	360-236-4941
Board of osteopathic physicians and surgeons	18.57A.020 18.340.020	Chapter 246-854 WAC, Osteopathic physician assistants. The board of osteopathic medicine and surgery (board) is considering establishing two new sections of rule to: (1) Describe the process for issuing an expedited temporary practice permit to an osteopathic physician assistant (PA) applicant who is a spouse or registered domestic partner of a military service member, and (2) establish return to practice requirements for an osteopathic PA who has not been in practice for a certain period of time.	19-01-010	20-02-052	Anticipate filing		Sue Gragg	360-236-4941
Board of physical therapy	18.74.023 and HB 2446 (chapter 222, Laws of 2018)	Chapter 246-915 WAC, Board of physical therapy, physical therapist supervision of assistive personnel, implementation of HB 2446 (2018 session).			Anticipate filing	19-21-119	Kris Waidely	360-236-4847
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720, and 246-808-810. The	16-23-120	Anticipate filing			Bob Nicoloff	360-236-4924

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
		chiropractic quality assurance commission is considering revising these rules regarding definitions, procedures, instrumentation, publicity, advertising, printed materials, transactions, costs, records, duties, mandatory reporting, associations, societies, insurance and professional liability carriers, courts, state and federal agencies, and conflict of interest.						
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-105, 246-808-115, 246-808-130, 246-808-133, 246-808-135, 246-808-140, 246-808-180, 246-808-181, 246-808-190, 246-808-201, 246-808-215, 246-808-510, and 246-808-535, regarding licensure—Application and eligibility requirements. The chiropractic quality assurance commission is considering revising the rules and proposing to establish new temporary practice rules for military status or military-related status.	16-21-080	Anticipate filing			Bob Nicoloff	360-236-4924
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-540 Billing, 246-808-545 Improper billing practices, 246-808-550 Future care contracts prohibited, 246-808-560 Documentation of care, 246-808-565 Radiographic standards, 246-808-570 Pelvic or prostrate examination prohibited, 246-808-575 Intravaginal adjustment restricted, 246-808-580 Acupuncture, 246-808-585 Clinically necessary X-rays, and 246-808-590 Sexual misconduct, the chiropractic quality assurance commission is considering amending these rules to align with current practice standards.	16-23-106	Anticipate filing			Bob Nicoloff	360-236-4924

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-XXX Independent chiropractic examinations (ICE). The chiropractic quality assurance commission is considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews.	15-21-047	Anticipate filing			Bob Nicoloff	360-236-4924
Dental quality assurance commission	18.32.002 18.32.0357 18.32.0356 18.32.180	WAC 246-817-420 Specialty representation. The dental quality assurance commission is considering amendments to recognized specialties to include the American Board of Dental Specialties (ABDS) boards/ areas of specialty and other potential specialties.	17-23-124				Jennifer Santiago	360-236-4893
Dental quality assurance commission	18.32.002 18.32.0365	WAC 246-817-601, 246-817-610, 246-817-620, and 246-817-630, dental infection control. The dental quality assurance commission (commission) is considering rules amendments or repeals and creating new sections to update dental infection control practice standards.	19-05-073				Jennifer Santiago	360-236-4893
Dental quality assurance commission	18.32.002 18.32.0365 18.32.640	WAC 246-817-701 through 246-817-790, administration of anesthetic agents for dental procedures. The dental quality assurance commission is considering amendments to update general requirements. In addition to general updates, the commission is also considering amendments to address twenty-four hour on-call availability after a complex dental procedure, on-site inspections for all dentists holding sedation permits, and creation of a pediatric sedation endorsement.	17-17-089				Jennifer Santiago	360-236-4893
DOH	70.342.075 43.70.040	Title 246 WAC, creating a new chapter of rules to establish nicotine content measurement standards for closed system nicotine containers use with vapor products.	17-15-026				Stacia Wasmundt or Liz Clement	360-236-2568 (Stacia) or 360-236-3309

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
DOH	Chapter 220, Laws of 2017	Title 246 WAC, establishing a new chapter relating to rapid health information network data reporting (RHINO).	17-21-075				Amanda Morse	206-437-2045
DOH	43.70.280	Chapter 246-12 WAC, closure of abandoned incomplete health care credential applications.	17-10-045				Nancy Elliott	360-236-4878
DOH	43.70.280	Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers.	17-10-007				Nancy Elliott	360-236-4878
DOH	43.70.075, SHB 1049 (chapter 62, Laws of 2019)	Chapter 246-15 WAC, Whistleblower complaints in health care settings.	Anticipate filing				Marlee O'Neill	360-236-4845
DOH	43.70.510	Chapter 246-50 WAC, Coordinated quality improvement program (CQIP). DOH will review the CQIP chapter and will consider updating the rules for clarification, streamlining, modernization, and other necessary updates for compliance with state statute.	19-11-021	Anticipate filing			Jovi Swanson	360-545-7315
DOH	43.70, ESHB 1094 (chapter 203, Laws of 2019)	Chapter 246-72 WAC, Medical marijuana consultant certification. DOH will consider amendments that would enhance and clarify training requirements and practice parameters of a medical marijuana certified consultant.	Anticipate filing				Shelly Rowden	360-236-2820
DOH	43.70.110 43.70.250 43.20B.020	WAC 246-272-3000 Large on-site sewage system fees.		Anticipate filing			Peter Beaton	360-236-4031
DOH	43.70.250 43.20B.020	WAC 246-282-990 Fees (shellfish).		Anticipate filing			Jerry Borchert	360-236-3328
DOH	70.38.115 70.38.135 43.70.040	Chapter 246-310 WAC, Certificate of need, amending, creating, and repealing rules in order to clarify, streamline, and modernize language including need methodologies.	20-02-008				Nancy Tyson	360-236-2955
DOH	71.12.670 43.70.040	Chapters 246-322 and 246-324 WAC, private psychiatric, alcoholism, and chemical dependency hospitals. Updating construction standards and merging chapters into one chapter.	16-19-037				Julie Tomaro	360-236-4987

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
DOH	70.42.090	WAC 246-338-990 Medical test site fees.		Anticipate filing			Stephanie Vaughn	360-236-4617
DOH	2SHB 1394 (chapter 324, Laws of 2019) 71.24.037 71.24.648	Chapter 246-341 WAC, Behavioral health administrative requirements, the department is proposing to establish rules to create standards for licensure or certification of intensive behavioral health treatment services and mental health peer respite services, as well as making administrative changes to how a facility becomes certified to provide services to individuals on ninety or one hundred eighty day commitment orders in order to implement 2SHB 1394 (chapter 324, Laws of 2019).	19-16-050	20-01-150	Anticipate filing		Julie Tomaro	360-236-2937
DOH	43.70.040 70.170.060	Chapter 246-453 WAC, Hospital charity care.	18-18-073				Randy Huyck	360-236-4210
DOH	70.225.090 (2)(b)	Chapter 246-470 WAC, proposing to establish a waiver process and criteria for facilities, entities, offices, or provider groups with ten or more prescribers to apply for an exemption from the prescription monitoring program and electronic health record (EHR) integration required by SSB 5380.	20-03-038				Carly Bartz-Overman	360-236-3044
DOH	ESSB 5332 (chapter 148, Laws of 2019)	Chapters 246-490 and 246-491 WAC, vital statistics. Considering adopting new rules and amending existing rules that will identify the information displayed on birth and death certificates, short form certification of death, and informational copy of birth and death records, including allowing a nonbinary sex designation option to be added to a death certificate. The rules may also establish a formalized procedure to obtain certified and informational copies of	19-14-039	Anticipate filing			Katitza Holthaus	360-236-4311



Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
		birth and death records, adopt fees, make technical updates to statutory references as necessary, and repeal several obsolete sections.						
DOH	43.70.040 43.70.080 43.70.120	Chapter 246-710 WAC, Coordinated children's services. Children with special health care needs. Updating the rules to current standards, amending to include accessing the department as payer of last resort, and repayment to the department under certain circumstances; and adding new sections to include programs such as neurodevelopmental centers.	17-15-067	20-03-118	Anticipate filing		Michelle Hoffman or Ashley Noble	360-236-3504 (Michelle) or 360-236-3736 (Ashley)
DOH	18.380.110	Chapter 246-805 WAC, Applied behavior analysts (ABA). New rule sections to address temporary licensure for ABA practitioners.	17-17-020				Jeff Wise	360-236-4987
DOH	18.225.040 18.225.090	Chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.	18-11-029				Jeff Wise	360-236-4987
DOH	18.205.060	Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees. The department is considering amendments to the alternative training requirements for chemical dependency professional (CDP) certification. The department will review possible inclusion of pharmacists as eligible licensees for this certification option and will consider any necessary clarification or technical changes.	Anticipate filing				Brad Burnham	360-236-4912

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
DOH	18.205.060	Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees. The department is considering amendments regarding chemical dependency professional trainee (CDPT) certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarifying and technical changes to other requirements, as needed.	18-11-030				Brad Burnham	360-236-4912
DOH	18.138.070	Chapter 246-822 WAC, Dietitians or nutritionists. Considering rule making to amend or repeal several sections of rules focusing on mandatory reporting, examinations, and curriculum.	18-10-059				Jeff Wise	360-236-4987
DOH	43.70.250 43.70.280	Profession fee amendments for WAC 246-843-990 nursing home administrators, 246-810-990 counselors and hypnotherapists, and 246-849-990 Ocularist.	20-01-072	Anticipate filing			Cori Tarzwell	360-236-4981
DOH	18.250.020	Chapter 246-916 WAC, athletic trainers, clarifying who is an authorized volunteer.	18-01-076				Bruce Bronoske	360-236-4843
DOH	18.84.040 43.70.040	Chapter 246-926 WAC, Radiological technologists. Considering opening rules to clarify, streamline, and modernize the regulations for cardiovascular invasive specialists, radiologic technologists, radiologist assistants, and X-ray technicians. This may include repealing or adding new sections of rules, clarifying competency requirements and identifying authorized duties.	19-16-115				Debra Mendoza	360-236-4841
DOH	18.89.040 18.89.050	WAC 246-928-XXX, creating a new section of rule to clarify the scope of practice regarding the administration of medications by respiratory therapists.	10-17-099				Jeff Wise	360-236-4987

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
DOH	43.70.112 43.70.250 43.70.820 Chapter 140, Laws of 2019	WAC 246-933-990 Veterinarian fees and renewal cycle and 246-935-990 Veterinary technician fees and renewal cycle, adding a fee for HEAL-WA access and a reduction in fees for duplication and verification services.	19-20-076	20-03-173	Anticipate filing		Cori Tarzwell	360-236-4981
DOH	43.70.250	Chapter 246-945 WAC, pharmacy, DOH will consider moving the pharmacy licensing fees to the pharmacy commission's new consolidated chapter. The department will also consider changes to renewal cycles, and restructuring the fees for drug researchers as requested by stakeholders during public comment of the chapter rewrite.	Anticipate filing				Cori Tarzwell	360-236-4981
DOH	70.168 18.73	Chapter 246-976 WAC (minus WAC 246-976-420, 246-976-580, and 246-976-700 currently open). Updating EMS and trauma care systems. Chapter to align with the national standards and streamline applications.	17-24-013				Catie Holstein	360-236-2830
Examining board of psychology	18.83.090	WAC 246-924-230, Continuing education requirements. The board of psychology will examine the possibility of reducing the number of hours required for continuing education.	Anticipate filing				Stacey Saunders	360-236-2813
Nursing care quality assurance commission	18.79.110 18.79.400 18.79.800	Chapter 246-840 WAC, Practical and registered nursing, Advanced practice pain management rules.	19-15-092				Brandon Williams	360-236-4239
Nursing care quality assurance commission	18.79.110	WAC 246-840-111, 246-840-125, 246-840-200 through 246-840-260, nursing continuing competency.	19-01-001				Brandon Williams	360-236-4239
Nursing care quality assurance commission	18.79.110 18.79.250 18.79.260 18.79.270	WAC 246-840-300, 246-840-700 through 246-840-710, nursing scope of practice.	19-01-002				Brandon Williams	360-236-4239

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Nursing care quality assurance commission	18.79.010 18.79.160	WAC 246-840-342 and 246-840-360 Licensure for advanced registered nurse practitioner (ARNP) applicants by interstate endorsement and renewal of ARNP licensure.	19-15-093	20-03-125	Anticipate filing		Brandon Williams	360-236-4239
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.60 69.51	Title 246 WAC, revision of rules around professional standards for pharmacy personnel.	18-09-066	20-03-126	Anticipate filing		Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.43 69.50 69.51	Title 246 WAC, revising licensing standards for pharmacies, facilities and professionals under the commission jurisdiction.	18-01-123	20-03-126	Anticipate filing		Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.43 69.50 69.51	Chapter 246 WAC, revising rules on the commission regulatory authority and regulation of the practice of pharmacy.	18-01-124	20-03-126	Anticipate filing		Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.50 69.51	Chapter 246 WAC, revision of rules around operational standards for facilities.	18-09-063	20-03-126	Anticipate filing		Tracy West	360-236-4988
Pharmacy quality assurance commission	Chapter 314, Laws of 2019 (SSB 5380)	WAC 246-945-XXX, creating a new section to implement a waiver to the e-prescribing requirement as outlined in SSB 5380.	20-03-020				Cori Tarzwell	360-236-4981
Podiatric medical board	18.22.015 18.22.800	WAC 246-922-700, 246-922-780, 246-922-790, multiple PMP query requirements.	19-18-018	Anticipate filing			Susan Gragg	360-236-4941
Podiatric medical board	18.22	Chapter 246-922 WAC, the podiatric medical board is opening the chapter to consider amendments to streamlining and modernized [modernizing] the rules following a chapter review under RCW 43.70.041.	Anticipate filing				Susan Gragg	360-236-4941
Podiatric medical board	18.130.050 18.22.005 18.22.015	WAC 246-922-230, podiatry prohibited transactions.	18-13-025	19-19-052	Anticipate filing		Susan Gragg	360-236-4941

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Veterinary board of governors	18.92.030	WAC 246-933-010, 246-933-200, 246-933-310, 246-933-340, and new WAC 246-933-XXX, professional conduct/ethics definitions, veterinary-client-patient relationship, facilities and practice managements standards definitions, practice management, and client consultation.	18-12-090	20-03-172	Anticipate filing		Loralei Walker	360-236-4647
Veterinary board of governors	18.92.030 18.92.260	WAC 246-933-501 through 246-933-590, authorizing animal care and control agencies and nonprofit humane societies to provide veterinary services.	20-01-013				Loralei Walker	360-236-4947
Veterinary board of governors	18.240.050	WAC 246-935-270 through 246-935-310, updating veterinarian technician continuing education.	17-07-046	19-21-134	Anticipate filing		Loralei Walker	360-236-4647
Washington medical commission	18.71.017 18.71.002 18.130.050	Chapters 246-919 and 246-918 WAC, considering a new technical assistance program to address practitioner deficiency issues. The medical quality assurance commission (commission) is considering creating two new rule sections that will establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision for allopathic physicians and physician assistants. The commission will consider amending other related rules as needed.	18-06-007	Anticipate filing			Amelia Boyd	360-236-2727
Washington medical commission	18.71.017 18.130.050	Chapter 246-919 WAC, Medical quality assurance commission. Opening chapter for updates and revisions to modernize rules to align with current law practice.	18-02-079	Anticipate filing			Amelia Boyd	360-236-2727
Washington medical commission	18.71.017 18.130.050	Chapters 246-918 and 246-919 WAC, adding new sections regarding stem cell therapies.	Anticipate filing				Amelia Boyd	360-236-4766

