

**WSR 06-04-068**  
**AGENDA**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 30, 2006, 4:21 p.m.]

Following is the department of social and health services' semi-annual rule-making agenda for January 1, 2006, through June 30, 2006. This agenda will be published in the State Register under RCW 34.05.314 and distributed to interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents the department of social and health services (DSHS) rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

**Semi-Annual Rule-Making Agenda**  
**January 1, 2006 through June 30, 2006**

This report describes rules under development by DSHS administrations, divisions and other operating units from January 1, 2006, through June 30, 2006, as well as rule-making notices filed or effective near the end of the previous six-month period. DSHS files this rule-making agenda with the office of the code reviser twice each year to comply with

RCW 34.05.314. There may be additional DSHS rule-making activity that cannot be forecasted as the department initiates rule making to implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. This document is available at the DSHS public rule-making web site, <http://www1.dshs.wa.gov/msa/rpau/>.

If you have questions about this rule-making agenda or DSHS rule making under the Administrative Procedure Act, please contact Andy Fernando, DSHS Rules Coordinator, at P.O. Box 45850, Olympia, WA 98504-5850, by phone at (360) 664-6094, or by e-mail at [FernaAX@dshs.wa.gov](mailto:FernaAX@dshs.wa.gov).

- If you would like to receive DSHS rule-making notices by e-mail, please visit the DSHS rules and policies assistance unit (RPAU) web site for available electronic mailing lists, at <http://www1.dshs.wa.gov/msa/rpau/RPAU-Listserv.htm>.
- If you would like to receive paper copies of DSHS rule-making notices, please contact Stephanie Schiller, Rules Consultant, at (360) 664-6097, or by e-mail at [SchilSE@dshs.wa.gov](mailto:SchilSE@dshs.wa.gov).

Following the tables are explanations of the terms "pre-proposal notice," "proposed rule," "expedited rule," "permanent rule," "emergency rule," "WSR" and other selected terms used in this rule-making agenda.

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
<b>Aging and Disability Services Administration (ADSA)</b>							
<b>ADSA-Division of Developmental Disabilities (DDD)</b>							
Chapter 388-820 WAC (new chapter name and subject) and other related rules	Support intensity scale module	Defining requirements for administering the new module for clients authorized to receive supportive living services.	Mark Eliason ADSA-DDD		WSR 05-23-132 Filed 11/21/05		
(New) chapter 388-824 WAC	DDD mini-assessment	Creating a developmental disabilities mini-assessment process per legislative directive.	Mark Eliason ADSA-DDD		WSR 04-23-103 Filed 11/16/04	WSR 05-09-084 1st Hearing 6/7/05 Supplemental WSR 05-16-084 2nd Hearing 9/6/05	WSR 05-23-030 Effective 12/10/05
Chapter 388-825 WAC	DDD services rules	Implementing a legislative directive to create a flexible family support pilot project.	Shirley Everard ADSA-DDD	WSR 06-02-042 Filed 12/29/05	WSR 05-13-174 Filed 6/21/05	WSR 05-24-090 Hearing 1/10/06	
WAC 388-825-105, 388-825-130, 388-825-145, 388-825-155, and related rules	DDD services rules	Amending the time frames for giving notice to residents of a state residential habilitation center being transferred to the community per RCW 71A.20.-080.	Steve Brink ADSA-DDD		WSR 06-03-116 Filed 1/17/06		

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WAC 388-825-228 and 388-825-254	DDD services rules	Increasing vendor and individual provider rates as directed in the 2005-07 state operating budget, chapter 518, Laws of 2005.	Shirley Everard ADSA-DDD	WSR 05-23-080 Filed 11/15/05	WSR 05-15-094 Filed 7/15/05		
Chapter 388-826 WAC	Voluntary placement program (VPP)	Adopting rules regarding the foster care rate assessment and structure.	Linda Gil ADSA-DDD		WSR 04-17-104 Filed 8/17/04	WSR 06-01-096 Hearing 1/24/06	To be filed by early February 2006
(New) chapter 388-828 WAC and related rules	DDD assessment	Defining requirements for administering the assessment to eligible clients with developmental disabilities.	Mark Eliason ADSA-DDD		WSR 05-23-133 Filed 11/21/05		
(New) chapter 388-828A WAC and related rules	DDD plan of care module	Adopting new rules defining requirements for implementing a plan of care module for eligible clients with developmental disabilities.	Mark Eliason ADSA-DDD		WSR 06-02-072 Filed 1/3/06		
Chapter 388-835 WAC	ICF/MR program and reimbursement system	Amending language to reflect new rates for intermediate care facilities for the mentally retarded.			Planned for future action		
Chapter 388-845 WAC (new)	DD home and community based waiver services	Implementing new home and community based services allowed under federal waivers.	Steve Brink ADSA-DDD	WSR 05-19-044 Filed 9/15/05	WSR 03-20-103 Filed 9/30/03	WSR 05-17-055 Hearing 10/11/05	WSR 06-01-024 Effective 1/13/06
Chapter 388-850 WAC	County plan for developmental disabilities	Rewriting rules in "plain talk" format and clarifying language.			Planned for future action		
Chapter 388-853 WAC	Cost of care for mentally deficient persons residing in state institutions	Repealing all sections in this chapter. The same subject matter is covered in chapter 388-835 WAC and these rules are now obsolete.	Jeannie Johnson ADSA-DDD		WSR 05-15-096 Filed 7/15/05		
<b>ADSA - Home and Community Services (HCS)</b>							
Chapters 388-71, 388-106, and 388-110 WAC	Home and community services; Long-term care; and Contracted residential care services	Clarifying the intent of rules related to the recent adoption of new chapter 388-106 WAC, including: Scope and definitions, application for services, CARE assessment, Medicaid personal care, COPES, medically needy residential waiver and other rules.	Tiffany Servuk ADSA-HCS	WSR 06-01-090 Filed 12/20/05 (WAC 388-106-0010 only)	WSR 05-16-079 Filed 8/1/05	WSR 05-23-029 Hearing 1/10/06	

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WAC 388-71-0900 through 388-71-0965; new WAC 388-106-1000 through 388-865-1055	Home and community services and programs; Long-term care services	Revising definitions and scope of private duty nursing services authorized, and describing the need to document required services. Rules in chapter 388-71 WAC are repealed and adopted new in chapter 388-106 WAC.	Doris Barret ADSA-HCS		WSR 05-14-073 Filed 6/30/05	WSR 05-19-127 Hearing 10/25/05	WSR 05-24-091 Effective 1/6/06
(New) WAC 388-106-0047	Long-term care services	Clarify eligibility; denial and termination; and other policy changes. Note: ADSA-HCS plans to revise the supplemental rule and will repropose it at a later date.	Tiffany Sevruck ADSA-HCS		WSR 05-01-128 Filed 12/15/04	WSR 05-15-146 1st Hearing 8/23/05 Supplemental proposal, WSR 05-20-080 2nd Hearing 11/8/05	
Chapter 388-106 WAC	Long-term care services	Adopting new freedom waiver services rules.	Rosemary Biggins ADSA-HCS		WSR 05-05-080 Filed 2/15/05		
Chapter 388-106 WAC	Long-term care services	Adding eligibility criteria and implementing the Washington Medicaid integration partnership (WMIP).	Tiffany Sevruck ADSA-HCS		WSR 05-06-083 Filed 3/1/05		
WAC 388-112-0010 and 388-112-0250	Residential long-term care	Correcting errors and obsolete cross references in these rules without changing their effect.	Barbara Hanneman ADSA-HCS		Exempt	To be filed by early February 2006	
WAC 388-112-0210 and 388-112-0255	Residential long-term care	Adding the 0.5 hours per year of safe food handling continuing education for adult family home caregivers required by RCW 70.128.010; and adding first aid training requirements.	Tiffany Sevruck ADSA-HCS		WSR 05-16-080 Filed 8/1/05	WSR 05-21-099 Hearing 11/22/05	WSR 06-01-046 Effective 1/15/06
<b>ADSA - Office of Rates Management</b>							
Chapter 388-105 WAC	Medicaid rates for contracted home and community residential care services	Accepting payments, other items from clients, friends or family.	Patricia Hague ASDA Office of Rates Management		WSR 04-10-089 Filed 5/4/04		
Chapter 388-105 WAC	Medicaid rates for contracted home and community residential care services	Vendor rate increase; bed-hold rules.	Patricia Hague ASDA Office of Rates Management (WSR 04-20-100 replaces WSR 04-06-088)		WSR 04-20-100 Filed 10/5/04		

