

(ii) Include a summary of the initial HCA decision being appealed and state why the appealing party believes the decision was incorrect; and

(iii) Provide any additional information or documentation that the appealing party would like considered in the review.

(b) Requests for review of an initial HCA decision regarding a disenrollment for nonpayment will be reviewed by the office of administrative hearings through a hearing conducted under chapter 34.12 RCW and RCW 34.05.488 through 34.05.494.

(c) All other requests for review of an initial HCA decision will be reviewed by a presiding officer designated by the HCA according to the requirements of RCW 34.05.488 through 34.05.494, with the following exception: These review decisions will be based on the record and documentation submitted, unless the presiding officer decides that an in-person or telephone hearing is needed. If an in-person or telephone hearing is needed, the presiding officer will decide whether to conduct the hearing as an informal hearing or formal adjudicative proceeding.

(d) The presiding officer will issue a written notice of the review decision, giving reasons for the decision, within twenty-one days of receiving the request for review, unless the presiding officer finds that additional time is needed for the decision.

(8) Enrollees who appeal a disenrollment decision that was based on eligibility issues and not related to premium payments may remain enrolled during the appeal process, provided:

(a) The appeal was submitted according to the requirements of this section; and

(b) The enrollee:

(i) Remains otherwise eligible;

(ii) Continues to make all premium payments when due; and

(iii) Has not demonstrated a danger or threat to the safety or property of the MHCS or health care authority or their staff, providers, patients or visitors.

(9) Enrollees who appeal a disenrollment decision related to nonpayment of premium or any issue other than eligibility will remain disenrolled during the appeal process.

(10) If the appealing party disagrees with a review decision under subsection (6) of this section, the appealing party may request judicial review of the decision, as provided for in RCW 34.05.542. Request for judicial review must be filed with the court within thirty days of service of the final agency decision.

[Statutory Authority: RCW 70.47.050, 01-23-095 (Order 00-01), § 182-25-105, filed 11/21/01, effective 1/1/02; 99-07-078, § 182-25-105, filed 3/18/99, effective 4/18/99; 98-07-002, § 182-25-105, filed 3/5/98, effective 4/5/98; 96-15-024, § 182-25-105, filed 7/9/96, effective 8/9/96.]

WAC 182-25-110 How to appeal a managed health care system (MHCS) decision. (1) Enrollees who are appealing a MHCS decision, including decisions related to coverage disputes; denial of claims; benefits interpretation; or resolution of complaints must follow their MHCS's complaint/appeals process.

(2) Each MHCS must maintain a complaint/appeals process for enrollees and must provide enrollees with instructions for filing a complaint and/or appeal. This complaint/appeals process must comply with the requirements of chapter 48.43 RCW and chapter 284-43 WAC.

(3) On the request of the enrollee, the HCA may assist an enrollee by:

(a) Attempting to informally resolve complaints against the enrollee's MHCS;

(b) Investigating and resolving MHCS contractual issues; and

(c) Providing information and assistance to facilitate review of the decision by an independent review organization.

[Statutory Authority: RCW 70.47.050, 01-23-095 (Order 00-01), § 182-25-110, filed 11/21/01, effective 1/1/02; 99-07-078, § 182-25-110, filed 3/18/99, effective 4/18/99; 96-15-024, § 182-25-110, filed 7/9/96, effective 8/9/96.]

Title 183 WAC

WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

Chapters

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Public records.

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Public hearing procedures.

Chapter 183-04 WAC

PUBLIC RECORDS

WAC

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Records index.

WAC 183-04-010 Purpose. The purpose of this chapter is to implement the public records provisions of chapter 42.17 RCW.

[Statutory Authority: Chapters 34.05, 42.17 RCW, 01-12-002, § 183-04-010, filed 5/23/01, effective 6/23/01.]

WAC 183-04-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Commission" means the Washington citizens' commission on salaries for elected officials. Where appropriate, the term "commission" also refers to the staff and employees of the commission.

(2) "Executive director" means the executive director of the commission.

(3) As used in this chapter:

(a) Citations to state statutes and regulations include such laws as now or hereafter amended.

