

## WSR 06-14-096

## AGENDA

DEPARTMENT OF HEALTH  
STATE BOARD OF HEALTH

[Filed July 5, 2006, 11:27 a.m.]

## July 2006 Rules Agenda

This report details the anticipated rule-making activities of the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or department of health rule-making activities, please contact Michelle Davis at (360) 236-4044. If you have any questions regarding state board of health rule-making activities please contact Craig McLaughlin at (360) 236-4106.

## State Board of Health Rules

WAC	RCW	Authority	Subject	CR-101	CR-102	CR-105	CR-103	SBOH and DOH Staff Contacts
246-100-166	28A.210.140	State board of health	Immunization of child care and school children	04-15-148 7/21/04	—		—	Tara Wolff (360) 236-4101 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-100-166	28A.210.140	State board of health	Immunization of child care and school children	Proposal is exempt under RCW 34.05.-310(4)	06-12-115 6/7/06		Anticipate filing CR-103 9/06	Tara Wolff (360) 236-4101 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-101-201, 246-101-520, 246-101-635	70.24.125	State board of health	Names retention of asymptomatic HIV case reports and expanded HIV laboratory test reporting	05-23-151 11/22/05	06-10-081 5/3/06		Anticipate filing CR-103 8/1/06	Ned Therien (360) 236-4103 State Board of Health, John Peppert (360) 236-3400 Department of Health
246-101-210, 246-101-520, 246-101-635	70.24.125	State board of health	Names retention of asymptomatic HIV case reports and expanded HIV laboratory test reporting				<b>CR-103 EMERGENCY</b> Anticipate filing 7/5/06	Ned Therien (360) 236-4103 State Board of Health, John Peppert (360) 236-3400 Department of Health
246-203-120	43.20.050	State board of health	Disposal of garbage, trash, rubbish, offal, dead animals, and manure	05-10-096 5/4/05	Anticipate filing CR-102 10/06		—	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-272A	43.20.050	State board of health	On-site sewage systems drain-field remediation	06-12-108 6/7/06	—		—	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health

WAC	RCW	Authority	Subject	CR-101	CR-102	CR-105	CR-103	SBOH and DOH Staff Contacts
246-272B	43.20.050	State board of health	Large on-site sewage systems	04-03-010 1/9/04	_____		_____	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-272C	43.20.050	State board of health	Sewage tanks	06-06-051 2/28/06	_____		_____	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-290	43.20.050	State board of health delegated to secretary	Water-system requirements group A	05-01-096 12/14/04	Anticipate filing CR-102 3/07		_____	Ned Therien (360) 236-4103 State Board of Health, Theresa Phillips (360) 236-3147 Environmental Health
246-290	43.20.050	State board of health delegated to secretary	Public water supplies—Surface water treatment and stage 2 disinfection	Anticipate filing CR-101 8/06	_____		_____	Ned Therien (360) 236-4103 State Board of Health, Theresa Phillips (360) 236-3147 Environmental Health
246-291	43.20.050	State board of health	Public water system group B	02-19-060 9/12/02	_____		_____	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-366	43.20.050	State board of health	Primary and secondary schools	04-20-050 10/1/04	Anticipate filing CR-102 6/07		_____	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-390	43.20.050	State board of health	Drinking water laboratories certification rules	Anticipate filing CR-101 8/06	_____		_____	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health

WAC	RCW	Authority	Subject	CR-101	CR-102	CR-105	CR-103	SBOH and DOH Staff Contacts
246-490-040	43.20.050	State board of health	Human remains	05-17-119 8/17/05	06-12-113 6/7/06		Anticipate filing CR-103 8/06	Ned Therien (360) 236-4103 State Board of Health, Jennifer Tebaldi (360) 236-4225 Epidemiology, Health Statistics, and Public Health Laboratories
246-XXX	70.83 43.20	State board of health/ department of health joint rules	Storage, retention and use of specimens in public health lab rules	03-02-101 1/2/03	————		————	Ned Therien (360) 236-4103 State Board of Health, Michelle Davis (360) 236-4044 Department of Health
246-650	70.83.050	State board of health	Newborn screening-considering addition of new conditions	06-11-054 5/11/06	————		————	Tara Wolff (360) 236-4101 State Board of Health, Jennifer Tebaldi (360) 236-4225 Epidemiology, Health Statistics, and Public Health Laboratories

#### Department of Health Rules

WAC	RCW	Authority	Subject	CR-101	CR-102	CR-105	CR-103	DOH Staff Contact
246-08-400	70.02.010(14)	Secretary	How much can a medical provider charge for searching and duplicating medical records	Proposal is exempt under RCW 34.05.-310(4)	Anticipate filing CR-102 3/07		Anticipate filing CR-103 5/16/07	Sherry Thomas (360) 236-4612 Health Systems Quality Assurance
246-12-040	18.135.030	Secretary	Health care assistant return to active status after credential has expired	05-13-183 6/22/05	Anticipate filing CR-102 8/23/06		Anticipate filing CR-103 12/06	Tracy Hansen (360) 236-4997 Health Professions Quality Assurance
246-16 (new chapter)	18.130.050 (1)(12)	Secretary	Standards of professional conduct (sexual misconduct)	05-22-125 11/2/05	Anticipate filing CR-102 8/15/06		Anticipate filing CR-103 9/30/06	Kris Reichl (360) 236-4985 Health Professions Quality Assurance
246-205-990	43.70.250	Secretary	Decontamination of illegal drug manufacturing sites—Contractor fees	Proposal is exempt under RCW 34.05.-310(4)	06-12-114 6/7/06		Anticipate filing CR-103 12/06	Kelly Cooper (360) 236-3012 Environmental Health
246-225A	43.70.250	Secretary	Radiation protection—Dental x-ray standards	06-07-033 3/8/06	Anticipate filing CR-102 11/06		————	Kelly Cooper (360) 236-3012 Environmental Health
246-254	43.70.250	Secretary	Radiation protection—Fees	Proposal is exempt under RCW 34.05.-310(4)	Anticipate filing CR-102 11/06		————	Kelly Cooper (360) 236-3012 Environmental Health

246-260-9901, 246-262-990	43.70.110	Secretary	Water recreation facilities—Fees	Proposal is exempt under RCW 34.05.-310(4)	06-12-110 6/7/06		Anticipate filing CR-103 12/06	Kelly Cooper (360) 236-3012 Environmental Health
246-272A-990	43.70.110	Secretary	On-site sewage systems—Fees	Proposal is exempt under RCW 34.05.-310(4)	Anticipate filing CR-102 8/2/06		Anticipate filing CR-103 12/06	Kelly Cooper (360) 236-3012 Environmental Health
246-272B-990	43.70.110	Secretary	Large on-site sewage systems—Fees	Proposal is exempt under RCW 34.05.-310(4)	Anticipate filing CR-102 8/2/06		————	Kelly Cooper (360) 236-3012 Environmental Health
246-282-990	43.70.110	Secretary	Sanitary control of shellfish fees	Proposal is exempt under RCW 34.05.-310(4)	06-11-164 5/24/06		Anticipate filing CR-103 9/06	Kelly Cooper (360) 236-3012 Environmental Health
246-314	43.70.110 43.70.040	Secretary	Construction review	05-17-118 8/17/05	06-12-112 6/7/06		Anticipate filing CR-103 7/06	Allen Spaulding (360) 236-2929 Facilities and Services Licensing
246-320	70.41.030	Secretary	Hospital licensing regulations	05-23-096 11/17/05	Anticipate filing CR-102 12/06		————	Allen Spaulding (360) 236-2929 Facilities and Services Licensing
246-455	43.70.040	Secretary	Hospital discharge data information reporting	05-22-124 11/2/05	Anticipate filing CR-102 9/06		————	Jennifer Tebaldi (360) 236-4225 Epidemiology, Health Statistics, and Public Health Laboratories
246-976-420 and 246-976-430	70.168	Secretary	EMS and trauma system trauma registry	06-02-086 1/4/06	Anticipate filing CR-102 11/06		Anticipate filing CR-103 4/07	Sandra Dlugosz (360) 236-2831 EMS and Trauma System
246-247	70.98.050	Secretary	Radiation protection—Air emission	05-12-140 6/1/05	Anticipate filing CR-102 12/06		————	Kelly Cooper (360) 236-3012 Environmental Health
246-249-080	70.98.050 70.98.080	Secretary	Naturally occurring radioactive materials	96-11-129 5/22/96	05-17-189 8/24/05		06-01-105 later effective date 8/15/06	Kelly Cooper (360) 236-3012 Environmental Health
246-290	70.119A	Secretary	Group A—Water use efficiency	Proposal is exempt under RCW 34.05.-310(4)	Anticipate filing CR-102 7/06		Anticipate filing CR-103 10/06	Theresa Phillips (360) 236-3147 Environmental Health
246-310-010, 246-310-210, 246-310-220, 246-310-230	70.38.135	Secretary	Certificate of need methodology for kidney dialysis centers	04-13-150 7/21/04	04-13-150 7/21/04		Anticipate filing CR-103 8/2/06	Yvette Fox (360) 236-2928 Facilities and Services Licensing
246-329	18.46.060	Secretary	Childbirth centers	04-18-092 9/1/04	04-18-092 9/1/04		Anticipate filing CR-103 8/23/06	Yvette Fox (360) 236-2928 Facilities and Services Licensing
246-338-022, 246-338-024, 246-338-990	70.40.020	Secretary	Medical test sites and due dates	06-08-014 3/23/06	06-11-164 5/24/06		Anticipate filing CR-103 7/19/06	Yvette Fox (360) 236-2928 Facilities and Services Licensing
246-310-610	70.38.135	Secretary	Certificate of need adjudicative proceedings			Anticipate filing CR-105 8/2/06	————	Yvette Fox (360) 236-2928 Facilities and Services Licensing

246-380-990, 246-329-990, 246-337-990, 246-360-990	43.70.110 43.70.250	Secretary	2007 Facility fee increases within fiscal growth factor I-601	Proposal is exempt under RCW 34.05.-310(4)	Anticipate filing CR-102 7/19/06		—	Alisa Harris (360) 236-2907 Facilities and Services Licensing
246-809-130, 246-809-230, 246-809-321	18.225 Chapter 251, Laws of 2001	Secretary	Licensed counselor—Experience requirements	06-07-092 3/15/06 and 01-22-068 11/1/01	06-10-083 5/3/06		Anticipate filing CR-103 9/1/06	Kris Reichl (360) 236-4985 Health Professions Quality Assurance
246-815-030	18.29.130 18.29.021	Secretary	Dental hygiene education requirements for licensure applicants	06-13-047 6/16/06	Anticipate filing CR-102 1/13/07		Anticipate filing CR-103 3/2/07	Vicki Brown (360) 236-4865 Health Professions Quality Assurance
246-817-XXX	18.32.365 18.32.040	Dental quality assurance commission	Dental quality assurance commission sexual misconduct	06-13-013 6/9/06	Anticipate Filing CR-102 11/06		Anticipate filing CR-103 2/07	Lisa Anderson (360) 236-4863 Health Professions Quality Assurance
246-817-110, 246-817-120	18.32.365 18.32.040	Dental quality assurance commission	Dental licensure—Initial eligibility and application requirements	02-15-160 7/23/02	Anticipate filing CR-102 9/06		Anticipate filing CR-103 2/07	Lisa Anderson (360) 236-4863 Health Professions Quality Assurance
246-817-135	18.32.365 18.32.215	Dental quality assurance commission	Licensure without examination for dentists—Application procedures	04-08-096 4/6/04	Anticipate filing CR-102 9/06		Anticipate filing CR-103 11/06	Lisa Anderson (360) 236-4863 Health Professions Quality Assurance
246-817-180	18.32.365 18.32.640	Dental quality assurance commission	General anesthesia (including deep sedation) education and training	04-15-151 7/21/04	Anticipate filing CR-102 1/07		Anticipate filing CR-103 6/07	Lisa Anderson (360) 236-4863 Health Professions Quality Assurance
246-817-560	Chapter 257, Laws of 2003	Dental quality assurance commission	Dental hygienists placing antimicrobial	04-09-055 4/16/04	06-07-093 3/15/06		Anticipate filing CR-103 6/06	Lisa Anderson (360) 236-4863 Health Professions Quality Assurance
246-817-700, 246-817-701 through 246-817-780	18.32.0365 18.32.640	Dental quality assurance commission	Administration of anesthesia agents for dental procedures	05-09-001 4/7/05	Anticipate filing CR-102 1/07		Anticipate filing CR-103 6/07	Lisa Anderson (360) 236-4863 Health Professions Quality Assurance
246-828-XXX	18.35.040 18.35.161	Board of hearing and speech	Hearing and speech sexual misconduct	06-11-092 5/17/06	Anticipate filing CR-102 10/06		Anticipate filing CR-103 12/06	Leann Yount (360) 236-4865 Health Professions Quality Assurance
246-828-025, 246-828-045, 246-828-075	18.35.040 18.35.161	Board of hearing and speech	Hearing and speech definitions and interim permit student supervision	05-13-184 6/22/05	Anticipate filing CR-102 9/06		Anticipate filing CR-103 10/06	Leann Yount (360) 236-4865 Health Professions Quality Assurance
246-828-500, 246-828-510, 246-828-530, 246-828-550	18.35.040	Hearing and speech board	Continuing education requirements for licensed hearing instrument fitter/dispenser program	04-13-050 6/11/04	Anticipate filing CR-102 9/06		Anticipate filing CR-103 10/06	Leann Yount (360) 236-4865 Health Professions Quality Assurance