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Amending WAC 388-105-0005, and 388-105-0045, and repealing WAC 388-105-0010, 388-105-0020, 388-105-0025, 388-105-0030, and 388-105-0040	Medicaid rates for contracted home and community residential care services	Updating Medicaid rates; clarifying bed hold rules; adopting permanently the capital add-on emergency WAC; and adopting new requirements on supplementation of Medicaid rates.	Patricia Hague ASDA Office of Rates Management		WSR 05-13-127 Filed 6/20/05	WSR 06-03-119 Hearing 2/21/06	
WAC 388-105-0035	Medicaid rates for contracted home and community residential care services	Limiting the capital add-on rate limit to licensed boarding homes with assisted living facilities and a minimum Medicaid occupancy percentage.	Patricia Hague ASDA Office of Rates Management	WSR 06-01-089 Filed 12/20/05	See WSR 05-13-127 Filed 6/20/05		
<b>ADSA - Residential Care Services (RCS)</b>							
Chapter 388-78A WAC	Boarding homes	Increasing options for providing adult day services; increasing training options; and making rules comply with new 2005 laws.	Denny McKee ASDA-RCS		WSR 05-10-085 Filed 5/3/05	WSR 05-20-079 Hearing 12/6/05	WSR 06-01-047 Effective 1/15/06
Chapter 388-101 WAC	Certified community residential services and supports	Adopting new or revising rules on health and safety, community protection, assessments, appeals, and other provisions.	John Gaskell ASDA-RCS		WSR 05-07-132 (replaces WSR 05-01-127) Filed 3/22/05		
<b>Children's Administration</b>							
WAC 388-32-0030	Child welfare services to prevent out of home placement and achieve family reconciliation	Adopting a new evidence-based service option for family reconciliation services that may require more than twelve hours of counseling or take longer than forty-five days.	Tim Kelly Children's Administration		WSR 06-02-074 Filed 1/3/06		
Chapter 388-39A WAC	Child welfare services— Complaint resolution	Same.	Children's Administration		Planned for future action		
Chapter 388-61A WAC	Shelters for victims of family violence	Clarifying confidentiality requirements, fire safety requirements, and appeal rights.	Susan Hannibal Children's Administration		WSR 03-22-087 Filed 11/5/03		
Chapter 388-149 WAC	Licensing standards for special model foster homes	Developing consistent standards and providing for regular monitoring.	Deborah Reed Children's Administration		WSR 01-15-080 Filed 7/17/01		

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WAC 388-160-0195	When must the department deny, suspend or revoke a license?	Expedited rule-making. Correcting a typographical error in subsection (2).	Deborah Reed Children's Administration		Exempt	Expedited rule notice WSR 05-21-104 No objections received	WSR 06-03-047 Effective 2/10/06
<b>Economic Services Administration (ESA)</b>							
<b>ESA - Community Services Division (CSD)</b> No current rule-making activity							
<b>ESA - Division of Child Care and Early Learning (DCCEL)</b>							
Chapter 388-151 WAC; new chapter 388-297 WAC	Minimum requirements for child care centers	Reorganizing and clarifying minimum requirements for centers caring exclusively for school-aged children; repealing all sections of chapter 388-151 WAC and moving the subject matter to new chapter 388-297 WAC.	Liz Egge ESA-DCCEL		WSR 03-20-025 (notice withdrawn, see WSR 06-03-114)		
Chapter 388-290 WAC	Working connections child care (WCCC)	Correct typographical errors and other errors in existing rules.	Lisa Lind ESA-DCCEL		WSR 04-13-046 (notice withdrawn, see WSR 06-03-114)		
WAC 388-290-0125 and 388-292-0085	Working connections child care (WCCC) seasonal child care	Requiring a social security number or employer identification number (SSN/EIN) for providers who wish to accept child care subsidies.	Sheri Bruu-DeLeon ESA-DCCEL		WSR 06-01-041 Filed 12/5/05		
Chapter 388-290 WAC	Working connections child care (WCCC)	Revising rules to match changes made in the TANF/Work-First program.	Sheri Bruu-DeLeon ESA-DCCEL		Planned for future action		
Chapter 388-290 WAC	Working connections child care (WCCC)	Revising rules to implement cost savings due to budget constraints.	Sheri Bruu-DeLeon ESA-DCCEL		WSR 05-06-078 (notice withdrawn, see WSR 06-02-069)		
Chapter 388-290 WAC	Working connections child care (WCCC)	Revising third party payment rules for consumers who receive in-home care to comply with federal IRS directives.	Lisa Lind ESA-DCCEL		WSR 05-13-176 Filed 6/21/05	WSR 05-17-193 Hearing 9/27/05	WSR 05-22-078 Effective 12/1/05
WAC 388-290-0045, 388-290-0055, 388-290-0190, and related sections	Working connections child care (WCCC)	Implementing the governor's WorkFirst redesign; updating cross references in related rules; clarifying WCCC eligibility and payment requirements.	Sheri-Bruu Deleon ESA-DCCEL		WSR 06-04-020 Filed 1/23/06		
Chapter 388-295 WAC	Minimum licensing requirements for child care centers	Correcting errors made previously, and reflecting new federal food code requirements.	Liz Egge ESA-DCCEL		WSR 05-08-059 Filed 3/31/05		

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Chapter 388-296 WAC	Minimum licensing requirements for family home child care	Correcting errors and clarifying rules, and revising regulations related to fire safety.	Joel Roalkvam ESA-DCCEL		WSR 05-07-131 Filed 3/22/05		
Chapter 388-296 WAC	Minimum licensing requirements for family home child care	Revising rules as requested by rule-making petition, and clarifying other rules without changing their effect.	Judy Jaramillo ESA-DCCEL		WSR 06-01-043 Filed 12/15/05		
Chapter 388-296 WAC	Minimum licensing requirements for family home child care	Revising rules to include: STARS (state training and registry system); federal employer identification numbers requirements; and corporal punishment rules.	Judy Jaramillo ESA-DCCEL		WSR 06-01-042 Filed 12/15/05		
<b>ESA Division of Child Support (DCS)</b>							
Chapter 388-14A WAC	Division of child support rules	Adopting rules regarding distributing child support payments by electronic funds transfer or stored value cards instead of by check.	Nancy Koptur ESA-DCS		WSR 06-02-075 Filed 1/3/06		
WAC 388-14A-1020, 388-14A-2005, 388-14A-2025, 388-14A-2035, 388-14A-2036, 388-14A-2040, and 388-14A-3350	Division of child support rules	Clarifying when a claim for child support is started as a result of a client applying for Medicaid or medical-only assistance.	Nancy Koptur ESA-DCS	WSR 06-02-039 Filed 12/28/05	WSR 05-17-139 Filed 8/19/05	WSR 05-21-103 Hearing 12/6/05	WSR 06-03-120 Effective 2/17/06
WAC 388-14A-1020, 388-14A-3140, 388-14A-3370, 388-14A-3600, 388-14A-3810, 388-14A-6300, and other related rules	Division of child support rules	Court ordered parenting plans; equal time custody split.	Nancy Koptur ESA-DCS		WSR 04-09-036 Filed 4/13/04		
WAC 388-14A-1055	Division of child support rules	Updating a reference to a United States code citation that no longer exists.	Nancy Koptur ESA-DCS		WSR 05-23-109 Filed 11/18/05	WSR 06-03-045 Hearing 2/21/06	
WAC 388-14A-2160	If my information is confidential, can DCS report me to a credit bureau?	Procedures for reporting to consumer reporting agencies (credit bureaus).	Nancy Koptur ESA-DCS		WSR 05-08-087 Filed 4/1/05	WSR 06-03-020 Hearing 2/21/06	

