

ERRATUM

Due to an inadvertent clerical error the published version of WSR 17-05-056 incorrectly stated that the document was filed on February 9 when it was actually filed on February 10. The corrected form including the correct filing and effective dates are shown below.

WSR 17-05-056
PERMANENT RULES
DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed February 10, 2017, 1:34 p.m., effective March 13, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-817-510, 246-817-520, 246-817-525, 246-817-540, and 246-817-545 delegation of duties for dental assistants and expanded function dental auxiliaries (EFDA). The adopted rule amendments update the scope of practice for registered dental assistants and licensed EFDAs to current practice standards eliminating confusion for dental professionals and the public receiving dental care.

Citation of Existing Rules Affected by this Order: Amending WAC 246-817-510, 246-817-520, 246-817-525, 246-817-540, and 246-817-545.

Statutory Authority for Adoption: RCW 18.260.040, 18.260.070, and SB 5606 (chapter 20, Laws of 2015).

Adopted under notice filed as WSR 16-22-025 on October 24, 2016.

Changes Other than Editing from Proposed to Adopted Version: The commission amended WAC 246-817-540(9) and 246-817-545(7) from "permanently, cast restoration" to "any permanent restoration" because most permanent crowns are no longer casted. Additionally, the word "licensed" was added in front of expanded function dental auxiliaries in both titles of WAC 246-817-525 and 246-817-545 to be consistent with titles of WAC 246-817-520 and 246-817-540.

A final cost-benefit analysis is available by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98501, phone (360) 236-4893, fax (360) 236-2901, email jennifer.santiago@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: December 9, 2016.

C. Madden, Chair
Dental Quality Assurance Commission

WSR 17-06-007
PERMANENT RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)

[Filed February 17, 2017, 10:38 a.m., effective March 20, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is amending the process it uses to verify eligibility for Washington apple health programs.

Citation of Existing Rules Affected by this Order: Amending WAC 182-503-0050.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 16-21-050 on October 12, 2016.

Changes Other than Editing from Proposed to Adopted Version: **Subsection (1):**

The agency added a new subsection (d): "We may require information from third parties, such as employers, landlords, and insurance companies, to verify an eligibility factor if the information we received:"

The remaining subsections were assigned new letters, starting with subsection (e).

The agency removed (i) - (iii) from former subsection (1)(f), and moved them to new [new] subsection (1)(d), as follows: "(i) Cannot be verified through available data sources; (ii) Did not verify an eligibility factor; or (iii) Is contradictory, confusing, or outdated."

The agency made the following revisions to subsection (1)(g), formerly (1)(f): "~~We may require information~~ If we are unable to verify an eligibility factor if the information we received: as described in (f) of this subsection, then we may consider third-party sources."

The agency added the following to subsection (1)(h), formerly (1)(g): "If a fee is required to obtain a necessary record, we pay the fee directly to the holder of the record."

The agency made the following changes to subsection (1)(j), formerly (1)(i): "~~Unless there is only one way to verify an eligibility factor,~~ Except for eligibility factors listed in WAC 182-503-0505 (3)(c) and (d), we accept"

The agency added the following language to subsection (1)(l), formerly (1)(k): " ... we approve coverage and give additional time as needed to verify your immigration status."

Subsection (3):

The agency added: "... we send you a denial or termination notice ..." to subsection (b).

Subsection (6):

The agency revised the heading as follows: "~~Post-eligibility review~~ Verification for MAGI-based programs."

The agency added the following to subsection (6)(a): "After we approve your coverage based on your self-attestation,"

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 17, 2017.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-503-0050 (~~Washington apple health—Verification requirements:~~) Verification of eligibility factors. For the purposes of this section, "we" refers to the medicaid agency or its designee and "you" refers to the applicant for, or recipient of, health care coverage. (~~We have different eligibility verification processes and standards depending on whether the Washington apple health (WAH) program is a modified adjusted gross income (MAGI)-based WAH program, a non-MAGI-based WAH program, or a deemed-eligible program as described in WAC 182-503-0510.~~)

(1) ~~We may ask for verification of information that you give us when you apply, renew, or report a change in your household circumstances.~~

(2) ~~The following provisions apply to all WAH programs:~~

(a) ~~We will only require information from you that is both needed to determine eligibility and readily available, which means information that you can get within three business days. If the verification we require costs money, we will pay for it or get the information in another way. After we approve your WAH coverage based on information that is readily available, we may ask for verification information that is more determinative of your eligibility but that may require more than three working days to obtain.~~

(b) ~~We may consider information from various data sources before asking you to provide verification information. These various data sources include, but are not limited to, those listed below:~~

- (i) ~~Washington state employment security department;~~
- (ii) ~~The Internal Revenue Service;~~
- (iii) ~~United States Department of Homeland Security;~~
- (iv) ~~The Social Security Administration;~~
- (v) ~~Other state and federal data bases; and~~
- (vi) ~~Other commercially available electronic data bases.~~

(c) ~~After we attempt to verify your information with information from various data sources listed in (b) of this subsection, we may ask you for more information or consider information from third-party contacts, such as employers, landlords, and insurance companies if:~~

(i) ~~The information you provided cannot be verified through our data sources;~~

(ii) ~~The data match is not reasonably compatible (as defined in WAC 182-500-0095) with the information you self-attested to or other sources; or~~

(iii) ~~The information you self-attested to is contradictory, confusing, or outdated.~~

(d) ~~When we need more information from you to determine your eligibility for WAH coverage, we send all notices according to the requirements of WAC 182-518-0015 and follow the rules below:~~

(i) ~~If you are eligible for equal access services as described in WAC 182-503-0120 or limited-English-proficiency services as described in WAC 182-503-0110, we help you comply with the requirements of this section.~~