246-836	18.36A.060 Chapter 158, Laws of 2005	Secretary	Naturopathy education and training require- ments	05-14-152 7/6/05	Anticipate filing CR-102 8/06		Anticipate filing CR-103 11/06	Kris Reichl (360) 236-4985 Health Profes- sions Quality Assurance
246-836	18.36A.060 Chapter 158, Laws of 2005	Secretary	Naturopathy injections	05-14-155 7/6/05	Anticipate filing CR-102 9/06		Anticipate filing CR-103 11/06	Kris Reichl (360) 236-4985 Health Profes- sions Quality Assurance
246-836-210	18.36A.060 Chapter 158, Laws of 2005	Secretary	Naturopathy pre- scribing, dis- pensing, order- ing	05-14-153 7/6/05	————		————	Kris Reichl (360) 236-4985 Health Profes- sions Quality Assurance
246-840-010 through 246- 840-090, 246- 840-865, 246- 840-870	18.79	Nursing com- mission	Requirements for licensure	04-21-079 10/20/04	Anticipate filing CR-102 by 10/06		Anticipate filing CR-103 by 12/06	Kendra Pitzler (360) 236-4856 Health Profes- sions Quality Assurance
246-841-400 through 246- 841-510	18.88A	Secretary	Nursing assis- tants	00-03-072 1/19/00	Anticipate filing CR-102 3/07		Anticipate filing CR-103 6/07	Kendra Pitzler (360) 236-4856 Health Profes- sions Quality Assurance
246-843-XXX	18.52 18.130	Board of nurs- ing home administrators	Sexual miscon- duct rules	06-11-090 5/17/06	Anticipate filing CR-102 2/07		Anticipate filing CR-103 4/07	Kendra Pitzler (360) 236-4856 Health Profes- sions Quality Assurance
246-843-010, 246-843-070 through 246- 843-073, 246- 843-090 through 246- 843-093, 246- 843-230, 246- 843-231	18.52 18.130	Board of nurs- ing home administrators	Application for initial license and endorsement	06-12-109 6/7/06	Anticipate filing CR-102 2/07		Anticipate filing CR-103 4/07	Kendra Pitzler (360) 236-4856 Health Profes- sions Quality Assurance
246-845-020, 246-845-080, 246-845-090	18.57A.020	Osteopathic board	Osteopathic phy- sician assistant program	03-17-056 8/18/03	Anticipate filing CR-102 10/06		Anticipate filing CR-103 12/06	Arlene Robertson (360) 236-4945 Health Profes- sions Quality Assurance
246-847-120	18.59.130	Occupational therapy board	Foreign trained applicants	03-08-092 4/2/03	Anticipate filing CR-102 9/06		Anticipate filing CR-103 11/06	Vicki Brown (360) 236-4865 Health Profes- sions Quality Assurance
246-847-080, 246-847-115	18.59.130	Occupational therapy board	Examinations and limited per- mits	04-11-096 5/19/04	Anticipate filing CR-102 9/06		Anticipate filing CR-103 9/06	Kris Waidely (360) 236-4847 Health Profes- sions Quality Assurance
246-851-490, 246-851-540	18.53.010	Optometry board	Examination, licensure and inactive creden- tial	Proposal is exempt under RCW 34.05.- 310(4)	Anticipate filing CR-102 8/06		————	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance
246-851-990	43.70.250	Secretary	Inactive creden- tial files	Proposal is exempt under RCW 34.05.- 310(4)	Anticipate filing CR-102 8/06		————	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance

246-852	18.54.070	Optometry board	Consumer access to vision care	05-01-017 12/2/04	Anticipate filing CR-102 10/06		Anticipate filing CR-103 2/07	Judy Haenke (360) 236-4947 Health Professions Quality Assurance
246-853	18.57.080 18.57.005 18.130.050	Osteopathic board	COMSPEX—USA exam	99-11-035 5/13/99	Anticipate filing CR-102 9/06		Anticipate filing CR-103 12/06	Arlene Robertson (360) 236-4945 Health Professions Quality Assurance
246-853	18.57.005 18.57.020	Osteopathic board	Approved schools of osteopathic medicine	99-13-020 6/7/99	Anticipate filing CR-102 10/06		Anticipate filing CR-103 12/06	Arlene Robertson (360) 236-4945 Health Professions Quality Assurance
246-853-225	18.57.005 18.57.020	Osteopathic board	Osteopathic pain management guidelines	98-22-086 11/03/98	Anticipate filing CR-102 8/06		Anticipate filing CR-103 10/06	Arlene Robertson (360) 236-4945 Health Professions Quality Assurance
246-853-XXX, 246-854-XXX	18.57.005 18.57.020	Osteopathic board	Osteopathic physicians and osteopathic physician assistants sexual misconduct/abuse	06-11-091 5/17/06	Anticipate filing CR-102 10/06		Anticipate filing CR-103 12/06	Arlene Robertson (360) 236-4945 Health Professions Quality Assurance
246-865-060	18.64.005	Pharmacy board	Controlled substance registration—Extended care facility	04-21-078 10/20/04	Anticipate filing CR-102 7/06		Anticipate filing CR-103 9/06	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-872	18.64.005	Pharmacy board	Automated drug distribution devices	03-18-117 9/3/03	06-10-082 5/3/06		Anticipate filing CR-103 9/06	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-889-050	18.64.005 69.43	Pharmacy board	Precursor substance control	Proposal is exempt under RCW 34.05.-310(4)	04-18-091 9/1/04		Anticipate filing CR-103 12/06	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-885-030	69.41.075	Pharmacy board	Identification of legend drugs			Anticipate filing CR-105 10/06	Anticipate filing CR-103 12/06	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-863 246-901 246-858	18.64.005	Pharmacy board	Pharmacist licensing and standards of professional conduct—Sexual misconduct rules	06-11-022 5/4/06	Anticipate filing CR-102 9/06		Anticipate filing CR-103 12/06	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-863	18.64A.020	Pharmacy board	Pharmacist responsibilities	06-08-104 4/5/06	Anticipate filing CR-102 8/06		Anticipate filing CR-103 1/07	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-879	18.64.005	Pharmacy board	Wholesaler rules	Anticipate filing CR-101 12/06	—		—	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance

246-901-030 (3)(b), 246-901-060(2)	18.64A.020	Pharmacy board	Pharmacy technician education and pharmacy technician certification	06-08-103 4/5/06	Anticipate filing CR-102 9/06		Anticipate filing CR-103 1/07	Doreen Beebe (360) 236-4384 Health Professions Quality Assurance
246-915	18.74 Chapter 501, Laws of 2005	Physical therapy board	Sharp debridement and electro-neuromyographic	05-19-049 9/18/05	06-12-111 6/7/06		Anticipate filing CR-103 9/06	Kris Waidely (360) 236-4847 Health Professions Quality Assurance
246-915-120	18.74.023	Physical therapy board	Applicants from unapproved schools	04-07-176 3/24/04	————		————	Kris Waidely (360) 236-4847 Health Professions Quality Assurance
246-918-XXX	18.71.017 18.130.050	Medical quality assurance commission	Use of laser, light, radiofrequency, and plasma devices for physician assistants	06-07-019 3/7/06	Anticipate filing CR-102 7/06		Anticipate filing CR-103 9/06	Beverly Thomas (360) 236-4788 Health Professions Quality Assurance
246-919	18.71.017 18.130.050	Medical quality assurance commission	Oversight use of lasers	05-01-097 12/14/04	Anticipate filing CR-102 7/06		Anticipate filing CR-103 9/06	Beverly Thomas (360) 236-4788 Health Professions Quality Assurance
246-919-360	18.71.017 18.130.050 (12)	Medical quality assurance commission	Examination accepted for reciprocity or waiver	05-23-095 11/17/05	06-09-029 4/12/06		Anticipate filing CR-103 8/06	Beverly Thomas (360) 236-4788 Health Professions Quality Assurance
246-922-001	18.22.015	Podiatry board	Scope of practice to include certified registered nurse anesthetists	06-07-020 3/7/06	Anticipate filing CR-102 9/06		Anticipate filing CR-103 12/06	Beverly Thomas (360) 236-4788 Health Professions Quality Assurance
246-922	18.22.015	Podiatry board	Podiatric physicians sexual misconduct and abuse	06-11-093 5/17/06	Anticipate filing CR-102 10/06		Anticipate filing CR-103 1/07	Beverly Thomas (360) 236-4788 Health Professions Quality Assurance
246-922-195	18.22.015	Podiatry board	Podiatry pain management	98-22-084 11/03/98	Anticipate filing CR-102 8/06		Anticipate filing CR-103 10/06	Arlene Robertson (360) 236-4945 Health Professions Quality Assurance
246-924-040, 246-924-055, 246-924-060, 246-924-065, 246-924-070, 246-924-080, 246-924-095, 246-924-100	18.83.050 Chapter 262, Laws of 2004	Psychology board	Eliminate barriers to licensing	04-17-130 8/18/04	Anticipate filing CR-102 9/06		Anticipate filing CR-103 11/06	Bob Nicoloff (360) 236-4924 Health Professions Quality Assurance
246-924-510, 246-924-515	18.83.050 18.83.121	Psychology board	Parenting evaluation standards	98-22-087 11/3/98	04-08-098 4/6/04		Anticipate filing CR-103 11/06	Kris Reichl (360) 236-4985 Health Professions Quality Assurance
246-930-010, 246-930-060, 246-930-320	Chapter 38, Laws of 2004	Secretary	Sex offender treatment providers—Credential and examination (packet 2 standards)	04-13-158 6/23/04	Anticipate filing CR-102 8/06		Anticipate filing CR-103 11/06	Leann Yount (360) 236-4865 Health Professions Quality Assurance