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WAC 388-14A-3205	Division of child support rules	Clarifying procedures regarding completion of worksheets under the state child support schedule in a foster care case.	Nancy Koptur ESA-DCS		WSR 06-02-073 Filed 1/3/06		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Revising rules on modification of support orders.	Nancy Koptur ESA-DCS		WSR 03-22-054 Filed 10/31/03		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Modifying a support order when it will not change by more than the current standard.	Nancy Koptur ESA-DCS		WSR 01-13-020 Filed 6/11/01		
WAC 388-14A-4000 and 388-14A-6300	Division of child support rules	Revising rules on payments on child support arrearages.	Nancy Koptur ESA-DCS		WSR 03-23-106 Filed 11/18/03		
WAC 388-14A-4605	Division of child support rules	Clarifying when the department can post the noncustodial parent's picture on the DCS "Most wanted" web site.	Nancy Koptur ESA-DCS		WSR 05-19-119 Filed 9/20/05	WSR 05-23-079 Hearing 12/27/05	WSR 06-03-026 Effective 2/6/06
(New) WAC 388-14A-4700, 388-14A-4705, 388-14A-4710, and 388-14A-4715	Division of child support rules	Per a rule-making petition, adopting new rules regarding when the department may prorate child support obligations of a noncustodial parent.	Nancy Koptur ESA-DCS		WSR 05-22-046 Filed 10/27/05 (replaced WSR 02-03-010)	WSR 06-03-021 Hearing 2/21/06	
<b>ESA - Division of Employment and Assistance Programs (DEAP)</b>							
Chapters 388-310 and 388-484 WAC	WorkFirst, TANF/SFA five-year time limits	Insuring that recipients receive employability evaluations; Establishing termination criteria; Modifying time limit extension approval criteria.	Sandy Jsames ESA-DEAP		WSR 05-22-099 Filed 11/1/05	To be filed by early February 2006 Hearing 3/7/06	
WAC 388-310-0300 and 388-310-1450	WorkFirst	Clarifying WorkFirst infant care exemptions.	Aurea Figueroa ESA-DEAP		WSR 05-20-085 Filed 10/4/05		
Multiple chapters from 388-400 through 388-492 WAC	Assistance rules	Revising eligibility rules for the state Basic Food program, Washington combined application project, temporary assistance to needy families, state financial assistance and other programs.	John Camp ESA-DEAP		WSR 05-08-091 Filed 4/1/05	Several proposals, see WSR 05-18-067, 05-20-053, 05-18-065, 05-20-054, and 06-01-088	For final rules, see WSR 05-22-075, 05-23-081, 05-22-075 [05-23-028], and 05-23-082

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WAC 388-400-0005, 388-400-0025, 388-400-0040, 388-418-0007, 388-418-0011, and 388-418-0020	Six-month reporting process	Updating and streamlining the rules to prevent clients who receive benefits from more than one program from receiving multiple reports.	John Camp ESA-DEAP		WSR 05-21-095 Filed 10/18/05		
WAC 388-406-0005	Applying for assistance	Adopting rules on processing applications from persons with serious mental illness to assure that medical benefits are reinstated when the person leaves a public institution.	Doug Sevin ESA-DEAP		WSR 05-23-110 Filed 11/18/05	WSR 06-04-045 Hearing 3/7/06	
WAC 388-406-0015	Can I get Basic Food right away?	Making expedited approval requirements consistent with federal regulations and with recent state law on transitional food assistance.	Rebecca Henrie ESA-DEAP		WSR 05-08-091 Filed 4/1/05	WSR 05-18-067 Hearing 10/11/05	WSR 05-22-075 Effective 12/1/05
WAC 388-406-0055, 388-408-0035, 388-489-0005, 388-489-0010, 388-489-0015, 388-489-0020, and 388-489-0025	Transitional food assistance (TFA) and related rules	The department is reviewing options selected in the initial implementation of TFA, and plans to adjust program eligibility consistent with the TFA program purposes.	John Camp ESA-DEAP		WSR 05-23-011 Filed 11/4/05		
WAC 388-408-0035	Who is in my assistance unit for Basic Food?	Updating the rule for status of mandatory assistance unit members to comply with federal guidance.	Rebecca Henrie ESA-DEAP		WSR 05-20-084 Filed 10/4/05		
WAC 388-414-0001	Do I have to meet all eligibility requirements for Basic Food?	Clarifying what "categorically eligible" means and how it affects what information a client is required to give DSHS.	Rebecca Henrie ESA-DEAP		WSR 05-08-091 Filed 4/1/05	WSR 05-20-053 Hearing 11/8/05	WSR 05-23-081 Effective 1/1/06
WAC 388-426-0005	Client complaints	Revising the rule to comply with federal food stamp regulations.	John Camp ESA-DEAP		WSR 06-03-018 Filed 1/6/06		
WAC 388-437-0001	Disaster food stamp program	Clarifying how the department requests changes to the food stamp program when the president declares parts of the state as a disaster area.	Ken Adney ESAS-DEAP		WSR 05-08-091 Filed 4/4/05	WSR 05-18-065 Hearing 10/11/05	WSR 05-23-028 Effective 12/9/05
Chapter 388-444 WAC	Food stamp employment and training	Simplifying the rules to be easier for the public to read and use.			Planned for future action		



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WAC 388-446-0015	Intentional program violation and disqualification hearings	Removing language that is inconsistent with federal requirements, adding language prohibiting trafficking of food benefits.	Amber Gillum ESA-DEAP		WSR 05-08-091 Filed 4/1/05	WSR 05-20-054 Hearing 11/8/05	WSR 05-23-082 Effective 1/1/06
WAC 388-450-0005, 388-450-0015, 388-450-0080, 388-450-0085, and 388-450-0175	Income	Updating policy on how the department treats various sources of income when determining eligibility and benefits.	John Camp ESA-DEAP		WSR 05-21-094 Filed 10/18/05	WSR 06-04-044 Hearing 3/7/06	
WAC 388-450-0055	How does money from other agencies or organizations count against my benefits?	Clarifying policy on the treatment of needs-based assistance payments when determining eligibility for assistance.	Steve Ebben ESA-DEAP		WSR 05-22-069 Filed 10/31/05	WSR 06-01-087 Hearing 1/24/06	To be filed by early February 2006
WAC 388-450-0195	Utility allowances for Basic Food programs	Amending utility allowances used to determine client eligibility to allow for higher home heating costs.	John Camp ESA-DEAP		WSR 06-03-117 Filed 1/17/06		
WAC 388-450-0200	Income	Revising how medical expenses for the elderly or persons with disabilities is counted or excluded when applying for food benefits.	Rebecca Henrie ESA-DEAP		WSR 05-08-091 Filed 4/1/05	WSR 06-01-088 Hearing 1/24/06	To be filed by early February 2006
WAC 388-452-0010	Family violence amendment	Replacing the term "amendment" with "option" and making other clarifying changes.	Stacey Bushaw ESA-DEAP		WSR 05-18-032 Filed 8/30/05	WSR 05-23-108 Hearing 12/27/05	WSR 06-03-048 Effective 2/10/06
Chapter 388-460 WAC	Payees on benefit issuances	Adopting changes to protective payee policies.	Brent Low ESA-DEAP		WSR 01-23-067 Filed 11/20/01		
WAC 388-478-0015	Standards for payments	Amending the rule to adjust for anticipated changes in costs of basic needs. A corrected final rule notice WSR 05-23-012 was filed changing the effective date of this rule to January 1, 2006.	Mark Neal ESA-DEAP		WSR 05-16-081 Filed 8/1/05	WSR 05-19-058 Hearing 10/25/05	WSR 05-22-077 and 05-23-012 Effective 1/1/06
WAC 388-478-0015	Standards for payments	Correcting a typographical error in the rule that occurred in the adoption of WSR 05-22-077.	Steve Ebben ESA-DEAP		Exempt	WSR 06-02-041 Hearing 2/7/06	