(ii) ~~We will not deny or delay your application because you fail to provide the information in a particular type or form. We must accept and consider alternative verification.~~

(iii) ~~If you request more time to provide information, we allow you the time requested.~~

(iv) ~~We will not deny you eligibility during any time period we have given you to provide more information unless we have conclusive evidence of your ineligibility.~~

(v) ~~If we do not timely receive your information, we determine your eligibility based on all the information we have received on or before the date of the decision, including information we obtained from the various data sources listed in (b) of this subsection. If we cannot determine your eligibility, we deny or terminate your WAH coverage and send you a notice that states when we will reconsider the application as described in WAC 182-503-0080.~~

(vi) ~~Once we verify an eligibility factor that is not subject to change, we will not require ongoing or additional verification of that factor. This includes, but is not limited to, citizenship, family relationships, Social Security numbers, and dates of birth, death, marriage, dissolution of marriage, or legal separation.~~

(3) ~~If you are applying for MAGI-based programs:~~

(a) ~~Except as described in (b) of this subsection, we must accept your self attestation (defined in WAC 182-500-0100) of eligibility factors (including your income and tax deductions). If your self attestation indicates eligibility, we find you eligible for MAGI-based WAH.~~

(b) ~~We follow the procedures in subsection (1) of this section and use data matching to verify your citizenship or immigration status, and Social Security number. If we are unable to verify a required eligibility factor through data matching, we ask you to provide the verification we need.~~

(c) ~~After we have determined your eligibility, we may conduct a post-eligibility review to verify your self-attestation. We use various means to verify your circumstances including, but not limited to, information that is available from the sources listed in subsection (2)(b) and (c) of this section and from the following sources:~~

(i) ~~The supplemental nutrition assistance program (SNAP).~~

(ii) ~~Department of social and health services cash programs, including temporary assistance for needy families (TANF), diversion cash assistance (DCA), refugee cash assistance (RCA), aged, blind, and disabled cash assistance (ABD), and pregnant women's cash assistance (PWA).~~

(d) ~~If we are unable to verify your self-attested information using the procedures in subsection (1) of this section, we will contact you and may request documentation. If you give us a reasonable explanation that confirms your eligibility, we may not require additional documentation.~~

(4) ~~If you are applying for non-MAGI-based programs:~~

~~(a) We must first verify your eligibility factors according to MAGI-based standards described in subsection (2) of this section. If you are eligible for a MAGI-based WAH program, we must find you eligible for that program.~~

~~(b) Even if you are eligible for MAGI-based coverage, we will still consider you for non-MAGI-based programs if the programs offer you services or coverage options that are not available in MAGI-based programs.~~

~~(c) We may need additional verification to determine eligibility for non-MAGI-based programs including, but not limited to:~~

~~(i) Income and income deductions;~~

~~(ii) Medical expenses required to meet a spenddown liability (see WAC 182-519-0110);~~

~~(iii) Medical expenses and other post-eligibility deductions used to determine eligibility for long-term care programs (see WAC 182-513-1380);~~

~~(iv) Resources; and~~

~~(v) Any other questionable information.~~

~~(d) Additional eligibility factors and verification standards are described in:~~

~~(i) Chapter 182-507 WAC, refugee medical and alien medical programs;~~

~~(ii) Chapter 182-508 WAC, medical care services;~~

~~(iii) Chapter 182-511 WAC, WAH for workers with disabilities;~~

~~(iv) Chapter 182-512 WAC, SSI-related medical programs;~~

~~(v) Chapters 182-513 and 182-515 WAC, SSI-related long-term care programs;~~

~~(vi) Chapter 182-517 WAC, medicare savings programs; and~~

~~(vii) Chapter 182-519 WAC, medically needy and spenddown programs.~~

~~(5) If you are deemed eligible for one of the programs described in WAC 182-503-0510(4), we do not require additional verification of information from you.)~~

(1) General rules.

(a) We may verify the information we use to determine, redetermine, or terminate your Washington apple health eligibility.

(b) We verify the eligibility factors listed in WAC 182-503-0505(3).

(c) Before we ask you to provide records to verify an eligibility factor, we use information available from state data bases, including data from the department of social and health services and the department of employment security, federal data bases, or commercially available data bases to verify the eligibility factor.

(d) We may require information from third parties, such as employers, landlords, and insurance companies, to verify an eligibility factor if the information we received:

(i) Cannot be verified through available data sources;

(ii) Did not verify an eligibility factor; or

(iii) Is contradictory, confusing, or outdated.

(e) We do not require you to submit a record unless it is necessary to determine or redetermine your eligibility.

(f) If you can obtain verification within three business days and we determine the verification is sufficient to con-

firm an eligibility factor, we base our initial eligibility decision upon that record.

(g) If we are unable to verify eligibility as described in (f) of this subsection, then we may consider third-party sources.

(h) If a fee is required to obtain a necessary record, we pay the fee directly to the holder of the record.

(i) We do not deny or delay your application if you failed to provide information to verify an eligibility factor in a particular type or form.

(j) Except for eligibility factors listed in WAC 182-503-0505 (3)(c) and (d), we accept alternative forms of verification. If you give us a reasonable explanation that confirms your eligibility, we may not require additional documentation.

(k) Once we verify an eligibility factor that will not change, we may not require additional verification. Examples include:

(i) U.S. citizenship;

(ii) Family relationships by birth;

(iii) Social Security numbers; and

(iv) Dates of birth, death, marriage, dissolution of marriage, or legal separation.

(l) If we cannot verify your immigration status and you are otherwise eligible for Washington apple health, we approve coverage and give additional time as needed to verify your immigration status.

(2) Submission timelines.

(a) We allow at least ten calendar days for you to submit requested information.

(b) If you request more time to provide information, we allow the time requested.

(c) If the tenth day falls on a weekend or a legal holiday as described in RCW 1.16.050, the due date is the next business day.