246-930-050, 246-930-060, 246-930-075, 246-930-330	Chapter 38, Laws of 2004	Secretary	Sex offender treatment pro- viders—Educa- tion and exam, experience and supervision (packet 1 educa- tion)	04-13-159 6/23/04	Anticipate filing CR-102 8/06		Anticipate filing CR-103 11/06	Leann Yount (360) 236-4865 Health Profes- sions Quality Assurance
246-933-060, 246-933-310, 246-933-320, 246-933-330, 246-933-340	18.83 18.92.020	Veterinary board of gov- ernors	Patient abandon- ment and facili- ties and practice management standards	06-01-100 12/21/05	Anticipate filing CR-102 8/06		Anticipate filing CR-103 1/07	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance
246-933-401, 246-933-420, 246-933-440, 246-933-450, 246-933-460	18.83 18.92.020	Veterinary board of gov- ernors	Continuing edu- cation	05-24-112 12/7/05	Anticipate filing CR-102 8/06		Anticipate filing CR-103 1/07	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance
246-933-230, 246-933-250, 246-933-260, 246-933-280	18.83 18.92.020	Veterinary board of gov- ernors	Foreign trained veterinarians	05-24-114 12/7/05	Anticipate filing CR-102 8/06		Anticipate filing CR-103 1/07	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance
246-935-050	18.92.020	Veterinary board of gov- ernors	Animal health care tasks	05-24-113 12/7/05	Anticipate filing CR-102 8/06		Anticipate filing CR-103 1/07	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance
246-935-XXX	18.92.020	Veterinary board of gov- ernors	Veterinary tech- nicians and vet- erinary medica- tion clerks sexual miscon- duct rules	06-11-021 5/4/06	Anticipate filing CR-102 8/06		Anticipate filing CR-103 1/07	Judy Haenke (360) 236-4947 Health Profes- sions Quality Assurance
246-976-010, 246-976-400, 246-976-920	18.71 18.73 70.168	Secretary	EMS and trauma prehospital stan- dard	05-14-154 7/6/05	Anticipate filing CR-102 9/06		Anticipate filing CR-103 11/06	Sandra Dlugosz (360) 236-2831 Emergency Medi- cal Services and Trauma System
246-976-830 through 246- 976-860, 246- 976-881	70.168	Secretary	Standard for trauma rehabili- tation	05-12-015 5/20/05	Anticipate filing CR-102 11/06		————	Sandra Dlugosz (360) 236-2831 Emergency Medi- cal Services and Trauma System
246-314-010, 246-100-203, 246-03-030, 246-314-010, 246-817-701	43.70.040, 43.70.050	Secretary	Updating refer- ences			Anticipate filing CR-105 11/06	————	Jovi Swanson (360) 236-4028 Department of Health Policy, Legislative, and Constituent Rela- tions

KEY**CR-101** Preproposal statement of inquiry.**CR-102** Proposed rule.**Proposal is exempt under RCW 34.05.310(4)** rule is not subject to a CR-101, legislatively significant analysis, or small business economic impact statement requirements, and are exempt under RCW 34.05.310(4).**CR-105** Expedited rule-making process is accelerated and no public hearing is necessary under RCW 34.05.353.**CR-103** Rule-making order and adoption of rule.**CR-103 EMERGENCY** used under specific circumstances and effective for one hundred twenty days from the filing date.

———— = Anticipated date unavailable.

**WSR 06-15-002**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 5, 2006, 1:36 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.

Subject: 06-21; 06-42; 06-47; 06-54; and 06-64.

Effective Date: 06-21 April 17, 2006; 06-42 July 1, 2006-June 30, 2007; 06-47 July 1, 2006; 06-54 July 1, 2006; and 06-64 August 1, 2006.

Document Description: Numbered Memorandum 06-21, Family planning providers: New TAKE CHARGE application; Numbered Memorandum 06-42, Family practice physicians in rural counties: Targeted vendor rate increase for fee-for-service maternity deliveries; Numbered Memorandum 06-47, Outpatient hospitals: Program and fee schedule updates; Numbered Memorandum 06-54, Oxygen and respiratory therapy program: Fee schedule changes; and Numbered Memorandum 06-64, Prescription drug program: Maximum allowable cost update.

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 45504, Olympia, WA 98504-5504, 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).

July 3, 2006

Amelia Holl

for Ann Myers, Manager  
Rules and Publications Section

**WSR 06-15-003**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 5, 2006, 1:38 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.

Subject: 06-43; 06-44; 06-45; 06-46; and 06-59.

Effective Date: 06-43 July 1, 2006; 06-44 July 1, 2006; 06-45 July 1, 2006; 06-46 July 1, 2006; and 06-59 July 1, 2006.

Document Description: Numbered Memorandum 06-43, Reproductive health services, family planning only program and TAKE CHARGE program: Fee schedule changes; Numbered Memorandum 06-44, Hearing aids and services: Fee schedule changes; Numbered Memorandum 06-45, Home health services program: Fee schedule updates; Numbered Memorandum 06-46, Home infusion therapy/parenteral nutrition program: Fee schedule updates; and Numbered Memorandum 06-59, Private duty nursing services for children: Fee schedule changes.

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 45504, Olympia, WA 98504-5504, 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).

July 3, 2006

Amelia Holl

for Ann Myers, Manager  
Rules and Publications Section

**WSR 06-15-004**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 5, 2006, 1:39 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.

Subject: 06-49; 06-50; 06-57; and 06-58.

Effective Date: 06-49 June 29, 2006; 06-50 July 1, 2006; 06-57 July 1, 2006; and 06-58 July 1, 2006.

Document Description: Numbered Memorandum 06-49, Maternity support services/infant case management: Billing reminders and clarification; Numbered Memorandum 06-50, Medical nutrition therapy: Fee schedule changes; Numbered Memorandum 06-57, Planned home births and births in birthing centers: Fee schedule changes and updates; and Numbered Memorandum 06-58, Prenatal diagnosis genetic counseling: Fee schedule changes.

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 45504, Olympia, WA 98504-5504, 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).

July 3, 2006

Amelia Holl

for Ann Myers, Manager  
Rules and Publications Section

**WSR 06-15-005**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 5, 2006, 1:41 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.

Subject: 06-60; 06-61; and 06-62.

Effective Date: 06-60 July 1, 2006; 06-61 July 1, 2006; and 06-62 July 1, 2006.

Document Description: Numbered Memorandum 06-60, Psychologist program: Fee schedule changes; Numbered Memorandum 06-61, Speech/audiology program: Fee schedule changes; and Numbered Memorandum 06-62, Vision care: Policy and fee schedule updates.

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 45504, Olympia, WA 98504-5504, 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).

July 3, 2006

Amelia Holl

for Ann Myers, Manager  
Rules and Publications Section

#### WSR 06-15-006

##### INTERPRETIVE OR POLICY STATEMENT

##### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 5, 2006, 1:42 p.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: HRSA Numbered Memorandums.

Subject: 06-36; 06-37; 06-38; and 06-63.

Effective Date: 06-36 July 1, 2006; 06-37 July 1, 2006; 06-38 July 1, 2006; and 06-63 April 1, 2006.

Document Description: Numbered Memorandum 06-36, Ambulance and Involuntary Treatment Act (ITA) transportation: Fee schedule changes; Numbered Memorandum 06-37, Ambulatory surgery centers (ASC): Fee schedule updates; Numbered Memorandum 06-38, Blood bank services: Fee services changes; and Numbered Memorandum 06-63, Wheelchairs, durable medical equipment (DME), and supplies: Fee schedule changes.

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 45504, Olympia, WA 98504-5504, 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).

July 3, 2006

Amelia Holl

for Ann Myers, Manager  
Rules and Publications Section

#### WSR 06-15-007

##### INTERPRETIVE OR POLICY STATEMENT

##### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 5, 2006, 1:43 p.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 06-009.

Subject: Interstate cases and Oregon's "Child Attending School" law.

Effective Date: June 27, 2006.

Document Description: This policy clarification memo explains to the division of child support (DCS) staff that Oregon state law authorizes the continued enforcement of child support for a child over age eighteen who is still enrolled in school. It tells staff how to handle interstate cases between Washington and Oregon when DCS is enforcing an Oregon child support order and the Oregon IV-D agency is asking DCS to continue to enforce the order for a child over age eighteen.

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).

July 3, 2006

Fran Ferry

#### WSR 06-15-008

##### INTERPRETIVE OR POLICY STATEMENT

##### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 5, 2006, 1:45 p.m.]

##### DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: HRSA Numbered Memorandums.

Subject: 06-40; 06-41; 06-48; and 06-52.

Effective Date: 06-40 July 1, 2006; 06-41 July 1, 2006; 06-48 July 1, 2006; and 06-52 July 1, 2006.

Document Description: Numbered Memorandum 06-40, Dental program: Fee schedule changes; Numbered Memorandum 06-41, Early and periodic screening, diagnosis, and treatment (EPSDT): Fee schedule changes; Numbered Memorandum 06-48, Kidney center services: Fee schedule changes; and Numbered Memorandum 06-52, Nondurable medical supplies and equipment (MSE): Fee schedule changes.

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 45504, Olympia, WA 98504-5504, 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.

July 5, 2006  
 Amelia Holl  
 for Ann Myers, Manager  
 Rules and Publications Section

**WSR 06-15-009**  
**AGENDA**  
**DEPARTMENT OF LICENSING**  
 [Filed July 6, 2006, 9:42 a.m.]

Following is the rule making agenda for the department of licensing. This agenda is sent as a requirement of RCW 34.05.314.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 902-3640.

**DEPARTMENT OF LICENSING**  
**RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT**  
**JULY 2006**

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver Responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
97-15-037		Vehicle Dealers	Change in vehicle dealer temporary permit requirements.
99-18-126		Title and Registration	Chapter 308-57 WAC, Motor vehicle excise tax.
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology.
01-22-061		Professional Athletics	Fee adjustment, chapters 36-12, 36-13, 36-14 WAC.
02-12-124		Prorate	Chapter 308-91 WAC, Reciprocity and proration.
02-20-086	02-23-059	Private Investigator	Aliens to provide proof of firearms license.
03-01-006		Title and Registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-530.
02-24-074		Auctioneers	Update to chapter 308-11 WAC.
03-12-018		Title and Registration	Chapter 308-57 WAC, Motor vehicle excise tax, to include but not limited to WAC 308-57-030.
03-14-024	03-16-113	Land Surveying	Amending chapter 196-27A WAC.

CR-101	CR-102	PROGRAM	SUBJECT
03-15-108		UCC	Possible adjustments to fees changed by the program, WAC 308-30-100.
03-17-026		Cosmetology	Fee adjustment to chapter 308-20 WAC, regulating cosmetologist, barber, manicurist, and esthetician professions.
03-17-029		Camping Resorts	Fee adjustment to chapter 308-420 WAC, regulating camping resorts.
03-17-036	06-08-065	Dealers	Filing fee to be submitted by a licensed motorcycle dealer when initiating a protest against the manufacturer for violations of chapter 46.94 RCW.
03-20-065		Bail Bond Agent	Change fees for bail bond agents and bail bond agency company application and renewal fees.
03-22-043		Title and Registration	WAC 308-56A-450, 308-56A-150.
03-22-059		Employment Agency	Possible adjustments to fees charged by the employment agency program.
04-01-121	04-05-097	Camping Resorts	Update to chapter 308-420 WAC.
04-01-122	04-05-098	Timeshares	Update to chapter 308-127 WAC.
04-01-161		Title and Registration	Chapter 308-56A WAC, to include but not limited to WAC 308-56A-525.
04-07-054		Title and Registration	Chapter 308-93 WAC, to include but not limited to WAC 308-93-030, 308-93-050.
04-10-011		Engineers	Chapter 196-23 WAC, Stamping and seals, chapter 196-26A WAC, Registered engineer and land surveyor fees.
04-12-010		Title and Registration	Chapter 308-61 WAC, Wreckers, to include but not limited to WAC 308-61-135.
04-16-116		Cosmetology	Update to chapter 308-20 WAC, due to chapter 51, Laws of 2004.
04-24-003		Security Guard	Fee increase for security guard program.
04-17-064		Title and Registration	WAC 308-56A-500, 308-56A-530.
05-04-102		Cemeteries	New Title 98 WAC, brief adjudicative proceedings.
05-07-044		Dealers	WAC 308-66-110, 308-66-155, 308-66-157, 308-66-190.
05-07-070		Dealers	WAC 308-90-120.

