

WSR 12-21-006

EXPEDITED RULES

HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed October 4, 2012, 4:49 p.m.]

Title of Rule and Other Identifying Information: WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements.

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 Kevin Sullivan, Rules Coordinator, Health Care Authority (HCA), P.O. Box 45504, Olympia, WA 98504-5504, or deliver to HCA, 626 8th Avenue S.E., Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, AND RECEIVED BY December 24, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This expedited rule making repeals WAC 388-400-0035.

Reasons Supporting Proposal: The contents of WAC 388-400-0035 were recodified under Title 182 WAC (specifically WAC 182-507-0130), filed under WSR 12-19-001 on September 5, 2012. With the passage of 2E2SHB 1738, the responsibility for refugee medical assistance (RMA) was transferred to the HCA.

Statutory Authority for Adoption: RCW 41.05.021.

Statute Being Implemented: RCW 41.05.021.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy L. Boedigheimer, HCA, Legal and Administrative Services, (360) 725-1306; Implementation and Enforcement: Dody McAlpine, HCA, Eligibility Policy and Services Delivery, (360) 725-9964.

October 4, 2012
Kevin M. Sullivan
Rules Coordinator

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-400-0035 Refugee medical assistance—Summary of eligibility requirements.

WSR 12-21-031

EXPEDITED RULES

**EASTERN WASHINGTON
STATE HISTORICAL SOCIETY**

[Filed October 9, 2012, 11:24 a.m.]

Title of Rule and Other Identifying Information: Repealing WAC 256-01-001 Office, 256-01-010 Members, 256-01-020 Meeting of members, 256-01-030 Fees and dues, 256-01-040 Board of trustees, 256-01-050 Officers, 256-01-060 Committees, 256-01-070 Contracts, checks, deposits and funds, 256-01-080 Order of business, 256-01-090 Fiscal year, and 256-01-100 Amendment of bylaws.

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 Forrest Rodgers, Executive Director, Eastern Washington State Historical Society (EWSHS), 2316 West First Avenue, Spokane, WA, AND RECEIVED BY December 24, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Repealing bylaws from 1968 that are out-of-date.

Reasons Supporting Proposal: Chapter 256-01 WAC, bylaws are out-of-date and no longer applicable to the operation of the EWSHS.

Statutory Authority for Adoption: Chapter 27.34 RCW.

Statute Being Implemented: Not applicable.

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

Name of Proponent: EWSHS, governmental.

Name of Agency Personnel Responsible for Drafting: Forrest Rodgers, 2316 West First Avenue, Spokane, WA, (509) 363-5336.

October 5, 2012
Forrest B. Rodgers
Executive Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 256-01-001 Office.
WAC 256-01-010 Members.
WAC 256-01-020 Meeting of members.
WAC 256-01-030 Fees and dues.
WAC 256-01-040 Board of trustees.
WAC 256-01-050 Officers.
WAC 256-01-060 Committees.

- WAC 256-01-070 Contracts, checks, deposits and funds.
- WAC 256-01-080 Order of business.
- WAC 256-01-090 Fiscal year.
- WAC 256-01-100 Amendment of bylaws.

- classified farm and agricultural land during the 2013 assessment year, as required by RCW 84.34.065.
- WAC 458-30-590 to provide the rate of inflation used in calculating interest for deferred special benefit assessments of land removed or withdrawn during 2013, as required by RCW 84.34.310.

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

Reasons Supporting Proposal: The department is required by statute to annually adopt these rules to provide the information identified above.

Statutory Authority for Adoption: RCW 84.34.360, 84.34.065, 84.34.141, and 84.69.100.

Statute Being Implemented: RCW 84.34.055, 84.34.-065, 84.34.141, 84.34.310, 84.34.360, 84.68.030, and 84.69.100.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Marilou Rickert, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1582; Implementation and Enforcement: Kathy Beith, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 534-1403.