(d) We do not deny or terminate your eligibility when we give you more time to provide information.

(e) If we do not receive your information by the due date, we make a determination based on all the information available.

(3) Notice requirements.

(a) When we need more information from you to determine your eligibility for Washington apple health coverage, we send all notices according to the requirements of WAC 182-518-0015.

(b) If we cannot determine you are eligible, we send you a denial or termination notice including information on when we reconsider a denied application under WAC 182-503-0080.

(4) Equal access and limited-English proficiency services. If you are eligible for equal access services under WAC 182-503-0120 or limited-English proficiency services under WAC 182-503-0110, we provide legally sufficient support services.

(5) Eligibility factors for nonmodified adjusted gross income (MAGI)-based programs. If you apply for a non-MAGI program under WAC 182-503-0510(3), we verify the factors in WAC 182-503-0505(3). In addition, we verify:

(a) Household composition, if spousal or dependent deeming under chapter 182-512 WAC or spousal or depen-

dent allowance under chapters 182-513 and 182-515 WAC applies;

(b) Income and income deductions;

(c) Resources, including trusts, annuities, and life estates under chapters 182-512, 182-513, and 182-516 WAC;

(d) Medical expenses required to meet any spenddown liability under WAC 182-519-0110;

(e) All post-eligibility deductions used to determine cost of care for clients eligible for long-term services and supports under chapters 182-513 and 182-515 WAC;

(f) Transfers of assets under chapter 182-513 WAC when the program is subject to transfer of assets limitations;

(g) Shelter costs for long-term care cases where spousal and dependent allowances apply;

(h) Blindness or disability, if you claim either; and

(i) Social Security number for a community spouse if needed when you apply for long-term care.

(6) Verification for MAGI-based programs.

(a) After we approve your coverage based on your self-attestation, we may conduct a post-eligibility review to verify your self-attested information.

(b) When conducting a post-eligibility review, we attempt to verify eligibility factors using your self-attested information available to us through state, federal, and commercially available data sources, or other third parties, before requiring you to provide information.

(c) You may be required to provide additional information if:

(i) We cannot verify an eligibility factor through other data sources listed in subsection (b) of this section; or

(ii) The information received from the data source is not reasonably compatible with your self-attestation.

(7) Reapplication following post-eligibility review. If your eligibility for MAGI-based Washington apple health terminates because of a post-eligibility review and you reapply, we may request verification of eligibility factors prior to determining eligibility.

WSR 17-06-026

PERMANENT RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 22, 2017, 2:21 p.m., effective March 25, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these rules is to adopt the recommendations of the transitional bilingual instructional program (TBIP) accountability task force, authorized in ESSB 6002, section 501(y) (2015), and of the OSPI bilingual education advisory committee. Among other things, the rules clarify that school districts must communicate with parents of students in the bilingual program in a language the parent can understand; they eliminate the requirement that districts must determine if the disability of a student with an IEP is the determinant factor in the student's English language deficiency; and they provide that all students identified as being eligible for TBIP and any other categorical program must

enter and exit TBIP through the state standardized entrance and exit procedures used for all English language learners.

Citation of Existing Rules Affected by this Order: Amending chapter 392-160 WAC.

Statutory Authority for Adoption: RCW 28A.180.060.

Adopted under notice filed as WSR 17-02-081 on January 4, 2017.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: February 14, 2017.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 08-19-039, filed 9/10/08, effective 10/11/08)

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instructional program or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program, or alternative instruction program in a language they can understand; and

(3) Shall provide effective professional development training of sufficient duration and depth for administrators, teachers, counselors, and other staff on bilingual program models, and/or district's alternative instructional program, appropriate use of instructional strategies and assessment results, and curriculum and instructional materials for use with culturally and linguistically diverse students.

AMENDATORY SECTION (Amending WSR 08-09-071, filed 4/16/08, effective 5/17/08)

WAC 392-160-045 Students with disabilities(—Conditions for transitional bilingual entitlement). (1) Students identified as being eligible for both the state transitional bilingual instructional program (TBIP) and special education program will participate in the TBIP to the same degree and consideration given to every other child in the TBIP.

~~(2) ((The district, in consultation with the student's IEP team shall determine whether the child's disability is the determinant factor for the child's English language skill deficiency.~~

~~(3) If it is determined that the child's disability is the determinant factor for the English language skill deficiency, the child shall not be eligible for the TBIP.~~

~~(4) If it is determined that the child's disability is not the determinant factor for the English language skill deficiency, the child shall be eligible for the TBIP.~~

~~(5) If it cannot be determined whether or not the child's disability is the determinant factor for the child's English language skill deficiency, the child shall be eligible for TBIP and the special education program. The child's district, in consultation with the student's IEP team shall assess annually whether or not the child's disability is the determinant factor for the child's English language skill deficiency. If the district and IEP team determine that the child's disability is the determinant factor for the child's English language skill deficiency then the child shall not be eligible for the TBIP.~~

~~(6)) A child who is participating in both the TBIP and the special education program under this chapter shall be subject to all conditions of participation ((provided in this)) in the TBIP chapter.~~

(3) All students identified as being eligible for the TBIP and any other categorical program will enter and exit TBIP through the standardized entrance and exit procedures used for all English learners described in WAC 392-160-015 and 392-160-035.

WSR 17-06-032

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed February 23, 2017, 2:38 p.m., effective March 26, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 468-95-220 modifies Section 3B.16 of the Manual on Uniform Traffic Control Devices. Changes to the WAC will clarify stop bar placement.

Citation of Existing Rules Affected by this Order: Amending WAC 468-95-220.

Statutory Authority for Adoption: RCW 47.36.030.

Adopted under notice filed as WSR 17-03-122 on January 18, 2017.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 23, 2017.