Authority	RCW or Session Law	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact Name	Program Contact Phone
Washington medical commission	18.71.017 18.130.050	Chapters 246-918 and 246-919 WAC, adding new sections regarding telemedicine.	19-19-072	Anticipate filing			Amelia Boyd	360-236-4766
Washington medical commission	18.71.017 18.130.050 SB 5764 (2019 session)	Chapter 246-918 WAC, changing name from medical quality assurance commission to Washington medical commission.			Anticipate filing	19-19-071	Amelia Boyd	360-236-4766
Washington medical commission	18.71.017 18.71A.020	Chapters 246-918 and 246-191 [246-919] WAC, considering amending opioid prescribing rules to exempt long-term care facilities.	Anticipate filing				Amelia Boyd	360-236-2727

**WSR 20-04-065**

**AGENDA**

**DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed January 31, 2020, 11:03 a.m.]

Pursuant to RCW 34.05.314, shown below is the department of labor and industries' (L&I) semi-annual rules development agenda for January 1 through June 30, 2020.

This report details current and anticipated rule-making activities for L&I. This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

Please contact Maggie Leland at 360-902-4504 or Maggie.Leland@Lni.wa.gov if you have any questions.

**Semi-Annual Rules Development Agenda  
January 1 - June 30, 2020**

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>Division: Administrative Services</b>						
296-30 296-31 296-33	Crime victims compensation (CVC)	Maty Brimmer Crime Victims 360-902-6707 Linda Messick Crime Victims 360-902-5374	TBD	TBD	TBD	This rule making pertains to the administration of the CVC program, mental health treatment rules and fees, and attendant services. This rule making will consider adopting some rules from chapters 296-14, 296-20, 296-21, 296-23, 296-23A, and 296-23B WAC.
<b>Division: Division of Occupational Safety and Health (DOSH)</b>						
296-36 296-155 Part Q	Compressed air (tunnels)	Chris Miller DOSH Standards Program 360-902-5516	9/18/12	TBD	TBD	This rule making is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in chapters 296-36 and 296-155 Part Q WAC.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-62 296-155	Lead	Chris Miller DOSH Standards Program 360-902-5516	4/19/16	TBD	TBD	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.
296-307 (removing 296-45)	eRules reformatting, Phase X	Chris Miller DOSH Standards Program 360-902-5516	1/3/17	2/18/20	TBD	This rule making is the tenth filing package to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access. Note that amendments to chapter 296-45 WAC were addressed in separate rule making adopted on June 18, 2019, under WSR 19-13-083. The specific parts of chapter 296-307 WAC expected to be included in the rule proposal are: Parts B through H, J through N, and P through Y-10. eRule changes to other parts of chapter 296-307 WAC will be addressed in other rule-making projects.
296-67	Process safety management of highly hazardous chemicals (PSM) for petroleum refineries	Chris Miller DOSH Standards Program 360-902-5516	8/22/17	5/19/20	TBD	The purpose of this rule making is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over twenty years and do not reflect current industry practices.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-65	Safety standards for asbestos removal and encapsulation	Chris Miller DOSH Standards Program 360-902-5516	1/2/18	9/17/19	1/21/20	This rule making was initiated due to the confusing and unnecessary language of the chapter, to be more consistent with Environmental Pollution Agency model accreditation plan, and to add clarification where necessary. The initiated changes propose to remove confusing and unnecessary language as well as add clarification where necessary throughout the rule and update requirements. These changes include and are not limited to certification and testing requirements, when refresher training is required, when temporary certificates can be issued, and reducing advance notification requirements.
296-52	Safety standards for possession, handling, and use of explosives	Chris Miller DOSH Standards Program 360-902-5516	1/23/18	TBD	TBD	In order to reflect technological advancements in explosives over the past ten to thirty years, and better align with federal regulations, L&I is updating the safety standards for possession, handling, and use of explosives. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among other sections.
296-155	Crane incident reporting requirement	Chris Miller DOSH Standards Program 360-902-5516	3/20/18	TBD	TBD	The purpose of this rule making is to provide clarity on L&I's interpretation of requirements relating to crane decertification and reinstatement. This rule making intends to address what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. This rule making will include additional housekeeping changes as well.
296-155 Part S	Demolition standards	Chris Miller DOSH Standards Program 360-902-5516	7/5/18	Spring 2020	TBD	The purpose of this rule making is to update the requirements regarding demolition standards. This rule making will remove confusing and unnecessary language, as well as add clarification where necessary throughout the rule to improve safety. Other updates and housekeeping changes may also be made throughout the chapter.



WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-24 296-876	Walking working surfaces	Chris Miller DOSH Standards Program 360-902-5516	2/19/19	12/17/19	3/31/20	The purpose of this rule making is to amend the standards regarding walking working surfaces to be at least as effective as the Federal Occupational Safety and Health Administration (OSHA), as required by the Washington state plan. In November of 2016, OSHA issued a final rule updating its general industry walking-working surfaces standards. The proposed amendments incorporate federal provisions in 29 C.F.R. 1910.21 through 1910.30. In addition, based on stakeholder input, DOSH proposed several housekeeping changes and clarifications.
296-880 (new) 296-24 296-45 296-56 296-59 296-78 296-79 296-155 296-301 296-304 296-307 (Part O) 296-800 296-863 296-870 296-874 296-878 (removed 296-32, 296-869, 296-876)	Unified fall protection	Chris Miller DOSH Standards Program 360-902-5516	2/19/19	12/17/19	3/31/20	The purpose of this proposal is to revise the L&I's standards regarding fall protection requirements and references and incorporate them into a new chapter, chapter 296-880 WAC, Unified safety standards for fall protection. In June of 2013 and October of 2015, DOSH received notification from OSHA relating to L&I's fall protection standards. The latest notification advised L&I to amend the fall protection rules in chapter 296-155 WAC in order for them to be at-least-as-effective-as those administered by OSHA, as required by the Washington state plan. In creating the unified fall protection rule, some existing requirements were changed to ensure alignment and consistency, and references to the existing requirements are updated.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-155 Part O	Safety standards for reinforcing steel and post-tensioning activities	Chris Miller DOSH Standards Program 360-902-5516	3/5/19	12/3/19	3/17/20	This rule making is in response to a petition received to adopt the 2018 American National Standards Institute (ANSI) A10.9 (2013 and reaffirmed in 2018) standard when addressing hazards related to reinforcing steel and post-tensioning work. L&I is proposing to amend relevant parts of chapter 296-155 WAC, Part O, to reduce employee exposure to falls, struck by things, and impalement hazards associated with collapse of formwork. The proposal includes clarifying language, new definitions, explanatory notes, and other changes needed to bring current safety standards up-to-date and easy to follow for the regulated community.
296-32	eRules reformatting, Phase XI	Chris Miller DOSH Standards Program 360-902-5516	8/6/19	2/18/20	TBD	This rule making is the eleventh filing package to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access.
296-304 296-800 296-806 296-811 296-824 296-835 296-863	Change log Phase 5	Chris Miller DOSH Standards Program 360-902-5516	10/22/19 (CR-105 Expedited)	N/A	1/21/20	The purpose of this rule making is to consider amendments to correct outstanding housekeeping issues, such as correcting typos and updating old references, which are on the DOSH change log.
296-800	Adult entertainer safety	Chris Miller DOSH Standards Program 360-902-5516	11/5/19	TBD	TBD	The purpose of this rule making is to implement the requirements of EHB 1756 (chapter 304, Laws of 2019) codified under RCW 49.17.470, for adult entertainer safety in the accident prevention plan and other measures.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-155 Part L	Cranes, rigging, and personnel lifting	Chris Miller DOSH Standards Program 360-902-5516	11/19/19	TBD	TBD	This rule making in response to OSHA updating their standards for crane operator licensing/certification requirements and establishing minimum requirements for determining operator competency. Additionally, state-initiated amendments will also be proposed to address other areas in rule relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees.
296-67	High hazard facilities (skilled and trained workforce)	Chris Miller DOSH Standards Program 360-902-5516	2/18/20	TBD	TBD	The purpose of this rule making is to implement 2019's ESHB 1817/chapter 49.80 RCW, high hazard facility workforce. Chapter 49.80 RCW requires owners of petroleum refining or petrochemical manufacturing facilities use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. This rule will address the advanced safety-training curriculum and training provider approval requirements.
296-307 Parts I and O	Worker protection standard (pesticides) administrative changes (Part I); and eRules for both parts	Chris Miller DOSH Standards Program 360-902-5516	Spring 2020	TBD	TBD	This rule making is to amend Part I; and, to reformat both parts as part of the eRules initiative resulting in rules' easier use, clearer understanding, and greater stakeholder access.
296-840 296-307	Respirable crystalline silica (agriculture)	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The purpose of this rule making is to clarify the application of the respirable crystalline silica rules in agriculture.
269-307 Part Y	Precommercial thinning	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The rule making is to consider establishing minimum safety standards for precommercial thinning in agriculture.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>Division: Field Services and Public Safety</b>						
296-150F	Factory assembled structures (FAS): Factory-built housing and commercial structures	Alicia Curry Field Services and Public Safety 360-902-6244	7/2/19	3/17/20	5/19/20	The purpose of this rule making is to update the rules regarding factory-built housing and commercial structures, to include panelized construction. This rule making will include intent to make the rules related to E2SHB [E3SHB] 1257 - Energy efficiency, HB 1486 - Delegation of authority, and SB [ESSB] 5383 - Tiny homes.
296-150I 296-150M	FAS: Manufactured homes and manufactured home installer training and certification program	Alicia Curry Field Services and Public Safety 360-902-6244	8/20/19	3/31/20	6/30/20	The purpose of this rule making is to update existing rules to comply with United States Department of Housing and Urban Development (HUD) regulations. In 2017, HUD reviewed FAS rules and standards for manufactured housing installations to ensure the program's compliance with HUD regulations. This rule making addresses HUD's findings that require revisions to L&I's rules. Additionally, the program is reviewed all rules in chapter 296-150I WAC for updates, clarity, and housekeeping changes.
296-104	Boiler fee increase	Alicia Curry Field Services and Public Safety 360-902-6244	10/1/19	1/2/20	3/3/20	The purpose of this rule making is to update and clarify existing rules and increase fees by 5.08 percent for fiscal year 2020. This is the office of financial management's (OFM) maximum allowable fiscal growth rate for fiscal year 2020. A fee increase is necessary to cover the program's operating expenses for inspections and other program public safety activities.
296-46B	Electrical rules	Alicia Curry Field Services and Public Safety 360-902-6244	10/1/19	2/18/20	5/19/20	The purpose of this rule making is to consider changes to the electrical rules that would adopt new safety codes from the 2020 edition of the National Electrical Code (NEC). L&I is also considering updating, clarifying, and making housekeeping changes to the rules.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-150C 296-150F 296-150M 296-150P 296-150R 296-150T 296-150V	FAS fee increase	Alicia Curry Field Services and Public Safety 360-902-6244	10/22/19	12/17/19	2/4/20	The purpose of this rule making is to implement a fee increase of 5.08 percent to support operating expenses for inspections and other public safety activities for FAS program. This is OFM's maximum allowable fiscal growth rate for fiscal year 2020.
296-96	Elevator rules	Alicia Curry Field Services and Public Safety 360-902-6244	10/22/19	TBD	TBD	The purpose of this rule making is to consider changes to the elevator rules. L&I's elevator program is reviewing specific sections of the elevator rules to update and clarify existing rules, make reference corrections, perform general housekeeping, and consider other rule changes.
296-403A	Electrical rules (amusement rides or structures)	Alicia Curry Field Services and Public Safety 360-902-6244	TBD	TBD	TBD	The purpose of this rule making is to consider changes to the electrical rules for amusement rides or structures. L&I plans to perform a review of the rules to update and clarify existing rules, and make housekeeping changes.
<b>Division: Fraud Prevention and Labor Standards</b>						
296-127	Prevailing wage landscape maintenance workers	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	3/8/19	1/2/20	2/28/20	The purpose of this rule making is to amend chapter 296-127 WAC, Prevailing wage, to provide a new scope of work specific to landscape maintenance that is separate and unique from landscape construction. L&I adopted the new scope through emergency rules on March 8, 2019, effective March 11, 2019. Emergency rule making was filed again on July 5, 2019, and again on November 1, 2019.
296-05	Apprenticeship rules	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	7/23/19	12/3/19	3/3/20	The purpose of this rule making is to reduce redundancy, add clarity, and reorganize the apprenticeship rules for ease of use by regulated parties. This rule making will incorporate federally required changes to rules for equal opportunity in apprenticeship, address changes required by HB 1849 concerning use of registered apprentices on qualifying public works construction projects (apprentice utilization requirements), and make technical corrections arising from rule making in 2018.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-140 (new)	Clean energy labor standards certification	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	11/27/19	TBD	TBD	The Clean Energy Transformation Act (E2SSB 5116) of 2019 requires L&I adopt permanent rules related to labor standard certification for certain tax exemptions for alternative energy projects. The purpose of this rule making is to define and set minimum requirements for all labor standards associated with the certification for tax remittance; set requirements for all good faith efforts; and set other requirements for documentation and the certification process. L&I filed emergency rules on November 27, 2019, which became effective on January 1, 2020.
296-128	Executive administrative professional (EAP) exemptions	Ellen Saline Fraud Prevention and Labor Standards 360-902-4597	2/4/20 (CR-105 Expedited)	N/A	April 2020	The purpose of this expedited rule making is to update the Washington Minimum Wage Act (MWA) exemptions for executive, administrative, professional, and outside salespersons. This rule making will correct two errors in the language adopted under WSR 20-01-063 on December 10, 2019, and will become effective on the same date, July 1, 2020.
<b>Division: Insurance Services</b>						
296-17 296-17A	Classification and reporting amendments 2021	Jo Anne Attwood Employer Services 360-902-4777	3/3/20	7/21/20	10/6/20	The purpose of this rule making is to implement clear rule writing to ensure L&I staff and customers can easily understand and apply the workers' compensation insurance classifications and reporting rules. Classification development studied some subclassifications for potential reduction in number, and reviewed reporting rules for improvement.
296-17 296-17B	Industrial insurance premium rates 2021	Jo Anne Attwood Employer Services 360-902-4777	6/16/20	9/22/20	November 2020	This rule making establishes the premium rates and experience rating parameters for calendar year 2021.
296-20 296-23	Medical aid rules update	Emily Stinson Health Services Analysis 360-902-5974	12/18/18	2/18/20	5/5/20	The purpose of this rule making is to update payment rates for health care services, which are published annually in the medical aid rules and fee schedules.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-23A	Medical aid rules/outpatient hospitals	Dee Hahn Health Services Analysis 360-902-2868	2/18/20	4/21/20	TBD	The purpose of this rule making is to consider amending two rules that L&I determined are in conflict with each other because the underlying federal regulations (per Centers for Medicare and Medicaid Services) changed January 1, 2017 (creating the conflict).
296-14	Presumptive PTSD coverage (SB 6214)	Suzy Campbell Legal Services 360-902-5003	8/21/18	TBD	TBD	The purpose of this rule making is to update existing rules and create new rules needed to implement SB 6214, allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement, firefighters and emergency medical technicians.
296-14	Pension discount rate 2020	Suzy Campbell Legal Services 360-902-5003	8/20/19	10/22/19	1/2/20	The purpose of this rule making is to reduce the current pension discount rate for 2020. The pension discount rate is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.
296-14	Occupational disease presumption	Jordan Ely Legal Services 360-902-4616	11/19/19	3/31/20	6/30/20	The purpose of this rule making is to amend existing rules that conflict with RCW 51.32.185, and clarify presumptive coverage for certain firefighters, law enforcement officers, and emergency medical technicians covered under workers' compensation. Legislation passed during the 2019 and 2018 sessions (chapter 133, Laws of 2019, HB 1913; and chapter 264, Laws of 2018, SSB 6214) resulted in updates to RCW 51.32.185.
296-21	Master's level therapists pilot	Suzy Campbell Legal Services 360-902-5003	12/3/19	TBD	TBD	The purpose of this pilot rule making is to allow master's level therapists (MLTs) to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot will begin on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-17B	Retrospective rating	Julie Osterberg Retrospective Rating 360-902-5819	11/5/13	TBD	TBD	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.
296-17B	Retrospective rating for workers' compensation insurance—Common ownership (pilot)	Julie Osterberg Retrospective Rating 360-902-5819	8/5/15	TBD	TBD	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.