CR-101	CR-102	PROGRAM	SUBJECT
05-07-071		Dealers	WAC 308-66-180.
05-10-067		Title and Registration	Chapter 308-56A WAC.
05-11-012		Landscape Architect	WAC 308-13-020, 308-13-024, 308-13-100.
05-11-104		Title and Registration	Chapters 308-56A, 308-96A WAC, implementing 2SSB 5916.
05-11-105		Title and Registration	Chapters 308-56A, 308-96A WAC, implementing ESSB 6103.
05-13-181		Title and Registration	Chapter 308-96A WAC; WAC 308-96A-560.
05-15-121		Funeral	WAC 308-48-150, 308-48-160, 308-48-180, 308-48-200, 308-48-350, 308-48-530, 308-48-800, 308-49-168(b).
05-15-120		Notary	WAC 308-30-020.
	05-15-122	Funeral	WAC 308-48-800.
05-21-134		Title and Registration	WAC 308-96A-400 Excise tax exemption—Indians.
06-01-079		Security Guards	Repeal duplicative rules relating to brief adjudicative proceedings.
	06-02-037	Drivers	Chapter 308-103 WAC, Clarifies procedures for requesting and conducting hearings before the department.
06-02-036	06-12-126	Commercial Drivers	Setting period of driver's license suspension for providing false information when applying for a commercial driver's license.
06-05-044		Bail Bond	Amend preclicense training requirements for bail bond recovery agents, chapter 308-19 WAC.
06-06-018	06-09-048	Wastewater	Repeal of practice permits for on-site wastewater treatment system designers, chapter 196-31 WAC.
06-06-112		Geologists	Adjudicative proceedings, WAC 308-15-100, 308-15-101, 308-15-103.
06-06-113		Architects	Adjudicative proceedings, WAC 308-12-210, 308-12-220, 308-12-230.
06-06-114		Landscape Architects	Adjudicative proceedings, WAC 308-13-210, 308-13-220, 308-13-230.

CR-101	CR-102	PROGRAM	SUBJECT
06-07-090	06-12-051	Title and Registration	Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc. and chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-56A-310 Personal property lien—Chattel landlord and WAC 308-93-445 Personal property lien—Chattel, landlord.
06-07-153		Title and Registration	Chapter 308-93 WAC, to establish the criteria for approving vessel carbon monoxide stickers developed by vessel manufacturers to be used in lieu of the ones provided by the department of licensing.
06-08-041	06-12-125	Driver Training Schools	Chapter 308-108 WAC, Driver training schools.
06-09-003	06-13-016	Public Disclosure	Chapter 308-10 WAC.
06-09-018		Title and Registration	Chapter 308-94A WAC, Off-road and nonhighway vehicles, to include but not limited to WAC 308-94A-005 Certificates of ownership and registration.
06-09-019		Title and Registration	Chapter 308-94 WAC, to include but not limited to WAC 308-94-030 Snowmobile registration application—Registration year.
06-09-077	06-12-050	Title and Registration	Chapter 308-96A WAC, Vehicle licenses, to include but not limited to WAC 308-96A-096 registration requirements.
06-09-078		Title and Registration	Chapter 308-93 WAC, Vessel registration and certificate of title, to include but not limited to WAC 308-93-030 Vessels subject to excise tax, registration and titling, and WAC 308-93-070 Application for certificate of ownership/registration.
06-08-027		Private Investigator	Fee increase for private investigator company licenses.
06-08-061		Engineers	New chapter 196-28 WAC, Professional practices.
06-08-062		Engineers	Chapter 196-24 WAC.
06-08-076		Master Licensing	Limousine definitions.

CR-101	CR-102	PROGRAM	SUBJECT
	06-10-014	Title and Registration	Chapter 308-56A WAC, Certificates of title, to amend WAC 308-56A-270 Forms of signature (expedited).
	06-10-015	Title and Registration	WAC 308-56A-090, 308-93-087, 308-93-088, 308-93-089, these rules describe the disclosure of information held by the department on vehicle and vessel records (expedited).
06-10-064		Cemetery	To inform licensees and the public that the cemetery board is reviewing its rules for possible amendments needed due to the passing of SSB 5752.
06-11-001		Title and Registration	WAC 308-96A-530 Veteran remembrance license plate emblem.
06-09-044		On-site	Chapter 196-30 WAC, Fees for on-site wastewater treatment designers and inspectors.
06-09-045		Engineers	Chapter 196-23 WAC, Stamping and seals.
06-09-046		On-site	Chapter 196-33 WAC, Rules of professional practice for licensees designing on-site wastewater treatment systems.
06-09-047		Engineers	Chapter 196-25 WAC, Business practices.
06-11-074		Title and Registration	WAC 308-96A-306, 308-96A-311, 308-96A-312, 308-96A-313, 308-96A-314, 308-96A-316.
06-11-079		Geologist	Chapter 308-15 WAC, Geologist licensing services.
06-10-078		Dealers	Amendments mandated by SHB 1505 and SSB 6676.
06-11-159		Title and Registration	WAC 308-56A-150, 308-56A-210, 308-56A-115.
06-12-048		Appraiser	Amendments to chapter 308-125 WAC to limit the continuing education granted for attendance at real estate appraiser commission meetings and make corrections to qualifying education to meet the new appraiser qualifications criteria established by the appraiser qualifications board.
	06-11-135	Bail Bond	Increase fees, WAC 308-19-130.

CR-101	CR-102	PROGRAM	SUBJECT
06-12-127		Driver Examination	WAC 308-104-010 Vision test.

Walt Fahrer  
Rules Coordinator

**WSR 06-15-011**  
**NOTICE OF PUBLIC MEETINGS**  
**TACOMA COMMUNITY COLLEGE**

[Filed July 6, 2006, 12:38 p.m.]

Pursuant to RCW 42.30.075, the following is the revised 2006-07 schedule for District 22 Tacoma Community College board of trustees meetings.

Month	Day	Time
September 14, 2006	Thursday	4:00
October 11, 2006	Wednesday	4:00
November 9, 2006	Thursday	4:00
December 14, 2006**	Thursday	3:30
January 11, 2007*	Thursday	4:00
February 1, 2007	Thursday	4:00
February 2, 2007	Friday	8:00-5:00
March 8, 2007	Thursday	2:00
April 5, 2007*	Thursday	4:00
May 10, 2007	Thursday	2:30
June 7, 2007	Thursday	4:00
June 22-23, 2007	Fri-Sat	1 1/2 days
July		No meeting
August		No meeting

All meetings of the board of trustees will be held at Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466. The meetings begin at 4:00 p.m. unless otherwise noted.

If you need any other information, you may call Cathie Bitz at (253) 566-5101 or send an e-mail to [cbitz@tcc.ctc.edu](mailto:cbitz@tcc.ctc.edu).

**WSR 06-15-017**  
**NOTICE OF PUBLIC MEETINGS**  
**LOWER COLUMBIA COLLEGE**

[Memorandum—July 5, 2006]

Instead of their regularly scheduled meeting on September 20, 2006, the board of trustees of Lower Columbia College are changing the meeting to September 13, 2006, beginning at 5:00 p.m. in the Heritage Room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA.

**WSR 06-15-022**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**

[Filed July 7, 2006, 1:46 p.m.]

**ISSUANCE OF INTERPRETIVE STATEMENT**

The department of revenue has issued a revised Excise Tax Advisory 2016.04.111 (Second Revision) Staffing Companies (ETA 2016). The previous version of ETA 2016 provided guidance to staffing companies and professional employer organizations (PEOs) regarding their business and occupation (B&O) and retail sales tax reporting responsibilities in light of the Washington State Supreme Court's decision in *City of Tacoma v. William Rogers Company Inc.*, 149 Wn.2d 169, 60 P.3d 79 (2002). The guidance for PEOs has been removed from this ETA because SSB 6671 (chapter 301, Laws of 2005) provides specific tax-reporting requirements for PEOs.

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 a copy 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 06-15-023**  
**OFFICE OF THE GOVERNOR**

[Filed July 7, 2006, 2:27 p.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 April 28, 2006, the Governor received an appeal from Dr. Paul Powers relating to the Department of Health's denial of a petition to amend WAC 246-808-150. On June 12, 2006, Petitioner agreed to an extension of the response deadline. The Governor denied Dr. Powers' Petition on July 5, 2006.

DATE: July 6, 2006

Richard E. Mitchell  
 General Counsel to the Governor

July 5, 2006

Paul Powers, DC  
 Post Office Box 15  
 Rocky Hill, CT 06067

RE: Rule Making Appeal under RCW 34.05.330(3)  
 Amendment to WAC 246-808-150 - Continuing Education

Dear Dr. Powers:

This letter is in response to your above-noted petition to amend the Washington Chiropractic Quality Assurance Commission (Commission) rule codified at WAC 246-808-

150, concerning approved continuing education. Specifically, your petition requests an amendment to a November 2005 rule that limits the number of hours on-line that chiropractors may take for continuing education to twelve of the twenty-five hours required. After reviewing your petition and the Commission's response, I concur with the Commission's decision and am therefore denying your petition at this time.

I recognize that on-line, distance-based learning provides value and is increasingly incorporated at institutions of higher education. I further recognize that on-line continuing education for providers, including chiropractors, can provide a flexible, cost-effective alternative to in-person training programs.

The majority of Washington State's health profession boards and commissions, as well as chiropractic boards around the country, have instituted similar rules to balance hands-on and distance-based learning for health care providers. I believe that the Commission's rule limiting on-line instruction to twelve hours is reasonable, ensures this balance, and is based on their expertise of the field.

Therefore, while I am denying your petition, I am asking the Chiropractic Quality Assurance Commission to review the rule in a year to determine whether there have been on-line learning advancements that address the Commission's concerns adequately.

I appreciate the services chiropractors provide to Washington residents and thank you for the time and care you have taken in bringing your concerns to my attention.

Sincerely,

Christine O. Gregoire  
 Governor

cc:

Mary Selecky, Secretary, Department of Health  
 Christina Hulet, Policy Advisor, Governor's Office  
 Mark Rupp, Policy Advisor, Governor's Office

June 12, 2006

Paul Powers, DC  
 Post Office Box 15  
 Rocky Hill, CT 06067

RE: Rule Making Appeal under RCW 34.05.330(3)  
 Amendment to WAC 246-808-150 - Continuing Education

Dear Dr. Powers:

This letter is to confirm our telephone conversation of Monday, June 12, 2006, in which you agreed to extend the deadline for response to your April 28, 2006, appeal. The new deadline for response is Friday, June 30.

Thank you for your flexibility in this matter.

Sincerely,

Melynda Campbell  
 Legal Affairs Coordinator

cc: Tim Fitzsimmons, Chief of Staff, Governor's Office  
 Richard Mitchell, General Counsel, Governor's Office  
 Christina Hulet, Policy Advisor, Governor's Office

**WSR 06-15-026**  
**AGENDA**  
**DEPARTMENT OF ECOLOGY**  
 [Filed July 7, 2006, 4:04 p.m.]

Pursuant to RCW 34.05.314, attached is the department of ecology's rule agenda for July 2006 through December 2006.

If you have any questions please contact Jerry Thielen at (360) 407-7551 or e-mail at [jthi461@ecy.wa.gov](mailto:jthi461@ecy.wa.gov).