Kara Larsen, Director
Risk Management and
Legal Services

AMENDATORY SECTION (Amending WSR 11-23-101, filed 11/18/11, effective 12/19/11)

WAC 468-95-220 Stop and yield lines. Amend paragraphs 10 and 12 of MUTCD Section 3B.16 to read:

If used, stop line should be placed a minimum of 4 feet in advance of the nearest crosswalk line at controlled intersections. Yield lines at roundabout intersections as provided in Section 3C.04. In the absence of a marked crosswalk, the stop line or yield line should be placed at the desired stopping or yielding point, in no case less than 4 feet from the nearest edge of the intersecting roadway. ~~((Stop lines should be placed to allow sufficient sight distance to all other approaches to an intersection.))~~

If used at an unsignalized midblock crosswalk, stop lines should be placed adjacent to the Stop Here for Pedestrians sign located 20 to 50 feet in advance of the nearest crosswalk line, and parking should be prohibited in the area between the stop line and the crosswalk (see Figure 3B-17).

WSR 17-06-034

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed February 23, 2017, 3:28 p.m., effective March 26, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-06 WAC, Public records, by:

(1) Clarifying procedures regarding the disclosure of electronic records;

(2) Adding language exempting employee driver's license numbers from public disclosure as specified in RCW 42.56.250(3); and

(3) Adding language exempting all records, data, and information filed in support of an industrial hemp research license application from public disclosure as specified in RCW 15.120.050(7).

Citation of Existing Rules Affected by this Order: Amending WAC 16-06-200, 16-06-210, and 16-06-250.

Statutory Authority for Adoption: Chapter 42.56 RCW.

Other Authority: Chapter 34.05 RCW.

Adopted under notice filed as WSR 17-01-147 on December 21, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: February 23, 2017.

Derek I. Sandison
Director

AMENDATORY SECTION (Amending WSR 14-19-056, filed 9/12/14, effective 10/13/14)

WAC 16-06-200 Costs of disclosure. (1) No fee will be charged for the inspection of public records.

(2) The department charges a fee of fifteen cents per page of photocopy when copy charges exceed twenty dollars for providing copies of public records. The department may also charge actual costs of mailing, including the cost of the shipping container. This charge is the amount necessary to reimburse the department for copying costs incident to the disclosure request.

(3) The department may charge the actual cost involved for the duplication of tape recordings, video tapes, photographs, slides, postage, other electronic records, or delivery if these costs exceed twenty dollars.

(4) The public records officer may waive the fee when the expenses of processing payment exceeds the costs of providing copies.

(5) Electronic records: The department charges a fee of five cents per page of scanned copy when the costs exceed twenty dollars and the records are converted from paper to electronic format, upon request. There will be no charge for e-mailing electronic records to a requestor unless another cost applies.

AMENDATORY SECTION (Amending WSR 14-19-056, filed 9/12/14, effective 10/13/14)

WAC 16-06-210 Exemptions. The Public Records Act provides that a number of types of information or records are exempt from public inspection and copying. In addition, records are exempt from disclosure if any other statute exempts or prohibits disclosure. Requestors should be aware of the following exemptions to public disclosure specific to department records. This list is not exhaustive and other exemptions may apply:

(1) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy (reference RCW 42.56.230(3)).

(2) Investigative records (reference RCW 42.56.240).

(3) Test questions, scoring keys, and other examination data used to administer a license (reference RCW 42.56.250(1)).

(4) Records that are relevant to a controversy to which an agency is a party but which records would not be available to

another party under the rules of pretrial discovery for causes pending in the superior courts (reference RCW 42.56.290).

(5) Lists of individuals requested for commercial purposes (reference RCW 42.56.070(9)).

(6) Records related to the entry of prohibited agricultural products imported into Washington state or that had Washington state as a final destination received from the United States Department of Homeland Security or the United States Department of Agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552 (reference RCW 42.56.380(12)).

(7) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required or governed by other law (reference RCW 42.56.230(5)).

(8) Applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to the applicant (reference RCW 42.56.250(2)).

(9) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, driver's license numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency (reference RCW 42.56.250(3)).

(10) Information provided for the semi-annual report for fertilizers, minerals and limes that would reveal the business operation of the person making the report (reference RCW 15.54.362(5) and 42.56.380(2)).

(11) The semiannual report required in the Commercial Feed Act is not a public record, and any information given in such report which would reveal the business operation of the person making the report is exempt from disclosure, and information obtained by the department from other governmental agencies or other sources that is used to verify information received in the report is exempt from public disclosure (reference RCW 15.53.9018).

(12) The department has the authority to publish reports of official seed inspections, seed certifications, laboratory statistics, verified violations of this chapter, and other seed branch activities which do not reveal confidential information regarding individual company operations or production (reference RCW 15.49.370(8)).

(13) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for certification under RCW 15.86.110, and records whose disclosure is prohibited by the federal Organic Certification Act, 7 U.S.C. Sec. 6515(g) and the rules adopted under that act (reference RCW 42.56.380(1)).

(14) Consignment information contained on phytosanitary certificates issued by the department under chapters 15.13, 15.17, and 15.49 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States Department of Agriculture, or on applications for phytosanitary certification required by the department (reference RCW 42.56.380(4)).

(15) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by the former chapter 15.110 RCW or chapter 43.325 RCW (the energy freedom loan program) (reference RCW 42.56.270(4)).

(16) Information obtained under RCW 15.19.080 regarding the purchases, sales, or production of an individual American ginseng grower or dealer (reference RCW 42.56.380(6)).

(17) Financial statement information required to determine whether or not an applicant for a license to operate a warehouse under chapter 22.09 RCW, agriculture commodities, meets minimum net worth requirements (reference RCW 22.09.040(9)).