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WAC 388-478-0055	Standards for payments	Implementing 2005 law increasing state supplemental payments for persons residing in nursing facilities.	Steve Ebben ESA-DEAP	WSR 05-22-101 Filed 11/1/05	WSR 05-13-173 Filed 6/21/05	WSR 05-22-100 Hearing 12/6/05	WSR 06-01-045 Effective 1/15/06
<b>Health and Recovery Services Administration (HRSA)</b>							
<b>HRSA - Alcohol and Substance Abuse (ASA)</b>							
Chapter 388-800 WAC	Chemical dependency assistance programs	Clarifying rules; updating references to patient eligibility standards; clarifying the process for secondary ADATSA clients.	Emilio Vela HRSA-ASA		WSR 05-02-065 Filed 1/4/05		
Chapter 388-805 WAC	Certification requirements for chemical dependence service providers	Implementing changes required by chapter 70, Laws of 2005 and chapter 166, Laws of 2004 regarding chemical dependency treatment services.	Deb Cummins HRSA-ASA		WSR 05-17-191 Filed 8/24/05		
Chapter 388-810 WAC	Administration of county chemical dependency prevention, treatment, and support program	Clarifying rules; updating definition and requirements for a county designated chemical dependency specialist.	Earl Long HRSA-ASA		Planned for future action		
<b>HRSA - Mental Health (MH)</b>							
WAC 388-865-0100 through 388-865-0484	Community mental health and involuntary treatment programs	Revising rules consistent with the federal Balanced Budget Act, and for quality improvement.	Karie Castleberry HRSA-MH		WSR 03-08-077 Filed 4/1/03		
WAC 388-865-0201	Community mental health and involuntary treatment programs	Implementing the freedom of choice federal waiver; and to implement chapter 518, Laws of 2005.	Karie Castleberry HRSA-MH	WSR 05-22-041 Filed 10/27/05	WSR 05-14-072 Filed 6/30/05		
<b>HRSA - Medical Assistance (MA)</b>							
WAC 388-408-0055	Assistance units	Determining eligibility under SSI rules when an SSI-related individual is not determined eligibility under this chapter.	Joanie Scotson HRSA-MA		WSR 04-18-068 Filed 8/30/04	WSR 05-15-079 Hearing 8/23/05	WSR 06-04-021 Effective 2/23/06
WAC 388-416-0020	Certification periods for medical coverage	Clarifying that the medically needy (MN) effective date begins the first day of the base period.	Wendy Forslin HRSA-MA		WSR 06-01-086 Filed 12/20/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-418-0025, 388-424-0010, 388-450-0210, 388-505-0210, and 388-523-0130	Children's health program	Reinstating the children's health program for children with family income up to 100% of the federal poverty level and not otherwise eligible for Medicaid, per 2005 law E2SHB 1441.	Kathy Johansen HRSA-MA		WSR 05-13-135 Filed 6/20/05	WSR 05-18-068 Hearing 10/11/05	WSR 05-23-013 Effective 1/1/06
WAC 388-434-0005	Eligibility reviews and recertifications	Eliminating requirements for one parent to sign an eligibility review; allowing telephone interviews.	Mary Wood HRSA-MA		WSR 04-07-086 (notice withdrawn, see WSR 06-04-043)		
WAC 388-438-0110	Alien emergency medical (AEM)	Removing automatic AEM eligibility for client meeting COPES/nursing facility level of care; and changing AEM covered services.	Joan Scotson HRSA-MA	WSR 05-22-066 Filed 10/31/05	WSR 05-18-062 Filed 9/6/05	WSR 05-22-067 Hearing 12/6/05	WSR 06-04-047 Effective 2/26/06
WAC 388-475-0550, 388-475-0700, 388-475-0800, 388-475-0820, and 388-475-0860	SSI-related medical and healthcare for workers with disabilities program	Amending rules to comply with federal Public Law 108-203.	Mary Beth Ingram HRSA-MA	WSR 05-21-026 Filed 10/10/05	WSR 04-23-101 Filed 11/17/04	WSR 05-19-126 Hearing 10/25/05	WSR 06-04-046 Effective 2/26/06
WAC 388-478-0070 and 388-478-0080	Standards for payments	Implementing the January 1, 2006, federal standards for SSI-related, categorically needy, and medically needy income levels.	Wendy Forslin HRSA-MA	WSR 06-02-045 Filed 12/29/05	WSR 05-22-097 Filed 11/1/05	WSR 06-02-076 Hearing 2/7/06	
WAC 388-478-0075	Standards for payments	Reinstating the children's health program for noncitizen children with family income at or below 100% of the federal poverty level and not eligible for Medicaid.	Kathy Johansen HRSA-MA		WSR 05-13-135 Filed 6/20/05	WSR 05-23-078 Hearing 12/27/05	WSR 06-03-080 Effective 2/12/06
WAC 388-478-0075 and 388-478-0085	Standards for payments	Amending these rules to update the medical programs standards to reflect the upcoming April 1, 2006, federal increase in the federal poverty level.	Wendy Forslin HRSA-MA		WSR 06-04-051 Filed 1/27/06		
Chapters 388-500, 388-501, and 388-529 WAC, other chapters as appropriate	Updating several chapters	Clarifying and correcting inaccurate, outdated, or inconsistent information; and correcting obsolete cross references	Kevin Sullivan HRSA-MA		WSR 05-17-140 Filed 8/19/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-501-0135	Patient review and restriction	Allowing the department to restrict a client to one narcotic prescriber.	Kathy Sayre HRSA-MA		WSR 05-06-079 Filed 3/1/05		
WAC 388-501-0165	Determination process for coverage of medical equipment or medical or dental services	Adopting an evidence-based approach to evaluating requests for medical services and equipment.	Kevin Sullivan HRSA-MA		WSR 05-08-088 Filed 4/1/05	WSR 05-17-160 Hearing 9/27/05	WSR 05-23-031 Effective 12/9/05
WAC 388-502-0100, 388-519-0100, and 388-865-0217	Covered emergency services	Clarifying the emergency medical expense requirement (EMER) policy.	Ann Myers HRSA-MA		WSR 06-03-019 Filed 1/6/06		
WAC 388-502-0150	Administration of medical programs	Extending the time limit to submit a claim after Medicare has processed the claim.	Diane McMasters HRSA-MA		WSR 04-23-100 Filed 11/17/04		
WAC 388-502-0160	Administration of medical programs	Updating and clarifying the scope of the rule.	Wendy Boedigheimer HRSA-MA		WSR 04-16-087 Filed 8/2/04		
WAC 388-502-0160	Administration of medical programs	Implementing budget reductions directed by the legislature.	Wendy Boedigheimer HRSA-MA		WSR 04-07-088 Filed 3/16/04		
WAC 388-513-1305, 388-513-1315, 388-513-1320, 388-513-1330, and 388-513-1345	Institutional medical eligibility	Correcting obsolete WAC cross references.	Mary Beth Ingram HRSA-MA		Exempt	WSR 06-03-078 Hearing 2/21/06	
WAC 388-513-1350	Client not in own home—Institutional medical	Changing the maximum resource amount for a community spouse effective July 1, 2005.	Lori Rolley HRSA-MA	WSR 06-02-043 Filed 12/29/05	WSR 05-13-139 Filed 6/20/05 (replaced withdrawn WSR 05-11-072)		
WAC 388-513-1360	Client not in own home—Institutional medical	Repealing the rule. Information from this rule may be moved to WAC 388-513-1350.	Lori Rolley HRSA-MA		WSR 05-13-131 Filed 6/20/05		
WAC 388-513-1380	Client not in own home—Institutional medical	Updating the community spouse income standard and excess shelter standard per federal standards effective 4/1/05; and the 7/1/05 personal needs allowance for clients in a nursing facility.	Lori Rolley HRSA-MA	WSR 06-02-044 Filed 12/29/05	WSR 05-13-138 Filed 6/10/05 (replaced withdrawn WSR 05-11-073)	WSR 06-01-044 Hearing 1/24/06	