Maggie A. Leland  
Rules Coordinator

**WSR 20-05-005**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed February 5, 2020, 12:37 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following property tax advisory (PTA):

**PTA 19.0.2020 - Occupancy Requirement for Senior Citizen, Disabled Person, and Disabled Veteran Property Tax Exemption**

This PTA explains key provisions of the senior citizen, disabled person, and disabled veteran property tax exemption. See RCW 84.36.379 to 84.36.389. It addresses the definition of "principal place of residence" added to RCW 84.36.383 by ESSB 5160 (chapter 453, Laws of 2009). It provides guidance for determining whether a claimant occupies a residence as their "principal place of residence" in physical occupancy and duration terms. This PTA also explains the year in which a claimant must meet the occupancy requirement to receive an exemption for the following year.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz  
Tax Policy Manager  
Rules Coordinator

**WSR 20-05-006**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
(LGBTQ Commission)  
[Filed February 5, 2020, 12:44 p.m.]

Following is notice of the meetings for the LGBTQ commission, for February 2020:

Date	Time	Location
February 28	9:00 a.m. - 5:00 p.m.	RL Governor's Hotel 621 Capitol Way South Washington Meeting Room Olympia, WA 98501
February 29	9:00 a.m. - 5:00 p.m.	RL Governor's Hotel 621 Capitol Way South Washington Meeting Room Olympia, WA 98501

If you need further information contact Omar Santana, P.O. Box 43113, 360-999-9664, or email Omar.Santana@gov.wa.gov.

**WSR 20-05-007**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed February 5, 2020, 12:54 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3219.2020 Taxability of Cemetery Endowment Care Funds**

This ETA explains [and] addresses the taxability of cemetery endowment care fees received from customers of a



cemetery authority on sales of interment rights (e.g., graves, niches, or crypts).

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz  
Tax Policy Manager  
Rules Coordinator

occupancy and duration terms. This PTA also explains the year in which a claimant must meet the occupancy requirement to receive an exemption for the following year.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz  
Tax Policy Manager  
Rules Coordinator

**WSR 20-05-010**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**CIVIL LEGAL AID**  
(Civil Legal Aid Oversight Committee)  
[Filed February 5, 2020, 5:11 p.m.]

This is to advise that civil legal aid oversight committee established by RCW 2.53.010 will hold its quarterly meeting on Friday, March 27, 2020, at 10:30 a.m. - 1:30 p.m., the Gordon Thomas Honeywell Law Firm, 1201 Pacific Avenue, Suite 2100, Tacoma, WA.

**Open Meeting and Accommodations:** The meeting is open to the public. The civil legal aid oversight committee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of physical, mental, cognitive or other disabilities. Requests for an interpreter or assistive technology should be submitted at least forty-eight hours prior to the meeting in order to allow the oversight committee to accommodate.

For further information about these meetings and/or to request reasonable accommodation, please contact James A. Bamberger, Director, Office of Civil Legal Aid, jim.bamberger@ocla.wa.gov, 360-704-4135.

**WSR 20-05-012**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed February 6, 2020, 9:20 a.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following property tax advisory (PTA):

**PTA 19.0.2020 - Occupancy Requirement for Senior Citizen, Disabled Person, and Disabled Veteran Property Tax Exemption.**

This PTA explains key provisions of the senior citizen, disabled person, and disabled veteran property tax exemption. See RCW 84.36.379 to 84.36.389. It addresses the definition of "principal place of residence" added to RCW 84.36.383 by ESSB 5160 (chapter 453, Laws of 2019). It provides guidance for determining whether a claimant occupies a residence as their "principal place of residence" in physical

**WSR 20-05-013**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed February 6, 2020, 10:38 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Aging and Long Term Support Administration (AL TSA)**  
**Division of Home and Community Services (HCS)**

Document Title: Public Notice.

Subject: New eligibility group added to the COPEs, new freedom, and residential support waiver programs.

Effective Date: January 1, 2020.

Document Description: Health care authority and AL TSA intend to submit waiver amendment applications for the COPEs, new freedom, and residential support waiver programs to add a new eligibility group which qualifies for the programs due to changes in eligibility to the apple health for workers with disabilities (HWD) program. The new eligibility group allows workers with disabilities who are age sixty-five or older to buy into medicaid under the Balanced Budget Act of 1997 (BBA) working disabled group as provided in 1902 (a)(10)(A)(ii)(XIII) of the Social Security Act. This eligibility group allows working individuals with disabilities to qualify for the state plan medical and waiver programs. The effective date of this change will be January 1, 2020.

To receive a copy of the interpretive or policy statements, contact Jamie Tong, HCS, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-3293, TDD/TTY 1-877-905-0454, fax 360-438-8633, email [Jamie.tong@dshs.wa.gov](mailto:Jamie.tong@dshs.wa.gov), website <http://www.dshs.wa.gov/altsa>.

## WSR 20-05-015

## AGENDA

## DEPARTMENT OF REVENUE

[Filed February 6, 2020, 2:55 p.m.]