(18) All financial statement information to determine whether or not an applicant for a license to be a grain dealer under chapter 22.09 RCW meets the minimum net worth requirements (reference RCW 22.09.045(7)).

(19) Information submitted by an individual or business to the department of agriculture under the requirements of chapters 16.36, 16.57, and 43.23 RCW for the purpose of herd inventory management for animal disease traceability, is exempt from disclosure. This information includes animal ownership, numbers of animals, locations, contact information, movements of livestock, financial information, the purchase and sale of livestock, account numbers or unique identifiers issued by government to private entities, and information related to livestock disease or injury that would identify an animal, a person or location. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete (reference RCW 42.56.380(9)).

(20) Results of testing for animal diseases from samples submitted by or at the direction of the animal owner or the owner's designee and that can be identified to a particular business or individual is exempt from disclosure (reference RCW 42.56.380(10)).

(21) Information that can be identified to a particular business and that is collected under chapter 15.17 RCW, standards of grades and packs, and specifically RCW 15.17.140(2) and 15.17.143 for certificates of compliance (reference RCW 42.56.380(7)).

(22) Financial statement information provided under RCW 16.65.030 (1)(d), public livestock markets, is confidential information and not subject to public disclosure (reference RCW 16.65.030 (1)(d) and 42.56.380(8)).

(23) Privileged or confidential information or data that contains trade secrets, commercial, or financial information and is required and submitted under the Washington Pesticide Control Act (reference RCW 15.58.060 (1)(c) and 15.58.065).

(24) Except for release of statistical information not descriptive of any readily identifiable person or persons, all financial and commercial information and records supplied by persons to the department with respect to export market development projects (reference RCW 43.23.270 and 42.56.270(3)).

(25) Information submitted by an applicant under chapter 17.24 RCW that is privileged or confidential because it contains trade secrets or commercial or financial information (reference RCW 17.24.061).

(26) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.89, 15.100, and 16.67 RCW, or required by the department to administer these chapters or the department's programs (reference RCW 42.56.380(3)).

(27) Financial and commercial information and records supplied by persons:

(a) To the department for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or

(b) To the department or commodity boards or commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.89, 15.100, or 16.67 RCW, with respect to domestic or export marketing activities or individual producer's production information (reference RCW 42.56.380(5)).

(28) Farm plans developed by conservation districts, unless the farm plan is used for the application or issuance of a permit (reference RCW 42.56.270(17)).

(29) Under RCW 42.56.610 and 90.64.190, information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

(a) Number of animals: Beef cattle

1 to 19
20 to 159
160 to 299
300 to 999
1,000 to 5,999
6,000 to 10,999
11,000 to 15,999
16,000 to 20,999
21,000 to 25,999
26,000 to 31,199
31,200 to 37,439
37,440 to 44,999
45,000 and above

(b) Number of animals: Mature dairy cattle

1 to 37
38 to 199
200 to 699
700 to 1,699

| | |
|-------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| 1,700 to 2,699 | 1,000 to 17,999 |
| 2,700 to 3,699 | 18,000 to 37,499 |
| 3,700 to 4,699 | 37,500 to 124,999 |
| 4,700 to 5,699 | 125,000 to 212,499 |
| 5,700 to 6,839 | 212,500 to 299,999 |
| 6,840 and above | 300,000 and above |
| (c) Number of animals: Dairy heifers | (h) Number of animals: Horses |
| 1 to 49 | 1 to 19 |
| 50 to 149 | 20 to 79 |
| 150 to 299 | 80 to 149 |
| 300 to 999 | 150 to 499 |
| 1,000 to 1,999 | 500 to 849 |
| 2,000 to 2,999 | 850 to 1,199 |
| 3,000 to 3,999 | 1,200 to 1,549 |
| 4,000 and above | 1,550 and above |
| (d) Number of animals: Swine (fifty-five pounds or greater) | (i) Livestock nutrients generated or exported by volume (ft ³ /day) |
| 1 to 19 | 1 to 74 |
| 20 to 159 | 75 to 134 |
| 160 to 399 | 135 to 299 |
| 400 to 749 | 300 to 449 |
| 750 to 2,499 | 450 to 749 |
| 2,500 to 4,249 | 750 to 1,499 |
| 4,250 to 5,999 | 1,500 to 2,499 |
| 6,000 to 7,749 | 2,500 to 4,999 |
| 7,750 and above | 5,000 to 8,499 |
| (e) Number of animals: Swine (less than fifty-five pounds) | 8,500 to 11,999 |
| 1 to 99 | 12,000 to 15,999 |
| 100 to 499 | 16,000 and above |
| 500 to 1,099 | (j) Livestock nutrients generated or exported by weight (tons/year) |
| 1,100 to 1,999 | 1 to 5,256 |
| 2,000 to 2,999 | 5,257 to 10,512 |
| 3,000 to 9,999 | 10,513 to 21,024 |
| 10,000 to 16,999 | 21,025 to 42,048 |
| 17,000 to 23,999 | 42,049 to 84,096 |
| 24,000 to 30,999 | 84,097 to 164,184 |
| 31,000 and above | 164,185 to 262,734 |
| (f) Number of animals: Layers (all ages) | 262,735 to 394,200 |
| 1 to 199 | 394,201 to 558,384 |
| 200 to 999 | 558,385 to 722,634 |
| 1,000 to 10,999 | 722,635 to 919,734 |
| 11,000 to 24,999 | 919,735 to 1,051,134 |
| 25,000 to 81,999 | 1,051,135 and above |
| 82,000 to 138,999 | (k) Number of acres covered by the plan or used for land application of livestock nutrients |
| 139,000 to 195,999 | 0 to 25 |
| 196,000 to 252,999 | 26 to 65 |
| 253,000 to 309,999 | 66 to 120 |
| 310,000 to 371,999 | 121 to 300 |
| 372,000 to 446,399 | 301 to 550 |
| 446,400 to 535,679 | 551 to 900 |
| 535,680 to 642,815 | 901 to 1,300 |
| 642,816 to 771,379 | 1,301 to 1,800 |
| 771,380 to 925,655 | 1,801 to 2,500 |
| 925,656 to 1,110,787 | 2,501 to 3,200 |
| 1,110,788 to 1,332,945 | 3,201 to 4,000 |
| 1,332,946 and above | 4,001 to 6,000 |
| (g) Number of animals: Broilers (all ages) | 6,001 to 9,000 |
| 1 to 199 | 9,001 to 11,500 |
| 200 to 999 | |