(b) The singular shall take the plural and either gender, the other, as the context requires.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-020, filed 5/23/01, effective 6/23/01.]

WAC 183-04-030 Description of organization, operations, and procedures. A description of the commission's organization and the general course and method by which the commission's operations are channeled and determined, along with the nature and requirements of all formal and informal procedures are summarized as follows:

(1) The commission is a state agency authorized by Article 28, section 1 of the state Constitution and created in chapter 43.03 RCW. The commission studies and establishes salaries for the:

(a) Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner;

(b) Members of the legislature; and

(c) Justices of the supreme court, and judges of the courts of appeals, superior courts, and district courts.

(2) The commission's authority and duties are described in Article 28, section 1 of the state Constitution and in chapter 43.03 RCW.

(3) Membership on the commission is described in RCW 43.03.305. The commission may delegate certain duties to subordinates but remains responsible for the official acts of staff and employees.

(4) The commission's office is located at: 1210 Eastside Street, Olympia, Washington. The commission's telephone number is (360) 586-7542. The commission's FAX number is (360) 586-7544. The commission's website is at www.salaries.wa.gov and e-mails may be sent to the commission by accessing that site. The commission shall accept public records requests only at the locations and through the means described in WAC 183-04-040.

(5) The commission has an executive director who, as the chief administrative officer of the commission, is delegated authority over matters affecting the operation of the commission.

(6) As needed, the commission may also have additional staff and employees.

(7) The commission conducts its meetings in compliance with the Open Public Meetings Act, chapter 42.30 RCW and chapter 183-06 WAC.

(8) The commission's generally applicable statements of procedure are adopted as authorized by law and contained in Title 183 WAC.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-030, filed 5/23/01, effective 6/23/01.]

WAC 183-04-040 Where and when public records may be obtained. (1) The commission's office is not open on a full-time year-round basis. The public can find out the com-

mission's hours of operation by contacting the commission's general mailing address, telephone number, or website address identified in WAC 183-04-030.

(2) The public may nevertheless obtain public records year-round, as follows:

(a) Mail. The public may mail public records requests to the commission at any time, regardless of whether the office is open or not. When the office is closed, the commission makes arrangements for such requests to be handled. Requests by mail shall be addressed to the commission's mailing address: The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer, P.O. Box 43120; Olympia, WA 98504-3120. The front of the envelope shall conspicuously state: "Public Records Request."

(b) E-mail. When the commission's office is open, the commission will accept public disclosure requests by e-mail. E-mail requests shall be sent to the commission by accessing the commission's website at www.salaries.wa.gov and following the instructions for e-mail. E-mail requests shall contain the subject line "Public Records Request."

(c) FAX. When the commission's office is open, the commission will accept public disclosure requests by FAX. FAX requests shall be addressed to "The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to (360) 586-7544.

(d) In person. In person requests shall be made during the hours identified in WAC 183-04-050. When the commission's office is open, requests may be made in person at the commission's office. When the commission's office is closed, requests may be made in person at the Office of Financial Management, 6639 Capitol Blvd., Tumwater, Washington. FAX requests shall be addressed to "The Washington Citizens' Commission on Salaries for Elected Officials, c/o Public Records Officer" with the subject line "Public Records Request" and sent to the office of financial management (360) 664-3423.

(e) Telephone. Requests may not be made by telephone.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-040, filed 5/23/01, effective 6/23/01.]

WAC 183-04-050 Public records available. (1) The public may obtain public records of the commission under these rules, in accordance with chapter 42.17 RCW, and except as otherwise provided by law.

(2) Public records are available for public inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays (unless the requesting party and the commission agree on a different time) as described in WAC 183-04-040.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-050, filed 5/23/01, effective 6/23/01.]

WAC 183-04-060 Public records officer. The commission shall designate a public records officer to have charge of its public records. The public records officer shall be responsible for implementing the commission's public disclosure rules and for coordinating staff and employees in this regard.

The public records officer may choose such designees as may be appropriate.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-060, filed 5/23/01, effective 6/23/01.]