Semi-Annual Rule-Making Agenda  
(January 1 - June 30, 2020)

Listed below is the department of revenue's (department) semi-annual rule-making agenda for publication in the Washington State Register. This list identifies rules the department is currently working on and rules the department anticipates working on during the next six months.

The department's rule-making agenda is also available on its website. The information on the site is continually updated as the department files rule-making notices, or otherwise adds or deletes rules that it anticipates some action over the next six months, including rules added or deleted as a result of resource allocation, legislation, court decisions, or changes in rule-making priorities.

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-16-266 Homeownership development	Leslie Mullin	CR-101 Filed: 1/8/2019 WSR 19-03-043  Public Meeting: 12/6/2018 at 10:00 a.m.	Anticipate CR-102 in the 2nd quarter of 2020	Anticipate adop- tion in the 3rd quarter of 2020	Recognize 2018 legisla- tion
WAC 458-14-127 Reconvened boards—Author- ity	Leslie Mullin	CR-101 Filed: 12/6/2017 WSR 17-24-126  Public Meeting: 1/10/18 at 10:00 a.m.	CR-102 Filed: 4/3/2018 WSR 18-08-077  Public Hearing: 5/10/18 at 10:00 a.m.  Anticipate filing second CR-102 and conducting additional public hearing in the 2nd quarter of 2020	Anticipate adop- tion in the 4th quarter of 2020	General updates and to recognize 2015 and 2016 legis- lation
WAC 458-19-085 Refunds—Procedures— Applicable limits	Leslie Mullin	Anticipate CR- 101 in the 2nd quarter of 2020	Anticipate CR-102 in the 3rd quarter of 2020	Anticipate adop- tion in the 4th quarter of 2020	Recognize 2017 and 2018 legislation
WAC 458-19-550 State levy—Apportionment between cities	Leslie Mullin	Anticipate CR- 101 in the 2nd quarter of 2020	Anticipate CR-102 in the 3rd quarter of 2020	Anticipate adop- tion in the 4th quarter of 2020	Recognize 2017 and 2018 legislation
WAC 458-20-136 Manufacturing, processing for hire, fabricating	Matthew Largent	Anticipate CR- 101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adop- tion in the 4th quarter of 2020	General updates

<b>Rule Number and Title</b>	<b>Rule Drafter</b>	<b>Preproposal (CR-101)</b>	<b>Proposal (CR-102 or CR-105)</b>	<b>Adoption (CR-103)</b>	<b>Reason for Anticipated Changes</b>
WAC 458-20-13601 Manufacturers and processors for hire—Sales and use tax exemptions for machinery and equipment	Matthew Largent	CR-101 Filed: 4/4/2017 WSR 17-08-077  Public Meeting: 4/19/2017 at 10:00 a.m.	CR-102 Filed: 5/19/2017 WSR 17-11-090  Public Hearing: 6/29/2017 at 10:00 a.m.  Anticipate second CR-102 filing and additional public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	General updates
WAC 458-20-15503 Digital products	Katie Koontz	CR-101 Filed: 2/6/2018 WSR 18-04-093	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	General updates
WAC 458-20-18301 Athletic and fitness facilities	Leslie Mullin	Anticipate CR-101 and public meeting in 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	New rule to recognize 2015 and 2017 legislation
WAC 458-20-19402 Single factor receipts apportionment—Generally	Wan Chen	CR-101 Filed: 7/31/2017 WSR 17-16-113  Public Meeting: 9/11/2017 at 1:00 p.m.	Anticipate CR-102 and public hearing in the 2nd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	General updates
WAC 458-20-XXX Marketplace fairness collecting and reporting	Darius Mas-soudi	CR-101 Filed: 1/19/2018 WSR 18-03-126  2nd CR-101 Filed: 2/16/2018 WSR 18-05-071	Anticipate CR-102 and public hearing in the 2nd quarter of 2020	Anticipate adoption in the 3rd quarter of 2020	New rule to recognize 2017 and 2019 legislation
WAC 458-61A-211 Mere change in identity or form—Family corporations and partnerships	Rex Munger	Anticipate CR-101 and Public Meeting in 1st quarter of 2020	Anticipate CR-102 in the 2nd quarter of 2020	Anticipate adoption in 3rd quarter of 2020	General updates
WAC 458-57-135 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment	Darius Mas-soudi	Anticipate CR-101 and Public Meeting in the 1st quarter of 2020	Anticipate CR-102 in the 2nd quarter of 2020	Anticipate adoption in the 3rd quarter of 2020	Recognize 2017 legislation and general updates

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-193 Interstate sales of tangible personal property	Tim Danforth	CR-101 Filed: 10/2/2018 WSR 18-20-095	Anticipate CR-102 and public hearing in the 1st quarter of 2020	Emergency Filed: 9/26/2018 WSR 18-20-045  2nd Emergency Adoption: 1/31/2019 WSR 19-04-001  3rd Emergency Adoption: 5/22/2019 WSR 19-12-004  4th Emergency Adoption: 9/17/19 WSR 19-19-079  5th Emergency Adoption: 1/24/20 WSR 20-04-015 Anticipate adoption in 2nd quarter of 2020	Recognize Wayfair decision of 2018 and 2019 legislation
WAC 458-20-221 Collection of use tax by retailers and selling agents	Tim Danforth	CR-101 Filed: 10/2/2018 WSR 18-20-098	Anticipate CR-102 and public hearing in the 1st quarter of 2020	Emergency Filed: 9/26/2018 WSR 18-20-045  2nd Emergency Adoption: 1/31/2019 WSR 19-04-001  3rd Emergency Adoption: 5/22/2019 WSR 19-12-004  4th Emergency Adoption: 9/17/19 WSR 19-19-079  5th Emergency Adoption: 1/24/20 WSR 20-04-015 Anticipate adoption in 1st quarter of 2021	Recognize Wayfair decision of 2018 and 2019 legislation

<b>Rule Number and Title</b>	<b>Rule Drafter</b>	<b>Preproposal (CR-101)</b>	<b>Proposal (CR-102 or CR-105)</b>	<b>Adoption (CR-103)</b>	<b>Reason for Anticipated Changes</b>
WAC 458-20-141 Duplicating activities and mailing bureaus	Leslie Mullin	Anticipate CR-101 and public meeting in the 1st quarter of 2020	Anticipate CR-102 in the 2nd quarter of 2020	Anticipate adoption in the 2nd quarter of 2020	General updates
WAC 458-20-143 Printers and publishers of newspapers, magazines, and periodicals	Leslie Mullin	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	General updates
WAC 458-20-144 Printing industry	Leslie Mullin	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 in the 2nd quarter of 2020	Anticipate adoption in the 3rd quarter of 2020	General updates
WAC 458-29A-400 Leasehold excise tax— Exemptions	Leslie Mullin	N/A - Anticipate CR-105	CR-105 Filed: 10/21/2019 WSR 19-21-141	Anticipate adoption in 1st quarter of 2020	Recognize 2019 legislation
WAC 458-20-146 National and state banks, mutual savings banks, savings and loan associations and other financial institutions	Melinda Mandell	N/A - Anticipate CR-105	Anticipate CR-105 in the 1st quarter of 2020	Anticipate adoption in 2nd quarter of 2020	Recognize 2019 legislation
WAC 458-20-263 Exemptions from retail sales and use taxes for qualifying electric generating systems using renewable energy sources	Brenton Madison	Anticipate CR-101 and public meeting in the 4th quarter of 2019	Anticipate CR-102 and public hearing in the 2nd quarter of 2020	Anticipate adoption in the 3rd quarter of 2020	Recognize 2019 legislation
WAC 458-20-233 Tax liability of medical and hospital service bureaus and associations and similar health care organizations	Linda King	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	Recognize 2019 legislation
WAC 458-20-27901 New exemptions on sales/leases of alternative fuel passenger vehicles	Leslie Mullin	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	Recognize 2019 legislation
WAC 458-XX-XXX New tax on vapor products	Miki Gearhart	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	Recognize 2019 legislation
WAC 458-61A-XXX Exemption for sale of self-help housing	Rex Munger	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 in the 3rd quarter of 2020	Anticipate adoption in 4th quarter of 2020	Recognize 2019 legislation
WAC 458-61A-XXX New rule on REET avoidance	Rex Munger	CR-101 Filed: 9/4/2019 WSR 19-18-084  Public Meeting: 10/16/2019	Anticipate CR-102 and public hearing in the 2nd quarter of 2020	Anticipate adoption in the 3rd quarter of 2020	Recognize 2019 legislation