11,501 to 14,000
 14,001 and above
 (l) Crop yields - tons/acre
 0 to 1
 1.1 to 2
 2.1 to 3.5
 3.6 to 5
 5.1 to 7
 7.1 to 9
 9.1 to 12
 12.1 to 14.5
 14.6 to 17
 17.1 to 19.5
 19.6 to 22
 22.1 to 26
 26.1 and above

(30) Records of international livestock importation that can be identified to a particular animal, business, or individual received from the United States Department of Homeland Security or the United States Department of Agriculture that are not disclosable by the federal agency under federal law including 5 U.S.C. Sec. 552 (reference RCW 42.56.380(11)).

(31) A person aggrieved by a violation of chapter 17.21 RCW or the rules adopted under that chapter is entitled, on request, to have his or her name protected from disclosure in any communication with persons outside the department and in any record published, released, or made available to persons outside the department except as provided in RCW 17.21.340 (1)(a)(ii).

(32) All records, data, and information filed in support of an industrial hemp research program license application (reference RCW 15.120.050(7)).

AMENDATORY SECTION (Amending WSR 14-19-056, filed 9/12/14, effective 10/13/14)

WAC 16-06-250 Processing of public records requests—Electronic records. (1) Requesting electronic records: The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records:

(a) The department has the discretion to determine whether to provide records electronically or in paper form.

(b) When a requestor requests records in an electronic format, the public records officer will endeavor to provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the department and is generally commercially available, or in a format that is reasonably translatable from the format in which the department keeps the record.

~~((c) When electronic records require redaction, or are contained in a proprietary data base, or otherwise cannot be reasonably provided in an electronic format, the department will provide paper copies of the records to the requestor.~~

~~(3) Customized access to data bases: With the consent of the requestor, the department may provide customized access under RCW 43.41A.130 if the record is not reasonably locatable or not reasonably translatable into the format requested. The department may charge a fee consistent with RCW 43.41A.130 for customized access.)~~

WSR 17-06-048
PERMANENT RULES
COLUMBIA RIVER
GORGE COMMISSION

[Filed February 27, 2017, 4:28 p.m., effective April 1, 2017]

Effective Date of Rule: April 1, 2017.

Purpose: This rule adopts legal descriptions for the urban areas designated in the Columbia River Gorge National Scenic Area, 16 U.S.C. § 544b(e). The rule does not change the National Scenic Area Act, it is, in effect, an interpretation of the National Scenic Area Act. The rule will provide greater certainty for landowners and land managers about the precise location of the urban areas. Where the legal descriptions differ from a prior interpretation of an urban area boundary, the legal description will supersede the prior interpretation. Existing uses based on a prior interpretation will be managed in accordance with the existing uses provisions of the commission's management plan and county land use ordinances administering the plan. The rule does not change any urban area boundary; changes to urban area boundaries may only occur in accordance with 16 U.S.C. § 544b(f) (commonly referred to as "4(f)").

Citation of Existing Rules Affected by this Order:
 Repealing 350-81-017.

Statutory Authority for Adoption: RCW 43.97.015, ORS 197.150, 16 U.S.C. § 544b(e).

Adopted under notice filed as WSR 16-24-063 on December 5, 2016.

Changes Other than Editing from Proposed to Adopted Version: Some of the angle points were renumbered to make them sequential; some of the courses had wording changes for clarification, uniformity of syntax and phrases, and correcting typos; and some of the footnotes were edited for consistency with the revisions to the wording in the courses.

Number of Sections Adopted in Order to Comply with Federal Statute: New 6, Amended 0, Repealed 1; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

Number of Sections Adopted on the Agency's Own Initiative: New 6, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 6, Amended 0, Repealed 1.

Number of Sections Adopted Using Negotiated Rule Making: New 6, Amended 0, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 14, 2017.

Nancy A. Andring
 Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 17-08 issue of the Register.

WSR 17-06-051
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[General Order R-588—Filed February 28, 2017, 9:20 a.m., effective March 31, 2017]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 17-07 issue of the Register.

WSR 17-06-054
PERMANENT RULES
EMPLOYMENT SECURITY DEPARTMENT

[Filed February 28, 2017, 9:51 a.m., effective March 31, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The United States Department of Labor (USDOL), Employment and Training Administration, notified the department that providing claimants with the option to have their payments held was inconsistent with federal law. The rule has been amended to strike subsections (2) and (3) which authorized claimants to have their conditional payments held until an eligibility decision is issued. With the amendment, claimants in continued claim status will be paid conditionally when their eligibility is questioned.

Citation of Existing Rules Affected by this Order: Amending WAC 192-120-050.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Adopted under notice filed as WSR 17-01-080 on December 15, 2016.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: February 24, 2017.

Dale Peinecke
Commissioner

AMENDATORY SECTION (Amending WSR 16-21-013, filed 10/7/16, effective 11/14/16)

WAC 192-120-050 Conditional payment of benefits.

(1) If you are a continued claim recipient and your eligibility for benefits is questioned by the department, you will be conditionally paid benefits without delay for any week(s) for

which you file a claim for benefits, until and unless you have been provided adequate notice and an opportunity to be heard.