October 19, 2012

Alan R. Lynn
Rules Coordinator

WSR 12-21-075
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed October 19, 2012, 10:01 a.m.]

Title of Rule and Other Identifying Information:

- WAC 458-18-220 Refunds—Rate of interest, which provides the rate of interest that applies to tax refunds made pursuant to RCW 84.69.101 [84.69.-010] through 84.69.090 in accordance with RCW 84.69.100, and also to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030.
- WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component, which provides the interest rate and the property tax component used to value farm and agricultural lands classified under chapter 84.34 RCW (open space program).
- WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation, which provides the rate of inflation used to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW (open space program).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Marilou Rickert, Department of Revenue, P.O. Box 47453, Olympia, WA 98504-7453, e-mail MarilouR@DOR.WA.GOV, AND RECEIVED BY December 24, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department proposes to amend:

- WAC 458-18-220 to provide the rate of interest for treasury bill auction year 2012, which is to be used when refunding property taxes paid in 2013, as required by RCW 84.69.100.
- WAC 458-30-262 to provide the interest rate and property tax component to be used when valuing

AMENDATORY SECTION (Amending WSR 12-01-040, filed 12/13/11, effective 1/1/12)

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

Year tax paid	Auction Year	Rate
1984	1983	9.29%
1985	1984	11.27%
1986	1985	7.36%
1987	1986	6.11%
1988	1987	5.95%
1989	1988	7.04%
1990	1989	8.05%
1991	1990	8.01%
1992	1991	5.98%

Year tax paid	Auction Year	Rate	COUNTY	PERCENT	COUNTY	PERCENT
1993	1992	3.42%	Douglas	((1.07)) <u>1.12</u>	Skagit	((1.05)) <u>1.13</u>
1994	1993	3.19%	Ferry	0.92	Skamania	((0.88)) <u>0.90</u>
1995	1994	4.92%	Franklin	((1.28)) <u>1.29</u>	Snohomish	((1.12)) <u>1.24</u>
1996	1995	5.71%	Garfield	((1.16)) <u>1.03</u>	Spokane	((1.29)) <u>1.33</u>
1997	1996	5.22%	Grant	((1.21)) <u>1.27</u>	Stevens	0.98
1998	1997	5.14%	Grays Harbor	((1.07)) <u>1.16</u>	Thurston	((1.16)) <u>1.27</u>
1999	1998	5.06%	Island	((0.79)) <u>0.84</u>	Wahkiakum	((0.84)) <u>0.90</u>
2000	1999	4.96%	Jefferson	((0.86)) <u>0.92</u>	Walla Walla	((1.26)) <u>1.27</u>
2001	2000	5.98%	King	((1.08)) <u>1.14</u>	Whatcom	((1.03)) <u>1.06</u>
2002	2001	3.50%	Kitsap	((1.07)) <u>1.17</u>	Whitman	((1.30)) <u>1.33</u>
2003	2002	1.73%	Kittitas	((0.78)) <u>0.80</u>	Yakima	((1.16)) <u>1.23</u>
2004	2003	0.95%	Klickitat	0.90		
2005	2004	1.73%				
2006	2005	3.33%				
2007	2006	5.09%				
2008	2007	4.81%				
2009	2008	2.14%				
2010	2009	0.29%				
2011	2010	0.21%				
2012	2011	0.08%				
2013	2012	0.15%				

AMENDATORY SECTION (Amending WSR 12-01-040, filed 12/13/11, effective 1/1/12)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ~~((2012))~~ 2013, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((6.16))~~ 5.24 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	((1.25)) <u>1.30</u>	Lewis	((0.99)) <u>1.04</u>
Asotin	((1.24)) <u>1.27</u>	Lincoln	((1.20)) <u>1.26</u>
Benton	((1.17)) <u>1.15</u>	Mason	((0.88)) <u>0.95</u>
Chelan	((0.95)) <u>1.01</u>	Okanogan	((0.96)) <u>1.02</u>
Clallam	((0.95)) <u>1.03</u>	Pacific	((1.11)) <u>1.24</u>
Clark	((1.32)) <u>1.37</u>	Pend Oreille	((0.82)) <u>0.88</u>
Columbia	((1.21)) <u>1.13</u>	Pierce	((1.29)) <u>1.39</u>
Cowlitz	((1.13)) <u>1.18</u>	((San Juan))	((0.53)) <u>0.56</u>