<b>Rule Number and Title</b>	<b>Rule Drafter</b>	<b>Preproposal (CR-101)</b>	<b>Proposal (CR-102 or CR-105)</b>	<b>Adoption (CR-103)</b>	<b>Reason for Anticipated Changes</b>
WAC 458-61A-XXX New rule on Graduated REET	Brenton Madison	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	Recognize 2019 legislation
WAC 458-20-17902 Brokered natural gas—Use tax	Jennifer Arnold	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	General updates
WAC 458-20-17001 Government contracting—Construction, installations, or improvements to government real property	Jennifer Martin	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	General updates
WAC 458-20-171 Building, repairing or improving streets, roads, etc., which are owned by a municipal corporation or political subdivision of the state or by the United States and which are used primarily for foot or vehicular traffic	Patrick Murphy	Anticipate CR-101 and public meeting in the 3rd quarter of 2020	Anticipate CR-102 and public hearing in the 4th quarter of 2020	Anticipate adoption in the 1st quarter of 2021	General updates
WAC 458-20-186 Tax on cigarettes	Erin Summers	N/A - Anticipate CR-105	Anticipate CR-105 in the 1st quarter of 2020	Anticipate adoption in 2nd quarter of 2020	General update

#### Rules Requiring Periodic Updates

<b>Rule Number and Title</b>	<b>Rule Drafter</b>	<b>Preproposal (CR-101)</b>	<b>Proposal (CR-102 or CR-105)</b>	<b>Adoption (CR-103)</b>	<b>Reason for Anticipated Changes</b>
WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments	Brenton Madison	CR-101 Filed: 1/24/2020 WSR 20-04-014  Public Meeting: 4/14/2020 At 10:00 a.m.	Anticipate CR-102 and public hearing in the 2nd quarter of 2020	Anticipate adoption in the 3rd quarter of 2020	Semi-annual updates that are effective January 1st and July 1st of each year
WAC 458-40-540 Forest land values	Brenton Madison	Anticipate CR-101 and public meeting in the 2nd quarter of 2020	Anticipate CR-102 and public hearing in the 3rd quarter of 2020	Anticipate adoption in the 4th quarter of 2020	Semi-annual updates that are effective January 1st of each year

**WSR 20-05-017**

**AGENDA**

**DEPARTMENT OF CORRECTIONS**

[Filed February 7, 2020, 7:09 a.m.]

Following is the department of corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

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

**RULE DEVELOPMENT CALENDAR**

January 1 - June 30, 2020

WAC Chapter or Section	Purpose
137-08	Public records—Disclosure.
137-24	Special drug sentencing alternative revocation hearings.
137-25	Serious violations—Total and partial confinement facilities.
137-28	Discipline—Prisons.
137-48	Inmate mail and communications.
137-52	Resident of adult correctional institution escorted leave of absence.
137-56	Community residential programs, work/training release.
137-78	Employee assault benefits.
137-80	Correctional industries and programs.
381	Indeterminate sentence review board.

Jennifer Williams  
Rules Coordinator

**WSR 20-05-026**

**DEPARTMENT OF ECOLOGY**

[Filed February 10, 2020, 9:58 a.m.]

**Correction - Washington's Underground Storage Tank Program Tank Fee Increase in 2021**

This filing is correcting the document filed as WSR 20-03-133 on January 17, 2020.

**Washington's underground storage tank fees will increase on July 1, 2021, from \$181.83 to \$192.58 per tank.**

As required by law, the fiscal growth factor was used to determine the amount of fee increase. The fiscal growth factor is calculated by the economic and revenue forecast council and adopted by the expenditure limit committee using the average growth in state personal income for the previous ten fiscal years.

More information on the UST Fee increase can be found on the Washington department of ecology's UST program

webpage, <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Underground-storage-tanks>.

**WSR 20-05-030**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING**

(Home Inspector Board)

[Filed February 10, 2020, 3:27 p.m.]

This is to inform you that the home inspector advisory licensing board meeting scheduled for Thursday, March 5, 2020, is cancelled. The board has decided to cancel the meeting and put the agenda items on the next scheduled meeting in [on] June 4, 2020, in Ellensburg, Washington.

**WSR 20-05-036**

**NOTICE OF PUBLIC MEETINGS  
BATES TECHNICAL COLLEGE**

[Filed February 11, 2020, 4:23 p.m.]

The Bates Technical College has changed the following regular meetings:

From: May 26, 2020	To: May 18, 2020	Study session
	2:00 p.m.	Downtown
From: May 26, 2020	To: May 18, 2020	Board meeting
	3:00 p.m.	Downtown
From: May 28, 2020	To: May 21, 2020	Commencement
	6:00 p.m.	Tacoma Dome

If you need further information contact Karey Bryson, 1101 South Yakima Avenue, 253-680-7100, [kbryson@bates.tech.edu](mailto:kbryson@bates.tech.edu)

**WSR 20-05-041**

**POLICY STATEMENT  
DEPARTMENT OF AGRICULTURE**

[Filed February 12, 2020, 9:43 a.m.]

**REPEAL OF POLICY STATEMENT**

**CI-18-0002 - Use of "Significant Figure Rounding" for Industrial Hemp .003 (0.3%) THC Test Results**

The Washington state department of agriculture repeals Policy Statement Number CI-18-0002. Notification of the policy statement was filed with the office of the code reviser on December 19, 2018 (WSR 19-02-002). It established how the department will determine if a 0.003 tetrahydrocannabinol (THC) test result exceeds the regulatory limit for industrial hemp under chapter 15.120 RCW, Industrial hemp research program, and chapter 16-305 WAC, Industrial hemp research program.

The department filed a CR-103 on January 22, 2020, repealing chapter 16-305 WAC and establishing the new hemp program under chapter 16-306 WAC, as authorized by chapter 15.140 RCW, Hemp production, and the Agriculture

Improvement Act of 2018. Therefore, this policy statement is no longer necessary and should be repealed.

Alexandra Manuel  
Executive Director

February 12, 2020  
Derek I. Sandison  
Director

**WSR 20-05-043**  
**RULES COORDINATOR**  
**PARAEDUCATOR BOARD**

[Filed February 12, 2020, 1:52 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the paraeducator board is Jack Busbee, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6377, fax 360-586-4548, Jack.Busbee@k12.wa.us.

Alexandra Manuel  
Executive Director

**WSR 20-05-045**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed February 12, 2020, 4:32 p.m.]

Pursuant to RCW 34.05.312, effective February 16, 2020, the Washington department of fish and wildlife's rule coordinator is Michele Culver, phone 360-902-2196, email Michele.Culver@dfw.wa.gov, P.O. Box 43200, Olympia, WA 98504-3200.