~~(2) ((At your request, we will hold conditional payments when you are eligible for conditional payment under WAC 192-100-070.~~

~~(3) Payment will be issued for any payments withheld under subsection (2) of this section if we determine you are eligible for benefits.~~

~~(4))~~ Conditional payments will not be made under the conditions described in WAC 192-140-200 and 192-140-210.

WSR 17-06-056
PERMANENT RULES
DEPARTMENT OF HEALTH

(Board of Psychology)

[Filed February 28, 2017, 10:25 a.m., effective March 31, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-924-255 Suicide intervention training standards, the examining board of psychology has adopted rules to be consistent with 2015 amendments to RCW 43.70.442 requiring psychologists, by July 1, 2017, to take suicide prevention continuing education training only from those approved training programs listed on the department of health's model list.

Citation of Existing Rules Affected by this Order: Amending WAC 246-924-255.

Statutory Authority for Adoption: RCW 18.83.090 and 43.70.442.

Adopted under notice filed as WSR 16-20-073 on October 3, 2016.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: November 18, 2016.

Shari Roberts, Board Chair
Examining Board of Psychology

AMENDATORY SECTION (Amending WSR 14-01-071, filed 12/16/13, effective 1/1/14)

WAC 246-924-255 Suicide intervention training standards. (1) An approved training in suicide assessment, treatment, and management must:

~~(a) ((Be approved by the American Foundation for Suicide Prevention, the Suicide Prevention Resource Center, American Psychological Association, American Medical Association, regional or state psychological associations or their subchapters, psychology internship training centers, or an equivalent organization, educational institution or association which approves training based on observation and experiment or best available practices.~~

~~(b)) Cover training in suicide assessment, including screening and referral, suicide treatment, and suicide management((~~

~~(e));~~

~~(b) Be provided by a single provider and must be at least six hours in length, which may be provided in one or more sessions; and~~

~~(c) Be on the department's model list developed in accordance with RCW 43.70.442. Nothing in this section invalidates trainings completed according to this chapter before July 1, 2017.~~

(2) A licensed psychologist who is a state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(3) A licensed psychologist who is an employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(4) A licensed psychologist who obtained training under subsection (2) or (3) of this section may obtain continuing education credit for that training subject to documentation as defined in WAC 246-924-300.

WSR 17-06-062

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed February 28, 2017, 2:59 p.m., effective March 31, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-282-990, the purpose of the rule making is to equitably assess the costs of commercial geoduck paralytic shellfish poison (PSP) testing. The cost assessment will follow the annual redistribution formula that is based on the number of tests done in the previous year. The testing is essential to public health as it is the only way to determine if dangerous levels of PSP exist in commercial geoduck and ensure toxic shellfish do not reach consume [consumers].

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-990.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: RCW 69.30.050.

Adopted under notice filed as WSR 17-03-111 on January 17, 2017.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 22, 2017.

Clark Halvorson
Assistant Secretary

AMENDATORY SECTION (Amending WSR 16-07-094, filed 3/18/16, effective 4/18/16)

WAC 246-282-990 Fees. (1) The required annual shellfish operation license fees for shellstock shippers and shucker-packers due October 1, 2011, shall be reduced by twenty-five percent of the annual shellfish operation license fees in subsection (2) of this section. Beginning July 1, 2012, and for every subsequent year, the full annual shellfish operation license fees in subsection (2) of this section shall be assessed.

(2) Annual shellfish operation license fees are:

| Type of Operation | Annual Fee |
|------------------------------------------------------|------------|
| Harvester | \$263 |
| Shellstock Shipper | |
| 0 - 49 Acres | \$297 |
| 50 or greater Acres | \$476 |
| Scallop Shellstock Shipper | \$297 |
| Shucker-Packer | |
| Plants with floor space < 2000 sq. ft. | \$542 |
| Plants with floor space 2000 sq. ft. to 5000 sq. ft. | \$656 |
| Plants with floor space > 5000 sq. ft. | \$1,210 |

(3) The fee for each export certificate is \$55.00.

(4) Annual biotoxin testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

| Fee Category | Number of Harvest Sites | Fee |
|---------------------------------------|-------------------------|---------|
| Type of Operation | | |
| Harvester | ≤ 2 | \$353 |
| Harvester | 3 or more | \$535 |
| Shellstock Shipper | | \$198 |
| Wholesale | | |
| Company | | |
| Shellstock Shipper | ≤ 2 | \$393 |
| 0 - 49 acres | | |
| Shellstock Shipper | 3 or more | \$610 |
| 0 - 49 acres | | |
| Shellstock Shipper | N/A | \$961 |
| 50 or greater acres | | |
| Shucker-Packer | ≤ 2 | \$752 |
| (plants < 2000 ft ²) | | |
| Shucker-Packer | 3 or more | \$1,076 |
| (plants < 2000 ft ²) | | |
| Shucker-Packer | ≤ 2 | \$882 |
| (plants 2000 - 5000 ft ²) | | |
| Shucker-Packer | 3 or more | \$1,297 |
| (plants 2000 - 5000 ft ²) | | |
| Shucker-Packer | N/A | \$2,412 |
| (plants > 5000 ft ²) | | |