<b>Department of Ecology Rule-making Agenda</b>				
*The bolded dates indicate filings that have occurred.				
WAC Chapter	Program	Chapter Title	CR-102 Filing Date	CR-103 Filing Date
173-430 AO 04-10 6/04	AQ	Agricultural burning	April 06	July 06
173-455 (new), 173-455-400, 173-455-407, 173-455-425, 173-455-491, and 173-455-495 AO 05-14 9/05	AQ	Air quality fee rule	June 06	September 06
173-400 and 173-460 AO 05-19 11/05	AQ	General regulation for air pollution sources (WAC 173-400-110 only) and controls for new sources of toxic air pollutants	October 06	April 07
173-400, 173-406, and 173-480 AO 06-03 2/06	AQ	General regulation for air pollution sources, acid rain regulations, and ambient air quality standards and emission limits for radionuclides controls for new sources of toxic air pollutants	03/15/06 CR-105	May 06

<b>Department of Ecology Rule-making Agenda</b>				
*The bolded dates indicate filings that have occurred.				
WAC Chapter	Program	Chapter Title	CR-102 Filing Date	CR-103 Filing Date
173-406 AO 06-09 5/06	AQ	Acid rain regulation	September 06	February 07
173-18, 173-20, 173-22, and 173-27 AO 05-12 7/05	SEA	Shoreline Management Act rules	August 06	November 06
173-700 AO 04-13 7/04	SEA	Wetland mitigation banking - pilot rule	July 07	January 08
317-10, and 173-181 AO 00-03 7/99	Spills	Oil spills contingency plans and response contractor standards	<b>June 06</b>	September 06
317-40, 173-180A, 173-180B, 173-180C, and 173-180D AO 06-02	Spills	Oil transfer operations	<b>June 06</b>	September 06
173-300 AO 05-13	SWFAP	Certification of operators of solid waste incinerator and landfill facilities	<b>February 06</b>	<b>July 06</b>
173-308 AO 06-06 3/06	SWFAP	Biosolids management	January 07	May 07
173-224 AO 05-17 10/05	WQ	Wastewater discharge permit fees	<b>January 06</b>	<b>May 06</b>
173-201A AO 06-04 2/06	WQ	Water quality standards	<b>June 06</b>	December 06
173-95A and 173-98 AO 05-16 9/05	WQ	Uses and limitations of the water pollution control revolving fund and uses and limitations of the centennial clean water fund	February 07	June 07
173-503 AO 04-14 4/03	WR	Instream resources protection program - Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4).	<b>October 05</b>	<b>May 06</b>



Department of Ecology Rule-making Agenda				
*The bolded dates indicate filings that have occurred.				
WAC Chapter	Program	Chapter Title	CR-102 Filing Date	CR-103 Filing Date
173-525 AO 05-03 3/2/05	WR	Grays Elochoman instream resources protection and water management program WRIA 25	October - December 06	June 07
173-526 AO 05-04 3/2/05	WR	Cowlitz instream resources protection and water management program WRIA 26	October - December 06	June 07
173-153 AO 05-18 10/05	WR	Water conservancy boards	March 06	July 06
173-527 AO 05-05 3/2/05	WR	Lewis instream resources protection and water management program WRIA 27	October - December 06	May 07
9/15/06	WR	Salmon-Washougal instream resources protection and water management program WRIA 28	October - December 06	April 07
173-503 AO 04-01 2/04	WR	Instream flow rule for the Samish Sub-basin	September - December 06	June 07
173-532 AO 04-08 4/04	WR	Water resources program for the Walla Walla Basin WRIA 32	September - December 06	March 07
173-134A AO 06-05 3/06	WR	Quincy ground water subarea management policy	August 06	January 07
173-340 AO 06-10 5/06	TCP	Model toxics Control Act (MTCA)	August 06	November 06

Department of Ecology Rule-making Agenda				
*The bolded dates indicate filings that have occurred.				
WAC Chapter	Program	Chapter Title	CR-102 Filing Date	CR-103 Filing Date
173-517 AO 04-02 3/04	WR	Quilcene-Snow instream resources protection and water management program	March 07	September 07
173-518 AO 04-03 3/04	WR	Elwha Dungeness instream resources protection and watershed management program	June 07	December 07
New chapter AO 06-01 2/06	WR	Rain catchment	January 07	May 07
173-New AO 06-07 4/06	SWFAP	Electronic product recycling - Phase 1	July 06	October 06
		Electronic product recycling - Phase 2	April 07	August 07
173-160 and 173-162 AO 06-08 4/06	WR	Minimum standards for construction and maintenance of water wells and rules and regulations governing the regulation and licensing of well contractors and operators	August 06	November 06

Jerry Thielen  
Rules Coordinator

**WSR 06-15-033**  
**PUBLIC RECORDS OFFICER**  
**EASTERN WASHINGTON**  
**STATE HISTORICAL SOCIETY**  
 [Memorandum—July 11, 2006]

John Drexel has been appointed as the public records officer for agency 395, the Eastern Washington state historical society. He replaces Maurine Barrett who has left our agency.

John's contact information is as follows: John Drexel, Business Manager, 2316 West First Avenue, Spokane, WA

99204, phone (509) 363-5305, fax (509) 363-5303, e-mail johnd@northwestmuseum.org.

Bruce B. Eldredge  
Chief Executive Officer

**WSR 06-15-034**  
**RULES COORDINATOR**  
**EASTERN WASHINGTON**  
**STATE HISTORICAL SOCIETY**

[Memorandum—July 11, 2006]

John Drexel has been appointed as the rules coordinator for agency 395, the Eastern Washington state historical society. He replaces Maurine Barrett who has left our agency.

John's contact information is as follows: John Drexel, Business Manager, 2316 West First Avenue, Spokane, WA 99204, phone (509) 363-5305, fax (509) 363-5303, e-mail johnd@northwestmuseum.org.

Bruce B. Eldredge  
Chief Executive Officer

**WSR 06-15-036**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 10, 2006, 9:22 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.

Subject: 06-39; 06-51; 06-53; and 06-55.

Effective Date: 06-39 July 1, 2006; 06-51 July 1, 2006; 06-53 July 1, 2006; and 06-55 July 1, 2006.

Document Description: Numbered Memorandum 06-39, Chiropractic services for children: Fee schedule changes; Numbered Memorandum 06-51, Neurodevelopmental centers: Fee schedule changes; Numbered Memorandum 06-53, Occupational therapy program: Fee schedule changes and new CPT codes; and Numbered Memorandum 06-55, Physical therapy program: Policy clarification and fee schedule changes.

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 45504, Olympia, WA 98504-5504, 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).

July 5, 2006

Amelia Holl

for Ann Myers, Manager  
Rules and Publications Section

**WSR 06-15-037**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 10, 2006, 9:24 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: CN 253: Changes to Medical Assistance Only Cases.

Subject: Changes to medical assistance only cases.

Effective Date: June 27, 2006.

Document Description: This notice explains to division of child support (DCS) staff how to review a child support case for medical assistance only (MAO) history. This notice also explains to DCS staff how to determine if DCS needs to establish both a current and future support obligation as well as a back support debt.

To receive a copy of the interpretive or policy statement, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD (360) 753-9122, fax (360) 586-3274, e-mail [JKildahl@dshs.wa.gov](mailto:JKildahl@dshs.wa.gov).

July 7, 2006

Jeff Kildahl

**WSR 06-15-045**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[Filed July 11, 2006, 8:38 a.m.]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE NEW GR 12.1 ) NO. 25700-A-852

The Washington State Bar Association having recommended the adoption of New GR 12.1, and the Court having approved the proposed new rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rule as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [Camilla.Faulk@courts.wa.gov](mailto:Camilla.Faulk@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of July, 2006.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment
GENERAL RULES (GR)

GR 12.1 Washington State Bar Association
Administration of Supreme Court-Created Boards
and Committees Submitted by the Board of Governors of
the Washington State Bar Association

Purpose: This proposed new General Rule (GR) 12.1 is
intended to clarify and formalize the authority of the Wash-
ington State Bar Association for boards and committees cre-
ated by Supreme Court rule or order which are administered
by the bar association. There are currently seven boards and
committees established by the Supreme Court that the WSBA
is directed to administer: The State Board of Continuing
Legal Education, the Disciplinary Board, the Limited Prac-
tice Board, the Character and Fitness Committee, the Law-
yers' Fund for Client Protection Committee, the Practice of
Law Board, and the Access to Justice Board. In drafting this
proposed rule, meetings were held with representatives from
the Practice of Law Board and the Access to Justice Board,
and their concerns were considered in adopting the language
of the proposed rule.

The proposed rule provides that for these committees
and boards, the WSBA will provide and manage staff sup-
port, supervise and monitor their general functions, pay
expenses reasonably and necessarily incurred pursuant to a
budget approved by the Board of Governors, perform other
functions and take other actions as provided in court rule or
order or delegated by the Supreme Court, and take other
actions as are necessary and proper to enable the board or
committee to carry out its duties or functions. This proposed
rule follows the current practice of the WSBA in administer-
ing these boards and committees.

SUGGESTED AMENDMENT
GENERAL RULES (GR)

GR 12.1 WASHINGTON STATE BAR ASSOCIATION
ADMINISTRATION OF SUPREME COURT-CREATED BOARDS
AND COMMITTEES (NEW RULE)

The Supreme Court has delegated to the Washington
State Bar Association the authority and responsibility to
administer certain boards and committees established by
court rule or order. This delegation of authority includes pro-
viding and managing staff, supervising and monitoring the
boards and committees and monitoring of their general func-
tions, paying expenses reasonably and necessarily incurred
pursuant to a budget approved by the Board of Governors,
performing other functions and taking other actions as pro-
vided in court rule or order or delegated by the Supreme
Court, or taking other actions as are necessary and proper to
enable the board or committee to carry out its duties or func-
tions.

WSR 06-15-046
RULES OF COURT
STATE SUPREME COURT

[Filed July 11, 2006, 8:38 a.m.]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CRLJ 56 ) NO. 25700-A-853

The District and Municipal Court Judges' Association
having recommended the adoption of the proposed amend-
ments to CRLJ 56, and the Court having approved the pro-
posed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the pro-
posed amendments as attached hereto are to be published for
comment in the Washington Reports, Washington Register,
Washington State Bar Association and Office of the Admin-
istrator for the Court's websites in January, 2007.

(b) The purpose statement as required by GR 9(e), is
published solely for the information of the Bench, Bar and
other interested parties.

(c) Comments are to be submitted to the Clerk of the
Supreme Court by either U.S. Mail or Internet E-Mail by no
later than April 30, 2007. Comments may be sent to the fol-
lowing addresses: P.O. Box 40929, Olympia, Washington
98504-0929, or Camilla.Faulk@courts.wa.gov. Comments
submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of July,
2006.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

GR 9 Cover Sheet
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
RULE 56. SUMMARY JUDGMENT

Purpose: The suggested rule changes in subsection (c)
make the filing schedule for summary judgment motions in
the courts of limited jurisdiction consistent with the filing
schedule for summary judgment motions in the superior
courts (CR 56(c).) Consistency between the two rules would
simplify practice for attorneys who practice in both courts
and would not have any negative impact on practice in the
courts of limited jurisdiction.

The suggested changes to subsection (c) include a
requirement that a copy of CRLJ 56 be served on unrepre-
sented parties when those parties are served with a motion for
summary judgment, to ensure that each party is made aware
of the filing deadlines and other necessary information
regarding summary judgment motions.

Finally, new subsection (h) requires that the order grant-
ing or denying the motion for summary judgment specify the
documents and other evidence relied on by the trial court in
making its decision. This subsection is also consistent with
the rule applicable to the superior court (CR 56(h).)

CIVIL RULES FOR COURTS OF LIMITED JURISDICTION (CRLJ)
RULE 56. SUMMARY JUDGMENT

(a) - (b) [No changes.]

**(c) Motion and Proceedings.** The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served at least 10 not later than 28 calendar days before the time fixed for the hearing. The adverse party, prior to the day of may file and serve opposing affidavits, memoranda of law or other documentation not later than 11 calendar days before the hearing may serve opposing affidavits. The moving party may file any rebuttal documents not later than 5 calendar days prior to the hearing. If the date for filing either the response or rebuttal falls on a Saturday, Sunday, or legal holiday, then it shall be filed and served not later than the next day nearer the hearing which is neither a Saturday, Sunday, or legal holiday. Summary judgment motions shall be heard more than 14 calendar days before the date set for trial unless leave of court is granted to allow otherwise. Confirmation of the hearing may be required by local rules. The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that

there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages. A party moving for summary judgment shall, along with its motion for summary judgment, serve a copy of CRLJ 56 on all opposing parties who are not represented by counsel in the action.

**(d) - (g)** [No changes.]

**(h) Form of Order.** The order granting or denying the motion for summary judgment shall designate the documents and other evidence called to the attention of the trial court before the order on summary judgment was entered.

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

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 06-15-047**

**AGENDA**

**HEALTH CARE AUTHORITY**

[Filed July 11, 2006, 8:43 a.m.]