Kelly Susewind  
Director

**WSR 20-05-044**  
**RULES COORDINATOR**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed February 12, 2020, 1:52 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the professional educator standards board is Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6264, fax 360-586-4548, Maren.Johnson@k12.wa.us.

**WSR 20-05-048**  
**RULES COORDINATOR**  
**DEPARTMENT OF ECOLOGY**  
[Filed February 13, 2020, 10:58 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of ecology is Katie Wolt, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6998, email katie.wolt@ecy.wa.gov.

L. J. Watson  
Director

**WSR 20-05-049**  
**AGENDA**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed February 13, 2020, 12:15 p.m.]

Following is the state noxious weed control board's semi-annual rules development agenda for the period of January 1 through June 30, 2020. This document is being sent in compliance with RCW 34.05.314.

The board may undertake additional rule-making activity as conditions warrant. If you have any questions, please contact Mary Fee at 360-902-2053 or MFee@agr.wa.gov.

**Semi-Annual Rules Agenda**  
**January 1 - June 30, 2020**  
**P.O. Box 42560**  
**Olympia, WA 98504-2560**

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
16-750	State noxious weed list and schedule of monetary penalties	Mary Fee Executive Secretary Phone 360-902-2053	June	September	November	Possible changes to the noxious weed lists and state weed board by-laws.

Mary Fee  
Executive Secretary



**WSR 20-05-058**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 14, 2020, 10:53 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Economic Services Administration**  
**Division of Child Support (DCS)**

Document Title: Policy Clarification Memo 20-002: 2020 Change to the Self-Support Reserve.

Subject: 2020 change to the self-support reserve.

Effective Date: February 13, 2020.

Document Description: This policy clarification memo explains the 2020 change to the self-support reserve amount.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email shaddrm@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

**WSR 20-05-072**

**NOTICE OF PUBLIC MEETINGS**  
**HORSE RACING COMMISSION**

[Filed February 18, 2020, 8:35 a.m.]

The Washington horse racing commission is revising its published notice of 2020 meeting dates and locations.

The meeting originally scheduled for April 10, 2020, will now be held on April 17, 2020. The meeting will now be at Emerald Downs, 2300 Ron Crockett Drive, Auburn, WA 98001.

**WSR 20-05-087**

**DEPARTMENT OF ECOLOGY**

[Filed February 19, 2020, 8:29 a.m.]

**Reissuance of the *Zostera japonica* Management on Commercial Clam Beds in Willapa Bay General Permit**

On March 4, 2020, the Washington department of ecology (ecology) will reissue the *Zostera japonica* (*Z. japonica*) management on commercial clam beds in Willapa Bay national pollutant discharge elimination system and state waste discharge general permit (*Z. japonica* permit). The *Z. japonica* permit becomes effective on April 3, 2020, and expires on March 3, 2025.

**Purpose of the Permit:** This permit conditionally authorizes the discharge of aquatically labeled products containing the active ingredient imazamox for the purpose of managing the noxious weed *Z. japonica* on commercial clam beds in Willapa Bay. State and federal water quality statutes do not allow the discharge of pollutants to waters of the state

without permit coverage. This includes the addition of herbicides, their residues, and marker dyes, to water to manage aquatic plants such as *Z. japonica*. Ecology issues coverage under the *Z. japonica* permit when a shellfish grower decides to use an herbicide (imazamox) as a management method to control the nonnative eelgrass *Z. japonica* on their commercial clam beds in Willapa Bay. Commercial clam beds do not include geoduck or oyster beds. Physical and mechanical methods of *Z. japonica* control are not regulated by this permit.

**Public Notice Process and Comments:** Ecology accepted public comments on the draft permit and fact sheet from September 18, 2019, through November 4, 2019. Ecology held public workshops and hearings during this time. One hearing was located in South Bend, Washington on October 22, 2019. The other was held via online statewide webinar on October 21, 2019. Ecology received oral and written comments during the public comment period. The comments and ecology's responses are included in Appendix C of the fact sheet, the response to comments document.

**Copies of the Permit:** You may download copies of the final permit, fact sheet, response to comments, and other supporting documents online at <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Aquatic-pesticide-permits/Zostera-japonica-eelgrass-management>. You may also request copies from Dena Jaskar at 360-407-6401 or email [Dena.Jaskar@ecy.wa.gov](mailto:Dena.Jaskar@ecy.wa.gov).

**Your Right to Appeal:** You have a right to appeal the final general permit and the general permit coverage for a specific facility to the pollution control hearings board (PCHB). The appeal process is governed by chapters 43.21B RCW and 371-08 WAC.

- Appeals of the general permit issuance must be filed within thirty days of issuance of the general permit. See the Appeal of the General Permit Focus Sheet for more information, at <https://fortress.wa.gov/ecy/publications/documents/1710009.pdf>.
- Appeals of the general permit coverage for a specific facility must be filed within thirty days of the effective date of coverage. See the Appeal of a General Permit Coverage Focus Sheet for more information, at <https://fortress.wa.gov/ecy/publications/documents/1710007.pdf>.

**Ecology Contact for Questions:** Jon Jennings, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-407-6283, email [jonathan.jennings@ecy.wa.gov](mailto:jonathan.jennings@ecy.wa.gov).

**Assistance for Persons with Disabilities:** To request Americans with Disabilities Act accommodation for disabilities, call ecology at 360-407-7285 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

**En Español:** Para información en español, por favor comuníquese con Gustavo Ordóñez al 360-407-6619.

**WSR 20-05-088**  
**HEALTH CARE AUTHORITY**  
 [Filed February 19, 2020, 8:50 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 20-0007 April 2020 Fee Schedule Effective Date Updates.

Effective Date: April 1, 2020.

Description: The health care authority (HCA) intends to submit medicaid SPA 20-0007 to update the fee schedule effective dates for several medicaid programs and services, and update the name of a service. This is a regular, budget neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment. SPA 20-0007 addresses the following:

- Ambulatory surgery center services.
- Dental services.
- Medication assisted treatment - changing name to medication for opioid use disorder.
- Outpatient hospital services.
- Other services that may be subsequently identified.

SPA 20-0007 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may contact the people named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contacts: Abigail Cole, Christy Vaughn, Financial Services, P.O. Box 5510, Olympia, WA 98504, phone 360-725-1835, 360-725-0468, TRS 711, fax 360-753-9152, email [abigail.cole@hca.wa.gov](mailto:abigail.cole@hca.wa.gov), [Christy.vaughn@hca.wa.gov](mailto:Christy.vaughn@hca.wa.gov).

**WSR 20-05-094**  
**NOTICE OF PUBLIC MEETINGS**  
**THE EVERGREEN STATE COLLEGE**  
 [Filed February 19, 2020, 11:41 a.m.]

The Evergreen State College has changed the following regular meeting:

From: On May 20, 2019 [2020], at 9:00 a.m., at The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505.

To: May 20 and May 21, 2020, Day one: 9:00 a.m., at The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505; and Retreat: 9:00 a.m., at The Coach House, 211 21st Avenue S.W., Olympia, WA 98501.

If you need further information contact Susan M. Harris, President's Office, 2700 Evergreen Parkway N.W., Olympia, WA 98505, phone 360-867-5101, fax 360-867-6577, [harriss@evergreen.edu](mailto:harriss@evergreen.edu), <https://www.evergreen.edu/trustees>.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.