AMENDATORY SECTION (Amending WSR 12-01-040, filed 12/13/11, effective 1/1/12)

WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation. (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest

accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) Example. A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	2007	2.08
2008	4.527	2009	-0.85 (negative)
2010	1.539	2011	2.755
<u>2012</u>	<u>1.295</u>		

**WSR 12-21-126
EXPEDITED RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R-2012-25—Filed October 24, 2012, 9:32 a.m.]

Title of Rule and Other Identifying Information: Technical correction to WAC 284-43-850.

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 Kacy Scott, Office of the Insurance Commissioner, 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, AND RECEIVED BY December 25, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This proposed rule makes a correction to a recently adopted rule.

Reasons Supporting Proposal: This rule is being proposed through the expedited process because it corrects a typographical error.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.44.020(2), 48.46.060, 48.20.470, and 48.21.325.

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

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Kacy Scott, Olympia, Washington 98504-0258, (360) 725-7041; Implementation: Beth Berendt, 5000 Capitol Boulevard South, Tumwater, Washington, (360) 725-7117; and Enforcement: Carol Sureau, 5000 Capitol Boulevard South, Tumwater, Washington, (360) 725-7050.

October 24, 2012

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2012-03, filed 10/8/12, effective 11/8/12)

WAC 284-43-850 Clinical trials. A carrier must not restrict coverage of routine patient costs for enrollees who participate in a clinical trial. "Routine costs" means items and services delivered to the enrollee that are consistent with and typically covered by the plan or coverage for an enrollee who is not enrolled in a clinical trial. A carrier may continue to apply its limitations and requirements related to use of network services.

(1) A carrier may require enrollees to meet the eligibility requirements of the clinical trial according to the trial protocol. While not required to impose such a condition, a carrier

may refuse coverage under this section if the enrollee does not provide medical and scientific information establishing that the individual's participation in such trial would be appropriate based on the individual meeting the eligibility requirements for the clinical trial, unless the enrollee is referred to the clinical trial by a health care provider participating in the carrier's network.

(2) This includes the cost of prescription medication used for the direct clinical management of the enrollee, unless the trial is for the investigation of the prescription medication or the medication is typically provided by the research sponsors free of charge for any enrollee in the trial.

(3) The requirement does not apply to:

(a) A service that is clearly inconsistent with widely accepted and established standards of care for a particular diagnosis;

(b) For items and services provided solely to satisfy data collection and analysis needs;

(c) Items and services that are not used in the direct clinical management of the enrollee; or

(d) The investigational item, device, or service itself.

(4) Clinical trial means a phase I, phase II, phase III, or phase IV clinical trial that is conducted in relation to the prevention, detection, or treatment of cancer or other life-threatening disease or condition, funded or approved by:

(a) One of the National Institutes of Health (NIH);

(b) An NIH cooperative group or center which is a formal network of facilities that collaborate on research projects and have an established NIH-approved peer review program operating within the group including, but not limited to, the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;

(c) The federal Departments of Veterans Affairs or Defense;

(d) An institutional review board of an institution in this state that has a multiple project assurance contract approval by the Office of Protection for the Research Risks of the NIH;

~~((and))~~ or

(e) A qualified research entity that meets the criteria for NIH Center Support Grant eligibility.

"Life threatening condition" means any disease or condition from which the likelihood of death is probable unless the course of the disease or condition is interrupted.