**July 31, 2006 Semi-annual Rule-Making Agenda**

<b>Approximate Preproposal</b> 1. Date 2. Subject Area 3. Contact/Telephone Number	<b>Purpose of the Rule</b> <b>Why Is this Significant?</b>	<b>Rule(s) Mandate</b>	<b>Other Agencies Who May Have Interest in the Subject of Rule(s)</b>
1. CR-101 2. September 2006 3. Rebecca Burch, (360) 923-2712	In the 2006 legislative session, the legislature created the small employer health insurance partnership program (the partnership). The partnership is intended to assist employees of small businesses (those with fifty or fewer employees) in participating in their employer's small group health plan. The partnership will issue a subsidy toward the eligible employee's share of the health insurance premium. Rules must be created to support the intent of the program. Issues to be addressed include, but are not limited to: <ul style="list-style-type: none"> <li>• Definitions.</li> <li>• Eligibility.</li> <li>• Enrollment.</li> <li>• Issuance of subsidies.</li> <li>• Recertification.</li> <li>• Disenrollment.</li> <li>• Subsidy overpayments.</li> <li>• Appeals.</li> </ul> As a part of the rule-making process, HCA will consult with various stakeholders, including small employers, carriers, and employee organizations, OIC and DSHS.	Chapter 255, Laws of 2006 (E2SHB 2752).	<ul style="list-style-type: none"> <li>• The office of the insurance commissioner.</li> <li>• The department of social and health services.</li> </ul>

<b>Approximate Preproposal</b> <b>1. Date</b> <b>2. Subject Area</b> <b>3. Contact/Telephone Number</b>	<b>Purpose of the Rule</b> <b>Why Is this Significant?</b>	<b>Rule(s) Mandate</b>	<b>Other Agencies Who May Have Interest in the Subject of Rule(s)</b>
1. July 2006 (expedited filing) 2. Chapter 182-12 WAC 3. Barbara Scott, (360) 923-2642	The 2006 legislature passed SB 6723 which expanded PEBB eligibility to include "surviving spouses and dependent children of emergency service personnel and members of the law enforcement officers' and fire fighters' retirement system plan 2 killed in the line of duty" prior to January 1, 1998. The proposed rules will establish conditions for enrollment and participation in PEBB coverage.	Chapter 345, Laws of 2006 and authorized under RCW 41.05.080.	Local governments, department of retirement systems, and department of labor and industries.
1. July 2006 (expedited filing) 2. Title 182 WAC 3. Barbara Scott, (360) 923-2642	HCA will evaluate and possibly revise retiree eligibility rules to allow retirees to defer their PEBB coverage, based on coverage in a Medicaid program that results from their auto-enrollment in Medicare Part D. HCA will also evaluate revising eligibility rules to allow these retirees' dependents to continue their enrollment in PEBB retiree coverage during the retiree's "deferred" status.	No mandate, but authorized under RCW 41.05.-065.	Department of social and health services.
1. October 2006 (preproposal filing) 2. Title 182 WAC 3. Barbara Scott, (360) 923-2642	HCA will undertake an extensive review of PEBB employee eligibility rules in Title 182 WAC. The purpose of the review is to ensure that PEBB employee eligibility rules are clear rules that can be consistently applied by employers and understood by employees.	No mandate, but authorized under RCW 41.05.-065.	All state and higher education agencies; K-12 school districts and local governments purchasing employee benefits via the PEBB program; department of personnel; and the office of financial management.
1. September 2006 2. CR-101 3. Dolores Reyes-Gonzalez, (360) 923-2781	Allocation of state noncitizen immigrant funds. The legislature created this program to be effective July 1, 2002, through June 30, 2003. Funding specifically for this program was terminated, however, WAC 182-20-250 was not removed making it confusing for some officials and stakeholders. Removing this section will update and clarify chapter 182-20 WAC.	None.	Department of social and health services.
1. September 2006 2. CR 101 3. Dolores Reyes-Gonzalez, (360) 923-2781 and Jan Olmstead, (360) 923-2803	The health care authority/community health services will be amending chapter 182-20 WAC to incorporate health care collaborative grant program. The legislature created a new program - health care collaborative grant program and appropriated funds in 2005-2007 biennium for initial funding and allocation of the second half of the funds in 2008. The proposed rule will establish requirements to develop a new grant program for innovative programs that target employed low-income persons who are uninsured and underinsured, through local programs addressing one or more of the following: a. Access to medical treatment. b. Efficient use of health care resources. c. Quality care. Selection criteria, performance measures and annual report will be developed.	No mandate, but authorized under chapter 67, Laws of 2006.	DOH, DSHS and OIC. Other state and local agencies.
1. November 2006 2. Chapter 182-50 WAC 3. Duane Thurman, (206) 521-2036	To be consistent with SSB 5838 (chapter 233, Laws of 2006) health care authority/prescription drug program will amend WAC 182-50-005(9) and 182-50-200 (1)(b) to exempt refills of prescriptions for immunomodulator/antiviral drugs used to treat hepatitis C from therapeutic substitution under WAC 182-50-200.	No mandate, but authorized by SSB 5838 (chapter 233, Laws of 2006).	DSHS, L&I, DOC.

Cyndi Presnell, Assistant Rules Coordinator, (360) 923-2802.

**WSR 06-15-051**  
**NOTICE OF PUBLIC MEETINGS**  
**BATES TECHNICAL COLLEGE**

[Memorandum—July 10, 2006]

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of July 19, 2006, to July 25, 2006, in the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405. The meeting will begin at 3:00 p.m.

**WSR 06-15-053**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**INFORMATION SERVICES**

[Memorandum—July 7, 2006]

The state interoperability executive committee (SIEC) will hold a special meeting on July 26, 2006, at 2:00 p.m. The meeting will take place in the department of information services boardroom, located on the 2nd floor of the James Larson Forum Building, 605 11th Avenue S.E., Olympia, WA.

For further information please contact Laurel McMillan at (360) 902-3566.

**WSR 06-15-055**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[July 10, 2006]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE NEW SET OF THE RULES OF ) NO. 25700-A-851  
PROFESSIONAL CONDUCT AND NEC- )  
CESSARY COMPANION AMENDMENTS )  
THERE TO, APR 8, APR 15 PROCE- )  
DURAL RULE 5, GR 25 AND ELC 1.5, )  
5.1, 15.4 AND 15.5 )

The Washington State Bar Association having recommended the new set of the Rules of Professional Conduct and necessary companion amendments thereto APR 8, APR 15 Procedural Rule 5, GR 25 and ELC 1.5, 5.1, 15.4 and 15.5, and the Court having considered the new set of rules, necessary companion amendments and comments submitted thereto, and having determined that the proposed new set of Rules of Professional Conduct and necessary companion amendments APR 8, APR 15 Procedural Rule 5, GR 25 and ELC 1.5, 5.1, 15.4 and 15.5 will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new set of Rules of Professional Conduct and necessary companion amendments thereto, APR 8, APR 15 Procedural Rule 5, GR 25 and ELC 1.5, 5.1, 15.4 and 15.5 as attached hereto are adopted. The current set of the Rules of Professional Conduct are hereby rescinded as of August 31, 2006.

(b) That the new set of Rules of Professional Conduct and necessary companion amendments thereto APR 8, APR 15 Procedural Rule 5, GR 25 and ELC 1.5, 5.1, 15.4 and 15.5 will be published in the Washington Reports and will become effective September 1, 2006.

DATED at Olympia, Washington this 10th day of July, 2006.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Fairhurst, J.

Bridge, J.

I dissent Sanders, J.  
Johnson, J.

**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 06-17 issue of the Register.

**WSR 06-15-056**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[July 10, 2006]

IN THE MATTER OF THE ADOPTION ) ORDER  
OF THE AMENDMENT TO CrR 4.2(g) ) NO. 25700-A-854  
AND JuCR 7.7 )

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g) and JuCR 7.7, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendments will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 10th day of July, 2006.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

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 06-16 issue of the Register.

WSR 06-15-057
RULES OF COURT
STATE SUPREME COURT
[June 10, 2006]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENTS TO CrR 2.2 ) NO. 25700-A-855
AND CrRLJ 2.2 )

The Minority and Justice Commission having recommended the adoption of the proposed amendments to CrR2.2 and CrRLJ 2.2, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.
(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2006.

DATED at Olympia, Washington this 10th day of July, 2006.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

RULE CrR 2.2
WARRANT OF ARREST AND SUMMONS

(a) Warrant of Arrest.

(1) Generally. If indictment is found or an information is filed, the court may direct the clerk to issue a warrant for the arrest of the defendant.

(2) Probable Cause. Before ruling on a request for a warrant the court may require the complainant to appear personally and may examine under oath the complainant and any witnesses the complainant may produce. A warrant of arrest may not issue unless the court determines that there is probable cause to believe that the defendant committed the offense charged. The court shall determine probable cause based on an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony establishing the grounds for issuing the warrant. Sworn testimony shall be recorded electronically or stenographically. The evidence shall be preserved and shall be subject to constitutional limi-

tations for probable cause determinations and may be hearsay in whole or in part.

(3) Ascertaining Defendant's Current Address.

(i) Search for address. The court shall not issue a warrant unless it determines that the complainant has attempted to ascertain the defendant's current address by searching the following: (A) the District Court Information System database (DOSCOS), (B) the driver's license and identocard database maintained by the Department of Licenses; and (C) the database maintained by the Department of Corrections listing persons incarcerated and under supervision. The court in its discretion may require that other databases be searched.

(ii) Exemptions from Address Search. The search required by subdivision (i) shall not be required if (A) the defendant has already appeared in court after filing of the same case, (B) the defendant is known to be in custody, or (C) the defendant's name is unknown.

(iii) Effect of Erroneous Issuance. If a warrant is erroneously issued in violation of this subsection (a)(3), that error shall not affect the validity of the warrant.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If an indictment is found or an information is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) When Summons Must Issue. If the indictment or information charges only the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant. (i) will not appear in response to a summons, (ii) will commit a violent offense, or (iii) will interfere with witnesses or the administration of justice, or (iv) is in custody.

(3) Summons. A summons shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of the office, and shall state the date when issued and the county where issued. It shall state the name of the defendant and shall summon the defendant to appear before the court at a stated time and place.

(4) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if service is not effected within a reasonable time, a warrant for arrest may issue.

(c) Requisites of a Warrant. The warrant shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of the office, and shall state the date when issued and the county where issued. It shall specify the name of the defendant, or if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command that the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is bailable, the judge shall set forth in the order for the warrant, bail, or other conditions of release.

(d) Execution; Service.

(1) Execution of Warrant. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

(2) Service of Summons. The summons may be served any place within the state. It shall be served by a peace officer who shall deliver a copy of the same to the defendant personally, or it may be served by mailing the same, postage prepaid, to the defendant at the defendant's address.

(e) Return. The officer executing a warrant shall make return to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the issuing court to be canceled. The person to whom a summons has been delivered for service shall, on or before the return date, file a return with the court before which the summons is returnable. For reasonable cause, the court may order that the warrant be returned to it.

(f) Defective Warrant or Summons.

(1) Amendment. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any such irregularity.

(2) Issuance of New Warrant or Summons. If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it appears that the warrant or summons does not properly name or describe the defendant or the offense with which the defendant is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that the defendant is guilty of some other offense, the judge shall not discharge or dismiss the defendant but may allow a new indictment or information to be filed and shall thereupon issue a new warrant or summons.

(g) Failure to Issue Warrant—Dismissal. Upon five days' notice to the prosecuting attorney, the court shall dismiss a charge without prejudice if (i) 90 days have elapsed since the indictment or information was filed and (ii) on the date that the order of dismissal is entered, no warrant has been issued and the defendant has not appeared in court.

[Amended effective September 1, 1983; September 1, 1986; September 1, 1995; September 1, 2003.]

#### Comment

Supersedes RCW 10.31.010, .020.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

#### RULE CrRLJ 2.2 WARRANT OF ARREST OR SUMMONS UPON COMPLAINT

(a) Issuance of Warrant of Arrest.