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-515-1505	Alternate living—Institutional	Adding the program for all-inclusive care (PACE), Medicare/Medicaid integration program (MMIP) and new freedom rules to this section.	Lori Rolley HRSA-MA		WSR 05-13-129 Filed 6/20/05 (replaced with- drawn WSR 05- 06-084)	WSR 05-23-163 Hearing 12/27/05	WSR 06-03-079 Effective 2/12/06
Chapter 388-517 WAC	Medicare savings programs	Revising rules to reflect federal requirements on copayments, policies and program eligibility.	Carole McRae HRSA-MA		WSR 05-17-137 Filed 8/19/05		
Chapter 388-526 WAC	Medical assistance administrative hearings	Defining the scope of the rule and adding procedural requirements to MAA's client hearing process.	Kevin Sullivan HRSA-MA		WSR 04-04-096 Filed 2/3/04		
Chapter 388-527	Estate recovery	Revising the rule chapter to implement 2005 legislation (SHB 2304).	Wendy Boedigheimer HRSA-MA		WSR 05-19-125 Filed 9/20/05	WSR 06-03-046 Hearing 3/7/06	
Chapter 388-529 WAC	Scope of medical services	Updating what medical services are covered under medical assistance.	Kevin Sullivan HRSA-MA		WSR 04-06-054 Filed 3/1/04		
WAC 388-531-0275	Physician-related services	Revising medical teaching and residency programs.	Wendy Boedigheimer HRSA-MA		WSR 03-08-084 Filed 4/1/03		
Chapter 388-532 WAC	Family planning services	Revising rules on reproductive health and differences between family planning, family planning only, and TAKE CHARGE programs.	Wendy Boedigheimer HRSA-MA		WSR 04-12-094 Filed 6/2/04	WSR 05-14-123 Hearing 8/23/05	WSR 05-24-032 Effective 12/31/05
Chapter 388-535 WAC	Dental related services	Clarifying current policy on the children's dental program.	Kathy Sayre HRSA-MA		WSR 04-07-115 (notice with- drawn, see WSR 06-04-043)		
Chapter 388-535 WAC	Dental related services	Amending rules in this chapter to update and clarify current adult dental program policy.	Kathy Sayre HRSA-MA		WSR 05-21-093 Filed 10/18/05		
Chapter 388-535 WAC	Access to baby and child dentistry (ABCD)	Updating current policy for the ABCD program.	Kathy Sayre HRSA-MA		WSR 05-20-086 Filed 10/4/05		
Chapter 388-537 WAC	School services	Amending the rule on school medical services for students in special education programs to comply with federal rules.	Wendy Boedigheimer HRSA-MA		WSR 05-15-095 Filed 7/15/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-538 WAC	Managed care	Reviewing the chapter for clarity and consistency within the chapter and with other medical assistance rules.	Wendy Boedigheimer HRSA-MA	WSR 05-21-027, filed 10/10/05 (WAC 388-538-063 only) WSR 05-21-017, filed 10/7/05 (WAC 388-538-112 only)	WSR 05-04-082 Filed 2/1/05	WSR 05-23-027 Hearing 12/27/05	WSR 06-03-081 Effective 2/12/06
WAC 388-540-001 through 388-540-065; other related sections	Kidney disease program (state funded)	Revising rules so that the state-funded program mirrors Medicaid policy.	Wendy Boedigheimer HRSA-MA		WSR 05-22-047 Filed 10/27/05		
Chapter 388-542 WAC	State children's health insurance program (SCHIP)	Updating cross references in this rule chapter.	Wendy Boedigheimer HRSA-MA		WSR 05-19-122 Filed 9/20/05	WSR 06-03-077 Hearing 2/21/06	
WAC 388-542-0010	Purpose and scope of the state children's health insurance program (SCHIP)	Adding language to clarify that an unborn child is eligible for SCHIP coverage when the mother is ineligible for Medicaid.	Joanie Scotson HRSA-MA		WSR 05-22-098 Filed 11/1/05		
Chapter 388-549 WAC	Rural health clinics	Replacing the cost-based reimbursement methodology with the prospective payment system per the federal Benefit Improvement and Protection Act.	Wendy Boedigheimer HRSA-MA		WSR 05-16-083 Filed 8/1/05		
Chapter 388-550 WAC	Hospital services	Updating policy and definitions, ensuring accuracy, consistency and clarity on inpatient and outpatient services.	Kathy Sayre HRSA-MA		WSR 05-17-136 Filed 8/19/05		
WAC 388-550-1350, 388-550-6000, 388-550-7000, other possible sections	Hospital services	Updating definitions and policies for outpatient hospital services.	Kathy Sayre HRSA-MA		WSR 05-13-076 Filed 6/13/05		
WAC 388-550-2598	Critical access hospital (CAH) program	Clarifying that the department uses both encounter data and fee for service data to set prospective weighted cost-to-charges rates.	Kathy Sayre HRSA-MA		WSR 05-20-082 Filed 10/4/05	WSR 06-01-097 Hearing 1/24/06	To be filed by early February 2006
WAC 388-550-2600 and related sections	Hospital services	Insuring that Medicaid funds pay only for inpatient psychiatric services for Medicaid clients.	Kathy Sayre HRSA-MA		WSR 05-08-089 Filed 4/1/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-550-2800	Hospital services	Adopting separate base for community psychiatric hospital payment rates for Medicaid and non-Medicaid clients.	Kathy Sayre HRSA-MA	WSR 05-22-038 Filed 10/27/05	WSR 05-14-145 Filed 7/5/05 (replaced with- drawn WSR 04- 03-091)		
WAC 388-550-2900	Hospital services	Clarifying what the department pays for certain screening tests of newborn infants in addition to the DRG (diagnostic-related group) payment.	Kathy Sayre HRSA-MA		WSR 05-16-082 Filed 8/1/05		
WAC 388-550-4800	Hospital services	Clarifying payments for state-administered program claims that qualify as diagnosis-related group (DRG) high-cost outliers; removing enhanced payment for trauma care language under the medically indigent and general assistance-unemployable (GAU) programs.	Kathy Sayre HRSA-MA		WSR 03-13-089 (notice with- drawn, see WSR 06-04-043)		
Chapter 388-551 WAC	Alternatives to hospital services	Updating and clarifying current program policy and establishing a tiered health care plan.	Kathy Sayre HRSA-MA		WSR 05-19-120 Filed 9/20/05		
<b>Juvenile Rehabilitation Administration (JRA)</b>							
Chapter 388-700 WAC	Juvenile rehabilitation administration—Practices and procedures	Potential revisions due to changes in background check procedures.	David Griffith JRA		Planned for future action		
Chapter 388-720 WAC	Collection of costs of support, treatment and confinement of juveniles under RCW 13.40.220	Potential changes to clarifying sentencing in relation to "victim in the home" status and to update the reimbursement schedule.	Cheryl Sullivan-Colglazier JRA		Planned for future action		
Chapter 388-740 WAC	Juvenile parole revocation	Potential revision to update revocation process for certain offenders and update confidentiality requirements.	David Griffith, Bob Salisbury JRA		Planned for future action		
Chapter 388-745 WAC	Transfer of juvenile offenders to the department of corrections (DOC)	Potential revisions due to changes in transfer procedures.	David Griffith JRA		Planned for future action		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-750 WAC	Impact account—Criminal justice cost	Review for potential updates.	Ken Brown, Trent Phillips JRA		Planned for future action		
<b>Governmental and Community Affairs</b>							
<b>Division of Vocational Rehabilitation (DVR)</b>							
Chapter 388-891 WAC	Vocational rehabilitation services for individuals with disabilities	Adopting or revising rules on order of selection - criteria for priority, categories 1 and 2. Broadening the diversity of disability groups represented and served.	Michael Cunningham GCA-DVR		WSR 05-20-083 Filed 10/4/05		
<b>Office of Deaf and Hard of Hearing Services</b>							
No current rule-making activity							
<b>DSHS Organization - Public Disclosure</b>							
Chapter 388-01 WAC	DSHS organization/disclosure of public records	Updating procedures for responding to public requests for disclosure of records.	Kristal K. Wiitala Government and Community Relations		WSR 02-01-007 Filed 12/7/01		
Chapter 388-01 WAC	DSHS organization and disclosure of public records	Amending rules to reflect changes in DSHS organization structure, and to implement chapter 483, Laws of 2005.	Kristal K. Wiitala Government and Community Relations		Planned for future action		
<b>Special Commitment Center</b>							
Chapter 388-885 WAC	Civil commitment cost	Updating reimbursement fee schedules for allowable activities under chapter 71.09 RCW.	Lee Mosley Special Commitment Center		WSR 04-10-092 Filed 5/4/04		
<b>Management Operations - Management Services Administration</b>							
WAC 388-01-0180 and 388-01-0190; chapter 388-02 WAC	DSHS organization and disclosure of public records; DSHS hearing rules	Amending rules to: Clarifying issuance and maintenance of interpretive and policy statements; and indexing of significant board of appeals decisions.	Brian Lindgren MSA Rules Appeals and Certification Services		WSR 05-13-128 Filed 6/20/05		
WAC 388-02-0215	DSHS hearing rules	Updating cross references in WAC 388-02-0215(4); simplifying the rule to reduce the need for future revisions.	Brian Lindgren MSA Rules Appeals and Certification Services		WSR 05-06-081 Filed 3/1/05		
Chapter 388-03 WAC	Certification of DSHS spoken language interpreters and translators	Updating references to DSHS units; changing timeframes for mailing notices regarding test dates.	Brian Lindgren MSA Rules Appeals and Certification Services		WSR 04-01-142 Filed 12/19/03		



WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-06 WAC	Background checks	Amending, consolidating and collocating existing background check rules for DSHS employees and contractors into this chapter.	Jackie Beery MSA Background Check Central Unit		WSR 05-15-145 Filed 7/19/05		

Explanation of selected terms used in these tables:

A **"Preproposal Notice"** is a **CR-101 Preproposal Statement of Inquiry** filed under RCW 34.05.310. This is a preliminary notice to the public that DSHS is in the planning stages to adopt, amend or repeal rules on a particular subject, and notes the laws authorizing the agency's action. The notice also lets the public know how to participate in the development of the agency rule, and identifies the agency's contact person.

A **"Proposed Rule"** is a **CR-102 Proposed Rule-Making** notice filed under RCW 34.05.320. The proposed rule-making notice includes:

- 1) A description of the rules that the agency proposes to adopt, amend or repeal, and the reasons supporting the proposal;
- 2) The laws authorizing the agency action;
- 3) The complete text of the proposed new or amended rules, or a list of rule sections being repealed;
- 4) If applicable, the text of a small business economic impact statement;
- 5) Information on how to obtain a copy of the preliminary cost-benefit analysis, if applicable; and
- 6) Agency staff that the public may contact about the proposed rules.

The **CR-102** notice also includes: The date and location of a **public hearing** or hearings to take formal comments about the proposed rule; the deadline for sending written comments about the rule; and how written comments may be sent.

An **"Expedited Rule"** is a **CR-105 Expedited Rule-Making** notice, filed under RCW 34.05.353. DSHS may use this process to notify the public that it intends to adopt, amend or repeal very limited types of rules without accepting public comments or holding a public hearing. After a minimum waiting period, DSHS may adopt the rule as permanent, if no one has objected. If someone does object, the department must file a **CR-102** notice, hold a public hearing and accept written comments before adopting the permanent rule.

A **"Permanent Rule"** is a **CR-103 Rule-Making Order**, filed under RCW 34.05.360 and 34.05.380. The **CR-103** gives notice that the department is adopting final new, amended or repealed rules, completing the rule-making process. A **CR-103** rule-making order includes the complete text of the new or amended rules, or a list of the WAC numbers and caption of rules being repealed, and an explanation of any changes to the rule made after the **CR-102** notice. Agencies also may use a **CR-103** notice form to adopt temporary *emergency* rules (see below).

An **"Emergency Rule"** is also a **CR-103 Rule-Making Order**, filed under RCW 34.05.350 and 34.05.380. This is a temporary rule used to meet an urgent public health, safety or welfare need, or to meet a deadline set in a law or federal requirement. Emergency rules are effective for 120 days after the filing date. Emergency rules may be extended in certain circumstances, but they may not become permanent rules unless the agency files a preproposal notice and/or a proposed rule notice as applicable, invites public comment on the proposed rules, conducts a public hearing, and complies with other applicable rule-making statutes. NOTE: Emergency rules listed in these tables are only those in effect at the time this agenda was filed for publication in the State Register.

**"Rules"** as used generally in this document are the Washington Administrative Code, also known as WAC or state regulations, which are adopted by state agencies according to the Administrative Procedure Act, chapter 34.05 RCW. References to "federal rules" or "federal regulations" are United States government regulations, also known as the Code of Federal Regulations or C.F.R.

State **"Statutes"** are laws adopted by the legislature and signed by the governor, or may be initiatives adopted by the state's voters, and are codified as the Revised Code of Washington (RCW), except that annual budget bills are not codified. Recent state statutes may also be listed by their session law numbers, such as "chapter 140, Laws of 2003," or by a legislative bill number, such as "ESSB 6387."

**"WSR"** means the Washington State Register, the legal publication of state agency rules and other notices, published twice each month by the office of code reviser. The seven-digit number following each WSR is the code reviser's official filing number assigned at the time DSHS files a rule-making notice with the code reviser. The WSR number, plus the date and time of filing, appears on the bottom right hand corner of each notice as filed. To view facsimiles of filed DSHS rule-making notices, visit the DSHS public rule-making web site at <http://www1.dshs.wa.gov/msa/rpau/>. All DSHS rule-making notices and adoption orders are filed with the code reviser for legal publication in the Washington State Register, and are available to the public.

**"CR"** means code reviser when referring to rule-making notice forms, such as the **CR-101**, **CR-102**, **CR-103**, and **CR-105**. The office of the code reviser creates the standard rule-making forms used by all state agencies.