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1st of each year for companies licensed as harvesters; or
- (iii) July 1st of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(5) Annual PSP testing fees for companies harvesting geoduck are as follows:

| ((Harvester | Fee |
|---------------------------------------------------------------------------------------------|---------------------|
| Baywater, Inc. | \$655 |
| Department of natural resources (quota-tracts harvested by DNR contract holders) | \$11,305 |
| Discovery Bay Shellfish | \$492 |
| Jamestown S'Klallam Tribe | \$1,802 |
| Lower Elwha Klallam Tribe | \$3,932 |
| Lummi Nation | \$492 |
| Nisqually Tribe | \$328 |
| Port Gamble S'Klallam Tribe | \$1,802 |
| Puyallup Tribe of Indians | \$7,537 |

| ((Harvester | Cert # | Fee |
|------------------------------------------|-------------------|----------------------|
| Skokomish Indian Tribe | | \$2,294 |
| Squaxin Island Tribe | | \$328 |
| Suquamish Tribe | | \$20,644 |
| Swinomish Tribe | | \$819 |
| Tulalip Tribe | | \$5,571)) |
| <u>Harvester</u> | <u>Cert #</u> | <u>Fee</u> |
| <u>Department of Natural Resources</u> | <u>NA</u> | <u>\$10,163</u> |
| <u>Jamestown S'Klallam Tribe</u> | <u>WA-0588-SS</u> | <u>\$2,278</u> |
| <u>Lower Elwha Klallam Tribe</u> | <u>WA-0587-HA</u> | <u>\$4,556</u> |
| <u>Lummi Indian Business Council</u> | <u>WA-0098-SS</u> | <u>\$350</u> |
| <u>Nisqually Indian Tribe</u> | <u>WA-1268-HA</u> | <u>\$350</u> |
| <u>Port Gamble S'Klallam Tribe</u> | <u>WA-0859-HA</u> | <u>\$2,278</u> |
| <u>Puyallup Tribe of Indians</u> | <u>WA-1137-HA</u> | <u>\$6,483</u> |
| <u>Skokomish Indian Tribe</u> | <u>WA-0577-HA</u> | <u>\$175</u> |
| <u>Squaxin Island Tribe</u> | <u>WA-0737-HA</u> | <u>\$175</u> |
| <u>Suquamish Tribe</u> | <u>WA-0694-SS</u> | <u>\$18,924</u> |
| <u>Swinomish Indian Tribal Community</u> | <u>WA-1420-SS</u> | <u>\$1,227</u> |
| <u>The Tulalip Tribes</u> | <u>WA-0997-HA</u> | <u>\$8,060</u> |
| <u>Taylor Shellfish Company, Inc.</u> | <u>WA-0046-SP</u> | <u>\$2,979</u> |

(6) Fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(7) Refunds for fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WSR 17-06-063
PERMANENT RULES
HEALTH CARE AUTHORITY
(Washington Apple Health)

[Filed February 28, 2017, 3:20 p.m., effective March 31, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is amending WAC 182-502-0110 to clarify prior authorization requirements for dual-eligible clients when their medicare benefits exhaust. The amendments also add language to clarify that timely billing requirements must be met and that the agency may do postpayment review on claims. The revisions do not change current policy. The WAC section caption is being changed to better reflect the information in the section.

Citation of Existing Rules Affected by this Order: Amending WAC 182-502-0110.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 17-03-113 on January 17, 2017.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 28, 2017.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 16-13-157, filed 6/22/16, effective 7/23/16)

WAC 182-502-0110 Conditions of payment and prior authorization requirements—Medicare coinsurance, copayments, and deductibles. (1) The following people are eligible for benefits under this section:

(a) Dual-eligible clients enrolled in categorically needy Washington apple health programs;

(b) Dual-eligible clients enrolled in medically needy Washington apple health programs; or

(c) Clients enrolled in the qualified medicare beneficiary (QMB) program.

(2) The agency pays the medicare coinsurance, copayments, and deductibles for Part A, Part B, and medicare advantage Part C for an eligible person under subsection (1) of this section:

(a) Up to the published or calculated medicaid-only rate; and

(b) If the provider accepts assignment for medicare payment.

(3) If a medicare Part A recipient has remaining lifetime reserve days, the agency pays the deductible and coinsurance amounts up to the allowed amount as calculated by the agency.

(4) If a medicare Part A recipient has exhausted lifetime reserve days during an inpatient hospital stay, the agency pays the deductible and coinsurance amounts up to the agency-calculated allowed amount minus any payment made by medicare, and any payment made by the agency, up to the outlier threshold. Once the outlier threshold is reached, the agency pays according to WAC 182-550-3700.

(5) If medicare and medicaid cover the service, the agency pays the deductible and coinsurance up to medicare or medicaid's allowed amount, whichever is less.

(6) If only medicare covers the service, the agency pays the deductible and coinsurance up to the agency's allowed

amount established for a QMB client, and at zero for a non-QMB client.

(7) If a client exhausts medicare benefits, the agency pays for medicaid-covered services under Title 182 WAC and the agency's billing instructions.

(8) When medicaid requires prior authorization for a service covered by both medicare and medicaid:

(a) Medicaid does not require prior authorization when the client's medicare benefit is not exhausted.

(b) Medicaid does require prior authorization when the client's medicare benefit is exhausted. See also WAC 182-501-0050(5).

(9) Providers must meet the timely billing requirements under WAC 182-502-0150 in order to be paid for services.

(10) Payment for services is subject to postpayment review.

WSR 17-06-082

PERMANENT RULES

ENVIRONMENTAL AND

LAND USE HEARINGS OFFICE

[Filed March 1, 2017, 11:43 a.m., effective April 1, 2017]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the amendments which repeal WAC 242-03-070 and 242-03-080, are to allow the growth management hearings board to set meetings as needed instead of having a set monthly and annual meeting date, which are often not necessary. By repealing them, it allows the board to meet as needed and removes the need to cancel meetings that are scheduled but not necessary.

Citation of Existing Rules Affected by this Order: Repealing WAC 242-03-070 and 242-03-080.

Statutory Authority for Adoption: RCW 36.70A.270 (4) and (7).

Adopted under notice filed as WSR 16-22-012 on October 21, 2016.

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

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

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

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

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

Date Adopted: March 1, 2017.

Paulette Yorke
Administrative Manager

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 242-03-070 Regular meetings.

WAC 242-03-080 Annual and semiannual board meetings.