WAC 183-04-070 Requests for public records. Chapter 42.17 RCW requires the commission to prevent invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions and unreasonable disruptions of operations. Accordingly, the public may inspect, copy, or obtain copies of public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. No particular form of writing is required so long as the request complies with WAC 183-04-040 and contains the following additional information:

(a) The name, mailing address, and telephone number of the person requesting the record.

(b) The calendar date on which the request is made.

(c) Identification of the record requested with sufficient particularity that the commission can identify the requested record and make it available. Such identifying information might include the title, subject matter, and date of the record.

(d) A signed statement that the records will not be used for commercial purposes if a list of individuals is being requested, or for any other use prohibited by law.

(2) To facilitate processing the request, the person requesting the record may also include:

(a) Either a FAX number or an e-mail address, or both.

(b) A reference to the record as it is described in the current public record index maintained by the commission.

(3) The public may make written public records requests to the commission, by mail, by FAX, or by e-mail in accordance with WAC 183-04-040. Members of the public making public records requests in person who have not reduced their request to writing shall be asked to complete a short form with the needed information. The purpose of requiring written requests is to assist the commission in tracking, managing, and responding to requests in a timely and orderly fashion.

(4) The commission shall assist persons making public records requests to appropriately identify the public records being sought. The commission may ask the requesting party to clarify what information is being sought.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-070, filed 5/23/01, effective 6/23/01.]

WAC 183-04-080 Copying and fees. (1) Copying.

(a) The commission shall make copies on the commission's copy equipment when doing so will not unreasonably disrupt the operations of the commission or cause excessive interference with other essential functions.

(b) Persons requesting public records may use their own copying equipment and paper without charge when the use of such equipment does not cause damage or disorganization to the public records, unreasonably impede the operations of the commission or cause excessive interference with other essential functions. The commission may supervise such copying at all times.

(2) Fees.

(a) The commission shall not charge a fee for locating documents, for making them available, or for inspection of public records by the public.

(b) The commission may impose a reasonable fee for providing copies of public records, for use of the commission's equipment, and for mailing costs, postage, delivery costs, and other costs directly incident to copying the records. The commission shall not charge fees that exceed the amount necessary to reimburse the commission for its actual costs.

(c) The commission shall not provide copies to requesting parties unless associated fees have been paid in full by cash, check, or money order. To ensure that copies requested and made are actually paid for, the commission may require payment prior to making the copies.

(d) The commission may agree to provide copies without fee to federal, state, local, or tribal governments, or to others, when doing so is in the best interest of the commission.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-080, filed 5/23/01, effective 6/23/01.]

WAC 183-04-090 Disclosure procedure. (1) The commission shall review the requested public records prior to disclosure.

(2) If the records do not contain materials exempt from public disclosure, the commission shall disclose the records.

(3) If the records contain materials exempt from public disclosure, the commission shall deny disclosure of the exempt materials and disclose any remaining, nonexempt materials. At the time of the denial, the commission shall clearly specify in writing the reasons for the denial, including a statement of the specific exemptions or reason for denial of disclosure.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-090, filed 5/23/01, effective 6/23/01.]

WAC 183-04-100 Review of denials of requests for public records. For the purpose of judicial review, final agency action is deemed to have occurred at the end of the second business day after the requesting party receives notification of a denial of inspection.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-100, filed 5/23/01, effective 6/23/01.]

WAC 183-04-110 Records index. (1) Availability. The commission shall maintain and make available for public inspection and copying an index that provides identifying information for public records falling within the requirements of RCW 42.17.260.

(2) Form and content. The index shall be maintained in electronic form with copies available on paper. The index shall contain topic and subtopic headings.

(3) Location and availability. The index shall be available to the public under the same rules and on the same conditions as are applied to other public records.

(4) Schedule for revisions and updates. The commission will revise and update the index biennially.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-04-110, filed 5/23/01, effective 6/23/01.]

Chapter 183-06 WAC
PUBLIC HEARING PROCEDURES

WAC

183-06-010	Definitions.
183-06-020	Meetings.
183-06-030	Conduct of meetings and order of business.