If you have questions about this rule-making agenda or the DSHS rule-making process, please contact Andy Fernando, DSHS Rules Coordinator, at P.O. Box 45850, Olympia, WA 98504-5850, by phone at (360) 664-6094, or

by e-mail at FernAX@dshs.wa.gov. If you would like to receive DSHS rule-making notices by e-mail, please visit the DSHS rules and policies assistance unit (RPAU) web site for available electronic lists, at <http://www1.dshs.wa.gov/msa/rpau/RPAU-Listserv.htm>. If you would like to receive paper copy notices by postal mail, please contact Stephanie Schiller, RPAU Rules Consultant, at (360) 664-6097, or by e-mail at SchilSE@dshs.wa.gov.

Andy Fernando, RPAU Manager  
DSHS Rules Coordinator

**WSR 06-06-002**

**NOTICE OF PUBLIC MEETINGS  
COUNTY ROAD  
ADMINISTRATION BOARD**

[Memorandum—February 15, 2006]

- MEETING NOTICE: April 27, 2006  
County Road Administration Board  
2404 Chandler Court S.W.  
Suite 240  
Olympia, WA 98504  
1:00 p.m. to 5:00 p.m.
- PUBLIC HEARING: April 27, 2006  
County Road Administration Board  
2404 Chandler Court S.W.  
Suite 240  
Olympia, WA 98504  
2:00 p.m.
- MEETING NOTICE: April 27, 2006  
County Road Administration Board  
2404 Chandler Court S.W.  
Suite 240  
Olympia, WA 98504  
8:30 a.m. - noon

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at (360) 753-5989, hearing and speech impaired persons can call 1-800-833-6384.

**WSR 06-06-006**

**INTERPRETIVE AND POLICY STATEMENT  
PUBLIC DISCLOSURE COMMISSION**

[Filed February 16, 2006, 3:53 p.m.]

**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 06-07 issue of the Register.

**WSR 06-06-007**

**INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed February 17, 2006, 11:28 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: DCS Administrative Policy 1.05 Field Office Closure.

Subject: Field office closure.

Effective Date: Revised February 14, 2006.

Document Description: This administrative policy explains to the division of child support (DCS) staff what procedures to follow during times of inclement weather, or in the event of a natural disaster when it might be necessary to close a DCS office. This is revised due to a sunset review.

To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail [fferry@dshs.wa.gov](mailto:fferry@dshs.wa.gov).

February 15, 2006

Fran Ferry

**WSR 06-06-015**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**

[Memorandum—February 15, 2006]

Following is the regular meeting schedule for Spanish and Portuguese studies at the University of Washington.

Seattle

Division of Spanish and Portuguese Studies

Meeting Date	Location (Building and Room #)	Time
Monday, February 13, 2006	CMU 226	3:30 p.m.
Friday, March 10, 2006	CMU 226	3:30 p.m.
Friday, April 7, 2006	CMU 226	3:30 p.m.
Friday, May 5, 2006	HUB 209B	3:30 p.m.
Friday, June 2, 2006	CMU 226	3:30 p.m.
Friday, October 6, 2006	TBA	3:30 p.m.
Friday, November 3, 2006	TBA	3:30 p.m.
Friday, December 1, 2006	TBA	3:30 p.m.

**WSR 06-06-021**

**NOTICE OF PUBLIC MEETINGS  
SHORELINE COMMUNITY COLLEGE**

[Memorandum—February 15, 2006]

The board of trustees of Shoreline Community College will hold a special meeting on Tuesday, February 21, between 9:30 and 10:30 a.m., for the purpose of meeting with

State Representative Jay Inslee at his district office at the Shoreline Center, 18560 1st Avenue N.E., Suite E-800, Shoreline, WA 98155-2150.

Please call (206) 546-4552 or e-mail Michele Foley at mfoley@shoreline.edu if you have further information.

January 11, 2006  
 February 8, 2006  
 March 8, 2006  
 April 12, 2006  
 May 10, 2006  
 June 14, 2006

**WSR 06-06-022**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
 (Red Raspberry Commission)  
 [Memorandum—February 17, 2006]

The Washington red raspberry commission has revised our 2006 board meetings schedule. The March 15 meeting has been moved to March 14.

Revised  
 2006 Meeting Schedule

February 15	Lynden
March 14	Vancouver
September 6	Mt. Vernon
November 1	Lynden
December 6	Lynden

**WSR 06-06-023**  
**NOTICE OF PUBLIC MEETINGS**  
**EVERETT COMMUNITY COLLEGE**  
 [Memorandum—February 16, 2006]

NOTIFICATION OF  
 RESCHEDULING REGULAR  
 BOARD OF TRUSTEES MEETING

The board of trustees of Everett Community College has rescheduled their regularly scheduled meeting of March 8, 2006, to March 15, 2006. Please call (425) 388-9572 for information.

**WSR 06-06-024**  
**NOTICE OF PUBLIC MEETINGS**  
**EVERETT COMMUNITY COLLEGE**  
 [Memorandum—February 22, 2006]

**Board of Trustees**  
**Meeting Dates**  
**2005-2006**  
 July 13, 2005  
 August 10, 2005  
 September 14, 2005  
 October 12, 2005  
 November 9, 2005  
 December 14, 2005

**WSR 06-06-030**  
**NOTICE OF PUBLIC MEETINGS**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
 [Memorandum—February 21, 2006]

NOTICE OF 2006 PUBLIC MEETINGS

The following is a schedule of the regular meetings of the public employment relations commission for 2006:

March 14  
 April 10 (Kirkland Office)  
 May 8  
 June 13  
 July 11  
 August 8  
 September 12 (Kirkland Office)  
 October 10  
 November 14  
 December 12

All meetings begin at 10:00 a.m. Meetings will be held in the Large Conference Room, 112 Henry Street N.E., Suite 300, Olympia, WA, except April and September which will be held in the Kirkland Office Conference Room, 9757 Juanita Drive N.E., Suite 201, Kirkland, WA 98034.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

**WSR 06-06-031**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**  
 [Memorandum—February 16, 2006]

The following date and time need to be reflected for the March 2006 Tacoma Community College board of trustees meeting:

**Change from: Thursday, March 9, 2:30 p.m.**

**To: Thursday, March 16, 2:30 p.m.**

The meeting will be held in the College Room of the Administration Building #27 at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466.

If you need any other information, call Cathie Bitz at (253) 566-5101.

**WSR 06-06-032**

**OFFICE OF THE GOVERNOR**

[Filed February 23, 2006, 10:46 a.m.]

**NOTICE OF APPEAL**

RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On January 13, 2006, the Governor received an appeal from Boyd Stacey of Aberdeen, Washington, relating to the Department of Corrections' rule contained in WAC 137-28-260 (507 Infraction).

DATE: February 20, 2005

Richard E. Mitchell  
General Counsel to the Governor

OFFICE OF THE GOVERNOR

February 17, 2006

Boyd Stacy, DOC986567, AG07L  
Clallam Bay Corrections Center  
1830 Eagle Crest Way  
Clallam Bay, WA 98326

Re:

Your letter dated January 9, 2006  
Petition under RCW 34.05.330(3) re WAC 137-28-260(1)/507 Infraction

Dear Mr. Stacy,

You have appealed the decision by the Department of Corrections (DOC) to deny your request for repeal or amendment of WAC 137-28-260(1). Specifically, you asked DOC to repeal or amend the section of the above rule that relates to a 507 infraction. Having reviewed all of your petitions and DOC responses, I have decided to deny your petition and will not instruct DOC to initiate rule making.

In your above-noted letter, you expressed three primary concerns as the basis for why DOC should repeal or amend WAC 137-28-260(1)/507 Infraction. While your letter indicates that there are additional points in previous correspondence, I have reviewed all of your petitions and have found no other substantive concerns beyond those presented in the January 9, 2006 letter.