(1) Generally. If a complaint is filed and if the offense charged may be tried in the jurisdiction in which the warrant issues, and if the sentence for the offense charged may include confinement in jail, the court may direct the clerk to

issue a warrant for the arrest of the defendant unless the defendant has already been arrested in connection with the offense charged and is in custody or has been released on obligation to appear in court.

(2) Probable Cause. A warrant of arrest must be supported by an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony establishing the grounds for issuing the warrant. Sworn testimony shall be recorded electronically or stenographically. The evidence shall be preserved. The court must determine there is probable cause to believe that the defendant has committed the crime alleged before issuing the warrant. The evidence shall be subject to constitutional limitations for probable cause determinations and may be hearsay in whole or in part.

(3) Ascertaining Defendant's Current Address.

(i) Search for Address. The court shall not issue a warrant unless it determines that the complainant has attempted to ascertain the defendant's current address by searching the following: (A) the District Court Information system database (DISCIS), (B) the driver's license and identicard database maintained by the Department of Licenses; and (C) the database maintained by the Department of Corrections listing persons incarcerated and under supervision. The court in its discretion may require that other databases be searched.

(ii) Exemptions from Address Search. The search required by subdivision (i) shall not be required if (A) the defendant has already appeared in court (in person or through counsel) after filing of the same case, (B) the defendant is known to be in custody, or (C) the defendant's name is unknown.

(iii) Effect of Erroneous Issuance. If a warrant is erroneously issued in violation of this subsection (a)(3), that error shall not affect the validity of the warrant.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If a complaint is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

(2) When Summons Must Issue. ~~If the complaint charges the commission of a misdemeanor or a gross misdemeanor, (T)he court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant. (i) will not appear in response to a summons, (ii) will commit a violent offense, or (iii) will interfere with witnesses or the administration of justice, or (iv) is in custody.~~

(3) Summons for Felony Complaint. If the complaint charges the commission of a felony, the court may direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent bodily harm to the accused or another, in which case it may issue a warrant.

(4) Summons. A summons shall be in writing and in the name of the charging jurisdiction, shall be signed by the clerk with the title of that office, and shall state the date when issued. It shall state the name of the defendant and the nature of the charge, and shall summon the defendant to appear



before the court at a stated time and place. The summons shall inform the defendant that failure to appear as commanded may result in the issuance of a warrant for the arrest of the accused.

(5) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if delivery is not effected within a reasonable time, a warrant of arrest may issue, if the sentence for the offense charged may include confinement in jail.

(c) Requisites of a Warrant. The warrant shall be in writing and in the name of the charging jurisdiction, shall be signed by the judge or clerk with the title of that office, and shall state the date when issued. It shall specify the name of the defendant, or if his or her name is unknown, any name or description by which he or she can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is not a capital offense, the court shall set forth in the order for the warrant, bail and/or other conditions of release.

(d) Execution; Service.

(1) Execution of Warrant. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

(2) Delivery of Summons. The summons may be served any place within the state. It may be served by a peace officer, who shall deliver a copy of the same to the defendant personally, or it may be delivered by the court mailing the same, postage prepaid, to the defendant at his or her last known address.

(e) Return. The officer executing a warrant shall make return thereof to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting authority any unexecuted warrant shall be returned to the issuing court to be canceled. The peace officer to whom a summons has been given for service shall, on or before the return date, file a return thereof with the court before whom the summons is returnable. For reasonable cause, the court may order that the warrant be returned to it.

(f) Defective Warrant or Summons.

(1) Amendment. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any irregularity.

(2) Issuance of New Warrant or Summons. If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it appears that the warrant or summons does not properly name or describe the defendant or the offense with which he or she is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that he or she will be charged with some other offense, the judge shall not discharge or dismiss the defendant but may allow a new complaint to be filed and shall thereupon issue a new warrant or summons.

(g) Failure to Issue Warrant—Dismissal. Upon five days' notice to the prosecuting attorney, the court shall dismiss a charge without prejudice if (i) 90 days have elapsed since the citation or complaint was filed and (ii) on the date that the order of dismissal is entered, no warrant has been issued and the defendant has not appeared in court.

[Amended effective September 1, 1991; September 1, 1995; September 1, 2003.]

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

**WSR 06-15-058**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[July 10, 2006]

IN THE MATTER OF THE ADOPTION	)	ORDER
OF THE AMENDMENTS TO APR 1, 2, 3,	)	NO. 25700-A-856
7, 20, 20.1, 20.2, 20.3, 20.4, 20.5, 21, 22, 23,	)	
24, 24.1, 24.2, 24.3, 24.4, 24.5, 25, 25.1,	)	
25.2, 25.3, 25.4, 25.5 AND 25.6; RAP 1.1,	)	
2.2, 5.2, 8.1, 9.6, 10.2, 10.3, 10.4, 10.5, 11.4,	)	
12.3, 13.4, New RAP 13.5A, 13.7, 16.7,	)	
16.9, 16.14, 16.16, 16.18, 17.4, 17.5, 18.1,	)	
18.5, 18.6, 18.7, 18.13, 18.15, RAP FORMS	)	
4, 6, 7, 12, 14, 17 AND NEW FORM 24;	)	
RALJ 4.1; NEW GR 3.1; CR 43 AND 66	)	
AND CRLJ 43; AND ER (DELETION OF	)	
ALL COMMENTS TO THE ERS) INTRO-	)	
DUCTORY COMMENT, COMMENT 101,	)	
102, 103, 104, 105, 106, 201, 301, 302, 401,	)	
402, 403, 404, 405, 406, 407, 408, 409, 410,	)	
411, 412, 501, 601, 602, 603, 604, 605, 606,	)	
607, 608, 609, 610, 611, 612, 613, 614, 615,	)	
701, 702, 703, 704, 705, 706, 801, 802, 803,	)	
804, 805, 806, 807, 901, 902, 903, 1001,	)	
1002, 1003, 1004, 1005, 1006, 1007, 1008	)	
AND 1101	)	

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 1, 2, 3, 7, 20, 20.1, 20.2, 20.3, 20.4, 20.5, 21, 22, 23, 24, 24.1, 24.2, 24.3, 24.4, 24.5, 25, 25.1, 25.2, 25.3, 25.4, 25.5 and 25.6, RAP 1.1, 2.2, 5.2, 8.1, 9.6, 10.2, 10.3, 10.4, 10.5, 11.4, 12.3, 13.4, New RAP 13.5A, 13.7, 16.7, 16.9, 16.14, 16.16, 16.18, 17.4, 17.5, 18.1, 18.5, 18.6, 18.7, 18.13, 18.15, RAP Forms 4, 6, 7, 12, 14, 17 and New Form 24; RALJ 4.1; New GR 3.1; CR 43 and 66 and CRLJ 43; and ER (deletion of all comments to the ERs) Introductory Comment, Comment 101, 102, 103, 104, 105, 106, 201, 301, 302, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 501, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 701, 702, 703, 704, 705, 706, 801, 802, 803, 804, 805, 806, 807, 901, 902, 903, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1101, and the Court having considered the amendments, new rules and comments submitted thereto, and having determined that the proposed amendments and new

rules will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments and new rules as attached hereto are adopted.

(b) That the amendments and new rules will be published in the Washington Reports and will become effective September 1, 2006.

DATED at Olympia, Washington this 10th day of July, 2006.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

Johnson, J.

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 06-17 issue of the Register.

WSR 06-15-061
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
[Memorandum—July 10, 2006]

The Walla Walla Community College board of trustees (District No. 20) will hold a special (retreat) meeting on Wednesday, July 19, 2006, beginning at 9:30 a.m. The meeting will be held at the Three Rivers Winery Conference Room, 5641 West Highway 12, Walla Walla, WA 99362.

The board of trustees will not hold a regular meeting the month of July 2006.

If you have any questions, please feel free to contact Jerri Ramsey at (509) 527-4274 or jerri.ramsey@wwcc.edu.

WSR 06-15-062
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
[Memorandum—July 10, 2006]

The Walla Walla Community College board of trustees (District No. 20) will hold a special meeting on Friday, July 14, 2006, beginning at 9:30 a.m. The meeting will be held in the Walla Walla Community College Board Room, 500 Tausick Way, Walla Walla, WA 99362.

If you have any questions, please feel free to contact Jerri Ramsey at (509) 527-4274 or jerri.ramsey@wwcc.edu.

WSR 06-15-063
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Memorandum—July 11, 2006]

NOTIFICATION OF MEETING CHANGE

The board of trustees of Whatcom Community College, District Number Twenty-One, has changed their July meeting from Wednesday, July 12, 2006, to Wednesday, July 19, 2006. The board of trustees will meet on the Whatcom Community College campus at 237 West Kellogg Road, Bellingham, WA, beginning at 2:00 p.m.

July 19, 2006 2:00 p.m. Whatcom Community College
Wednesday Laidlaw Boardroom, 143
236 West Kellogg Road
Bellingham, WA 98226

WSR 06-15-075
DEPARTMENT OF
EARLY LEARNING
[Filed July 13, 2006, 1:52 p.m.]

I am writing to request that the code reviser's office decodify the departments of social and health services (DSHS) and community, trade and economic development (CTED) rules listed below and recodify them as department of early learning (DEL) rules under the chapters/sections listed in Title 170 WAC, as listed below. The affected WAC chapters or sections are the following:

Table with 2 columns: Decodify Current DSHS Chapter/Section and Recodify as DEL Chapter/Section. Rows include 388-151, 388-155-080, 388-292, 388-295, 388-296, 365-40.

DEL intends for the recodification to be effective immediately.

Joyce Turner
Acting Executive Director

WSR 06-15-077
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
[Memorandum—July 12, 2006]

A regular meeting of the Washington state convention and trade center board of directors will be held on Tuesday,

July 18, 2006, at 2:00 p.m. in Room 3A of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 06-15-080**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed July 14, 2006, 12:21 p.m.]

I am writing to request that the code reviser's office withdraw WSR 06-14-067. The department of early learning (DEL) intends for the withdrawal to be effective immediately.

Carla Gira  
Rules Coordinator

**WSR 06-15-088**  
**DEPARTMENT OF ECOLOGY**

[Filed July 14, 2006, 3:11 p.m.]

The Washington state department of ecology, toxics cleanup program, has replaced Policy 500C with Policy 550C to reflect current practice and update the format.

Policy 550C *Prepaid Cleanup Oversight*, provides ecology employees guidance for implementation of WAC 173-340-550(7). This provision of the Model Toxics Control Act rule provides for prepayment of ecology's oversight costs to enable resources to be dedicated to the oversight of cleanup at lower priority sites.

To obtain a copy of updated Policy 550C, please contact Carol Dorn at (360) 407-7224.

Jack A. Glotz  
for James J. Pendowski, Manager  
Toxics Cleanup Program

**WSR 06-15-096**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**

[Filed July 17, 2006, 10:52 a.m.]

Driver Training School Program  
Advisory Committee Meeting  
Thursday, August 24, 2006  
9:00 a.m. to 3:00 p.m.  
Big Bend Community College  
1800 Building  
Hardin Room #1837  
7662 Chanute Street N.E.  
Moses Lake, WA 98837  
(360) 902-0110

**WSR 06-15-106**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
(Real Estate Appraiser Commission)

[Memorandum—July 13, 2006]

Effective July 13, 2006, the real estate appraiser commission meetings to be held on November 17, 2006, has a meeting location change. The change is as follows: November 17, 2006, Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA.

**WSR 06-15-108**  
**ATTORNEY GENERAL OPINION**  
**ATTORNEY GENERAL'S OFFICE**

[Filed July 18, 2006, 10:13 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by August 9, 2006. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The attorney general's office seeks public input on the following opinion request(s).

**06-07-01 Request by Brian Sullivan**  
**State Representative, 21st District**

**1. Is it allowable for a city to use RCW 82.46.010(3) to eliminate their optional sales tax, increase their REET (real estate excise tax), and still receive, from a county, any portion of the optional sales tax they were statutorily required to give up?**

**2. Is the Department of Revenue correct in its assessment that, should a city give up the optional portion of their general sales tax under RCW 82.46.010(3), it would instead flow to the county?**

**WSR 06-15-113**

**AGENDA**

**UNIVERSITY OF WASHINGTON**

[Filed July 18, 2006, 3:26 p.m.]