WAC 183-06-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Chair" means the chair of the commission.

(2) "Commission" means the Washington citizens' commission on salaries for elected officials. Where appropriate, the term "commission" also refers to the staff and employees of the commission.

(3) "Executive director" means the executive director of the commission.

(4) As used in this chapter:

(a) Citations to state statutes and regulations include such laws as now or hereafter amended.

(b) The singular shall take the plural and either gender, the other, as the context requires.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-06-010, filed 5/23/01, effective 6/23/01.]

WAC 183-06-020 Meetings. (1) Other than executive sessions, the commission's regular meetings, special meetings, and emergency meetings are open to the general public.

(2) Regular meetings. In conformance with the requirement of RCW 43.03.310 that the commission schedule at least four public hearings to take public testimony on its proposed salary schedule, the commission shall schedule such hearings by majority vote. The public hearings so scheduled shall be "regular meetings" as defined by RCW 42.30.075. The commission shall fix the time and place of these public hearings and publish a schedule in the *Washington State Register*, in accordance with chapter 42.30 RCW, the Open Public Meetings Act.

(3) Special meetings. The chair or a majority of commission members may call a special meeting at any time in accordance with RCW 42.30.080. In addition, the time and place of special meetings scheduled at the same time that the regular meetings described in subsection (1) of this section are scheduled will also be published in the *Washington State Register*.

(4) Executive sessions. The chair or a majority of commission members may call an executive session at any time in accordance with RCW 42.30.110.

(5) The presence of any eight members of the commission shall constitute a quorum.

(6) The commission shall maintain records of proceedings as minutes of the meetings, duly recorded, and maintained at the commission's office.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-06-020, filed 5/23/01, effective 6/23/01.]

WAC 183-06-030 Conduct of meetings and order of business. (1) All commission meeting business shall be transacted by motion. Motions may be made by any commission member and shall require a second.

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(2) Voting on all motions shall be by voice vote unless a division is called for in which case the executive director shall call the role in alphabetical order and record the vote of each member present, "yea" or "nay."

(3) The order of commission meeting business shall be conducted as prescribed by the agenda.

(4) The executive director shall prepare each meeting's agenda in consultation with the chair.

(5) The commission shall approve the minutes of the preceding meeting as the first act of each meeting.

(6) The chair or any commission member may modify a meeting's agenda by motion.

(7) Public hearings. The commission seeks to foster public comment on proposed salary schedules through its public hearing process. The commission will, whenever possible, allow any person an opportunity to present written or oral testimony at its public hearings, upon compliance with reasonable procedures. Such procedures include, but may not be limited to, the following:

(a) Those wishing to present oral testimony shall sign the public testimony roster. The commission will call for public comments in the order appearing on the roster. Elected officials and expert witnesses may be scheduled first because their testimony may help answer pending questions from the public.

(b) To ensure that everyone attending the hearing can hear all oral testimony and questions, commenters shall speak using the microphone provided for the public, after being recognized by the presiding member of the commission. The presiding member of the commission is generally the chair.

(c) Oral testimony and questions should be addressed to the presiding member of the commission.

(d) Because the commission wants to hear from as many people as possible, the commission may place reasonable limits on the time allowed for oral testimony. Time for testimony is generally limited to five minutes per person. Answers to questions from the commission is generally limited to three minutes.

(e) Persons testifying, whether orally or in writing, shall state their name and identify whether they represent an organization. If they represent an organization, they shall identify the organization. At their option, they may also state their address.

(f) Commenters should focus their testimony on the relationship between elected officials' salaries and the duties of their position (RCW 43.03.300 and 43.03.310(1)). Testimony should not focus on elected officials' job performance. Consideration of job performance is allocated to the voters, not the commission.

(g) Commenters shall briefly describe the identity and nature of any documents referenced in their comments, and indicating where the document can be reviewed or obtained.

[Statutory Authority: Chapters 34.05, 42.17 RCW. 01-12-002, § 183-06-030, filed 5/23/01, effective 6/23/01.]