You alleged that "the (507) infraction is overbroad and as its use shows there are no state or federal felonies listed in the WAC 137-28-260 rules (sic)." According to the rule, a 507 infraction occurs when "committing any act that is a felony under state or federal law that is not otherwise included in these rules." This means that if an offender commits any act

that would constitute a felony under state or federal law, but the state or federal law is not specifically identified in the rules, infraction 507 covers such acts. The definition of a 507 infraction does not indicate the absence of state or federal felonies listed under WAC 137-28-260(1). Some of the infractions listed in WAC 137-28-260 are misdemeanors, some are felonies, and other simply refer to conduct necessary for the orderly operation of the institution. It should also be noted that under WAC 137-28-160, any attempt to commit an infraction is considered a commission of the infraction.

Second, you alleged that "the (507) is vague, because men of normal understanding (DOC staff) can not tell when it applies, nor can I (sic)." Your basis for this concern is that you were accused of three violations, all of them misdemeanors under state law, but were also charged with violating 507, which only applies to felonies. However, several of the charges you believe to be misdemeanors are felonies. You were charged with attempted identity theft, RCW 9A.35.020, and criminal impersonation, RCW 9A.60.040, both of which are felonies. Although identity theft and criminal impersonation are felonies under state law, they are not specifically listed in WAC 137-28-260(1).

Third, you allege that "the (507) denies equal protection because as a class 'people who commit felony infractions' are denied the right to a severity of conduct in their sanction, all other infractions in the DOC 320.150 Sanction table enjoy this element (sic)." Any unlisted act that is a felony under state or federal law is a violation of 507. WAC 137-28-260(1) only identifies infractions. It does not list the sanction associated.

Finally, WAC 137-28-260(1) has been recently amended and those amendments are scheduled to go into effect in May of this year. WAC 137-28-260(1) will appear in WAC 137-25-030 and a 507 infraction will be a "Category A" serious infraction defined as "committing any felony." This amendment seems to address your concern regarding severity of sanction.

Sincerely,

Christine O. Gregoire  
Governor

**WSR 06-06-041**

**PUBLIC RECORDS OFFICER**

**HOUSING FINANCE COMMISSION**

[Filed February 24, 2006, 10:23 a.m.]

In accordance with RCW 42.17.255, I have appointed Paul Edwards as the public records officer for the Washington state housing finance commission. He can be reached at 1000 2nd Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 464-7139, fax (206) 587-5113, paul.r.edwards@wshfc.org, www.wshfc.org.

Kim Herman  
Executive Director

**WSR 06-06-042**  
**PUBLIC RECORDS OFFICER**  
**TOBACCO SETTLEMENT AUTHORITY**

[Filed February 24, 2006, 10:23 a.m.]

In accordance with RCW 42.17.255, I have appointed Paul Edwards as the public records officer for the tobacco settlement authority. He can be reached at 1000 2nd Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 464-7139, fax (206) 587-5113, paul.r.edwards@wshfc.org, www.wshfc.org.

Kim Herman  
 Executive Director

**WSR 06-06-043**  
**PUBLIC RECORDS OFFICER**  
**HIGHER EDUCATION**  
**FACILITIES AUTHORITY**

[Filed February 24, 2006, 10:24 a.m.]

In accordance with RCW 42.17.255, I have appointed Paul Edwards as the public records officer for the Washington higher education facilities authority. He can be reached at 1000 2nd Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 464-7139, fax (206) 587-5113, paul.r.edwards@wshfc.org, www.wshfc.org.

Kim Herman  
 Executive Director

**WSR 06-06-047**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**

[Filed February 24, 2006, 1:06 p.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

The department is announcing the issuance of this interpretive statement in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The department of revenue has issued the following Excise Tax Advisory: **ETA 2029.04.245 Taxation of Network Telephone Service Used to Provide Internet Access Services.**

The purpose of this advisory is to explain the taxation of network telephone services used to provide Internet access. It explains that persons who sell network telephone services used by Internet service providers to provide Internet access must collect retail sales tax and pay business and occupation tax on the transaction and that the Internet Tax Freedom Act does not affect these responsibilities.

A copy of this document is available via the Internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx> or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Unit, P.O. Box 47453,

Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn  
 Rules Coordinator

**WSR 06-06-057**  
**PUBLIC RECORDS OFFICER**  
**THE EVERGREEN**  
**STATE COLLEGE**

[Filed February 28, 2006, 9:10 a.m.]

The public records officer designee for The Evergreen State College is Maryam Jacobs, Internal Auditor, The Evergreen State College, 2700 Evergreen Parkway N.W., Olympia, WA 98505, phone (360) 867-6112, fax (360) 867-6577, e-mail jacobsm@evergreen.edu.

Thomas L. Purce  
 President

**WSR 06-06-058**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF THE**  
**INTERAGENCY COMMITTEE**  
 (Biodiversity Council)

[Memorandum—February 27, 2006]

The next public meeting of the Biodiversity Council will be **Wednesday, March 1, 2006, from 10:00 a.m. to 11:00 p.m.** by conference call or Room 285 of the Natural Resources Building, 1111 Washington Street S.E., Olympia.

For further information, please contact Amie Fowler, Interagency Committee for Outdoor Recreation (IAC), (360) 902-3012 or check the web page at <http://www.iac.wa.gov>.

The IAC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Amie Fowler at the number listed above or by e-mail at AmieF@iac.wa.gov.

**WSR 06-06-071**  
**PUBLIC RECORDS OFFICER**  
**OFFICE OF THE GOVERNOR**

[Filed February 28, 2006, 2:49 p.m.]

Pursuant to RCW 42.17.253(2), Melynda Campbell is the new public records officer for the governor's office. Her contact information is as follows: Melynda Campbell, Executive Assistant/Legal Affairs Coordinator, P.O. Box 40002, Olympia, WA 98504-0002, phone (360) 725-5549, fax (360) 725-5174, e-mail melynda.campbell@gov.wa.gov.

Richard E. Mitchell  
 General Counsel

**WSR 06-06-072**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 28, 2006, 4:18 p.m.]

If you have any questions, please feel free to contact  
 Patty Michajla at (425) 640-1516.

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.

Subject: 06-07 and 06-08.

Effective Date: 06-07 February 21, 2006; 06-08 January  
 1, 2006.

Document Description: Numbered Memorandum 06-07, Prescription drug program: The medicare prescription drug program (Medicare Part D). Numbered Memorandum 06-08, Home infusion therapy/parenteral nutrition program: Fee schedule correction.

To receive a copy of the interpretive or policy statement, contact Amelia Holl, Office of Rules and Publications, DSHS, Health and Recovery Services Administration, Division of Policy and Analysis, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005), TDD (800) 848-5429, fax (360) 586-9727, e-mail [hollag@dshs.wa.gov](mailto:hollag@dshs.wa.gov).

February 22, 2006

Amelia Holl

for Ann Myers, Manager

Rules and Publications Section

**WSR 06-06-082**

**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**

[Memorandum—February 24, 2006]

The board of trustees of Shoreline Community College will hold a special meeting on Tuesday, February 28, between 3:00 p.m. and 6:00 p.m. for the purpose of reviewing documentation and interviewing chairs of the faculty appointment review committees for five third-year tenure-track candidates prior to formal granting of tenure at the March 15, 2006, regular meeting of the board of trustees.

Please call (206) 546-4552 or e-mail Michele Foley at [mfoley@shoreline.edu](mailto:mfoley@shoreline.edu) if you have further information.

**WSR 06-06-083**

**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**

[Memorandum—February 27, 2006]

Please be advised of a revision to the 2006 meeting schedule of the Edmonds Community College board of trustees.

**March 14, change of meeting time**, the board of trustees meeting originally scheduled to begin at 4:30 p.m., at the Business and Training Center, 728 134th Street S.W., Building A #128, Everett, WA, will now **begin at 4:00 p.m.**