**The University of Washington's  
Semiannual Agenda for Rules under Development  
(Per RCW 34.05.314)  
July 2006**

1. Rules for new chapter 478-137 WAC, Use of University of Washington, Bothell and Cascadia Community College joint facilities, will be effective during the second half of 2006.

2. Expedited rule making for Title 478 WAC rules, to update citations to the recodified chapter 42.56 RCW, Public records, will continue during the second half of 2006.

3. Rule making for chapter 478-136 WAC, Use of University of Washington facilities, concerning smoking limitations, will continue during the second half of 2006.

4. Rule making concerning the animal control policy, currently part of chapter 478-124 WAC, General conduct code for the University of Washington, is anticipated during the second half of 2006.

5. Rule making for chapter 478-276 WAC, Governing access to public records, is anticipated during the second half of 2006.

6. Rule making for a new section concerning cost savings on course materials for students is anticipated during the second half of 2006.

7. Rule making for chapter 478-120 WAC, Student conduct code for the University of Washington, is anticipated during the second half of 2006.

8. Rule making for chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle, is anticipated for the second half of 2006 concerning bicycles, mopeds and skateboards.

9. Rule making for a new section on the university archives in chapter 478-168 WAC, Regulations for the University of Washington libraries, is anticipated during the second half of 2006.

For more information concerning the above rules contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, 4046 12th Avenue N.E., Seattle, WA 98105, campus mail Box 355509, phone (206) 543-9219, fax (206) 221-6917, e-mail rules@u.washington.edu.

**WSR 06-15-114**

**RULES COORDINATOR**

**ATTORNEY GENERAL'S OFFICE**

[Filed July 18, 2006, 3:27 p.m.]

This letter is to request a change in the designated rules coordinator for the attorney general's office. Shelley Rohr is our current designee, but we would like to appoint a new rules coordinator, effective August 1, 2006, as follows: Nerissa Wellemeier, Attorney General's Office, P.O. Box 40100,

Olympia, WA 98504-0100, e-mail NerissaR@atg.wa.gov, phone (360) 753-6207, fax (360) 664-0228.

Greg Lane  
Acting Chief of Staff

**WSR 06-15-115**

**DEPARTMENT OF ECOLOGY**

[Filed July 18, 2006, 4:01 p.m.]

**Ecology seeks comment on 5 general orders:**

Ecology has created the legal framework for general orders of approval (WAC 173-400-560). Ecology's air quality program is now proposing five new general orders. If a source wishes to install one of the pieces of equipment covered by the general orders, an application can be made for coverage under the general order, or the business can choose to go through the older more site specific notice of construction order of approval. The choice is made by the applicant.

The new orders cover:

1. Rich-burn, spark ignition, gaseous, fossil fuel-powered emergency electrical generators,
2. Diesel-powered emergency electrical generators,
3. Perchloroethylene dry cleaners using less than 2,100 gallons per year,
4. Portable rock crushers with less than 14,500 tons of material processed each day, and
5. Stationary rock crushers with less than 14,500 tons per day throughput.

The proposed general orders and support documents are available for public comment from August 2, 2006, to 5 p.m., August 31, 2006. Written, e-mailed and faxed comments must be **received** no later than 5 p.m., August 31, 2006. These comments should be sent to Tom Todd (address below).

They can be viewed at <http://apps.ecy.wa.gov/permithandbook/category.asp?id=1>. Printed copies of the orders can be obtained from Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7528, fax (360) 407-7534, e-mail ttod461@ecy.wa.gov.

The applicability criteria for these source categories are:

**1. Rich-Burn, Spark Ignition, Gaseous, Fossil Fuel-Powered Emergency Electrical Generator.**

Criterion	Limitation
Fuel	Gaseous fossil fuels, such as natural gas and propane.
Generator set size	Not greater than eight hundred fifty brake horsepower (BHP) engine.
Engine qualifications	Spark ignition. Rich burn design: Equipped with three-way catalytic muffler.
Location	Located in counties or at industrial facilities under jurisdiction of the department of ecology.

Minimum distances to property line and publicly-accessible buildings vary with engine size	If the exhaust stack extends at least ten feet above the roof line, there are no location restrictions. Engines under one hundred BHP may use a shorter stack with location restrictions.
Minimum stack height criteria	Engines over one hundred BHP, exhaust stack must extend at least ten feet above the roof line. Engines one hundred BHP or less may use a shorter stack with location restrictions.
Minimum stack height varies with engine size and location.	
Allowed operating hours	Not more than thirty hours in any calendar year for required testing, and not more than five hundred hours total operation in any calendar year.
Other criteria	1. The generator set is not part of a new major stationary source or major modification to a major stationary source which is subject to review under the prevention of significant deterioration program. 2. The addition of the generator set to an existing source does not make the source subject to the air operating permit program or require a modification in an existing air operating permit.

**2. Diesel-powered Emergency Electrical Generators.**

Criterion	Limitation
Fuel	Low-sulfur content: Not greater than five hundred parts sulfur per million by weight (ppmw).
Generator set size	Not greater than five hundred thirty brake horsepower (BHP) engine.
Diesel engine qualifications	Certified by manufacturer to meet the standards of 40 C.F.R. Part 60 Subpart III [IV] (as proposed July 2005, see "Diesel engine qualifications" under item 2 of approval conditions).
Location	Located in counties or at industrial facilities under jurisdiction of the department of ecology.

Minimum distances to property line and publicly-accessible buildings vary with engine size	If the exhaust stack extends at least ten feet above the roof line, there are no location restrictions. Engines under one hundred BHP may use a shorter stack with location restrictions.
Allowed operating hours	Not more than thirty hours in any calendar year for required testing, and not more than five hundred hours total operation in any calendar year.
Other criteria	3. The generator set is not part of a new major stationary source or major modification to a major stationary source which is subject to review under the prevention of significant deterioration program. 4. The addition of the generator set to an existing source does not make the source subject to the air operating permit program or require a modification in an existing air operating permit.
Fuel	Low-sulfur content: Not greater than five hundred parts sulfur per million by weight (ppmw).
Generator set size	Not greater than five hundred thirty brake horsepower (BHP) engine.
Diesel engine qualifications	Certified by manufacturer to meet the standards of 40 C.F.R. Part 60 Subpart III [IV] (as proposed July 2005, see "Diesel engine qualifications" under item 2 of approval conditions).

**3. Perchloroethylene Dry Cleaners Using less than 2100 Gallons Per Year.**

Parameter	Criteria
Type of machine	New and used cleaning machines originally designed and constructed as dry-to-dry equipment, equipped with refrigerated condenser (also known as 4th generation equipment).
Maximum machine size	None.
Solvents allowed	Perchloroethylene.
Purchased quantity of solvent per year	Less than 2,100 gal/yr.
Location	Shall not be located in any building containing a residence.

Other requirements	<p>5. The covered equipment is not part of a new major stationary source or major modification to a major stationary source which is subject to preview under the prevention of significant deterioration program.</p> <p>6. The addition of the covered equipment to an existing source does not make the source subject to the air operating permit program or require a modification in an existing air operating permit.</p>
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**4. Portable Rock Crushers less than 14,500 Tons of Material Processed Each Day.**

Criterion	Limitation
Rock crusher throughput	14,500 tons per day and 1,500,000 tons per year
Control technology	BACT has been determined to be a wet suppression control technology that shall be installed and operated at each emission point (conveyer transfer point, screens, and crushers).
Minimum distance to property line	One hundred fifty feet (forty-five meters).
Portable rock crushers	Must not operate in the same location for more than twelve months.
Visible emissions	10% opacity.
Source of electrical power	Stationary rock crushers cannot use portable or stationary diesel engines or diesel generators. There are no restrictions on portable rock crushers.

**5. Portable Rock Crushers less than 14,500 Tons of Material Processed Each Day.**

Criterion	Limitation
Rock crusher throughput	14,500 tons per day and 1,500,000 tons per year
Control technology	BACT has been determined to be a wet suppression control technology that shall be installed and operated at each emission point (conveyer transfer point, screens, and crushers).
Minimum distance to property line	One hundred fifty feet (forty-five meters).
Portable rock crushers	Must not operate in the same location for more than twelve months.
Visible emissions	10% opacity.

Criterion	Limitation
Source of electrical power	Stationary rock crushers cannot use portable or stationary diesel engines or diesel generators. There are no restrictions on portable rock crushers.

These orders will be available to applicants in the counties that are regulated directly by ecology's air quality program. These counties are San Juan, Okanogan, Chelan, Douglas, Ferry, Stevens, Pend Oreille, Kittitas, Walla Walla, Columbia, Garfield, Asotin, Grant, Lincoln, Adams, Whitman, Franklin, and Klickitat counties. Applicants in other areas are regulated by a local air agency and are subject to their notice of construction rules and procedures. These orders are also available to those sources of statewide importance that are directly regulated by ecology.

**Submitting Written Comments:** Ecology will accept written comments on the draft natural gas fired boiler general order and fact sheet. Comments should reference specific text when possible. Comments may address the following:

- Technical issues,
- Accuracy and completeness of information,
- The scope of facilities proposed for coverage,
- Adequacy of environmental protection and order conditions, or
- Any other concern that would result from issuance of the revised order.

Please submit written comments to Tom Todd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7528, fax (360) 407-7534, e-mail ttod461@ecy.wa.gov.

Written, e-mailed and faxed comments must be **received** no later than 5 p.m., August 31, 2006.

**Issuing the Final General Orders:** Ecology will issue the final orders after it considers all public comments. Ecology expects to issue the general orders soon after the end of the public comment period. They will be effective thirty days after issuance. When ecology issues the orders, it will send a response to everyone who commented.

**Who would be covered by the order?** The order covers all new sources in the applicable source categories who propose to emit air pollutants to environment. The choice of whether to be covered by a more traditional individual notice of approval or these general orders remains with the applicant.

If you have special accommodation needs or require a copy of the order and fact sheet in an alternative format, please contact Tami Dahlgren, (360) 407-6830. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.

**WSR 06-15-119**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING**

(Cosmetology, Barber, Manicure and Esthetics Advisory Board)

[Memorandum—July 19, 2006]

The department of licensing will be holding a training session for all members of the advisory board.

- When: August 21, 2006  
9:30 a.m. to 4:00 p.m.
- Where: Department of Licensing  
Business and Professions Division  
Building 2, Conference Room 209  
405 Black Lake Boulevard S.W.  
Olympia, WA 98502
- Questions: Call (360) 664-6643

The department of licensing has a policy of providing equal access to its services. If you need special accommodation, please call (360) 664-6643 or, for the hearing impaired, TTY (360) 664-8885.

WAC Chapter or Section	Purpose of rule being developed or amended
332-24-730	Update boundary of forest protection zone in King County.
332-30-123 Expedited	Address minor edits in rule as required by the code reviser's office.
332-30-128 Expedited	Address minor edits in rule as required by the code reviser's office.

Bonnie Bunning  
Executive Director  
Policy and Administration

**WSR 06-15-133**

**AGENDA**

**DEPARTMENT OF  
NATURAL RESOURCES**

[Filed July 19, 2006, 10:14 a.m.]

Following is the department of natural resources' semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please call Simon Kihia at (360) 902-1424, or e-mail at [simon.kihia@wadnr.gov](mailto:simon.kihia@wadnr.gov) if you have questions.

**RULES DEVELOPMENT AGENDA  
July 2006 to December 2006**

WAC Chapter or Section	Purpose of rule being developed or amended
332-22	Removes from rule the application of the rules for commercial land leasing, leaving commercial leases governed by statute only.
332-41	Update the referenced RCW and WACs that have been recodified. Clarify existing language.
332-52	Revise and update rules to reflect current recreation and public access policy.
332-24-710	Update boundary of forest protection zone in Kitsap County.
332-24-720	Update boundary of forest protection zone in Pierce County.