

**WSR 06-16-060**  
**AGENDA**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 28, 2006, 11:13 a.m.]

Following is the department of social and health services' semi-annual rule-making agenda for July 1, 2006, through December 31, 2006. This agenda will be published in the state register under RCW 34.05.314 and distributed to interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

**Semi-Annual Rule-Making Agenda**  
**July 1, 2006, through December 31, 2006**

This rule agenda identifies and describes rules under development by DSHS administrations, divisions and other operating units from July 1, 2006, through December 31, 2006, as well as rules permanently adopted or notices withdrawn since the January-June 2006 rules agenda. DSHS files a rule-making agenda with the office of the code reviser twice each year to comply with RCW 34.05.314. There may be

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

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

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

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

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
<b>Aging and Disability Services Administration (ADSA)</b>							
<b>ADSA-Division of Developmental Disabilities (DDD)</b>							
Chapter 388-820 (new chapter name and subject), and other related rules	Support intensity scale module	Defining requirements for administering the new module for clients authorized to receive supportive living services.	Mark Eliason, ADSA-DDD		WSR 05-23-132 Filed 11/21/05		
Chapters 388-821 (new); 388-825 WAC	Companion homes and alternative living program	Moving standards for these services from current chapter 388-825 WAC.	Saif Hakim, ADSA-DDD		WSR 06-07-086 Filed 3/14/06		
Chapter 388-825 WAC	DDD services rules	Establishing a flexible family support pilot program for families providing care for family members with developmental disabilities.	Steve Brink, ADSA-DDD		WSR 06-10-030 Filed 4/27/06		
WAC 388-825-105, 388-825-130, 388-825-145, and 388-825-155	DDD services rules	Amending the time frames for giving notice to residents of a state residential habilitation center being transferred to the community per RCW 71A.20.080, and for timeframes for appealing a transfer.	Steve Brink, ADSA-DDD		WSR 06-03-116 Filed 1/17/06	WSR 06-07-074 Hearing 4/25/06	WSR 06-10-055 Effective 6/1/06

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WAC 388-825-120	DDD services rules	Clarifying that clients have a right to an administrative hearing if the department reduces or terminates services previously authorized in an exception to rule.	Steve Brink, ADSA-DDD	WSR 06-11-081 Filed 5/16/06	WSR 06-11-060 Filed 5/12/06	To be filed in early August 2006 Hearing 9/5/06	
WAC 388-825-228 and 388-825-254	DDD services rules	Increasing vendor and individual provider rates as directed in the 2005-07 state operating budget, chapter 518, Laws of 2005.	Shirley Everard, ADSA-DDD		WSR 05-15-094 Filed 7/15/05	WSR 06-08-049 Hearing 5/9/06	WSR 06-11-082 Effective 6/16/06
WAC 388-825-560	Flexible family support pilot program	Amending the rule consistent with recent state law regarding reimbursement to parents who have purchased necessary goods and services for the care and support of their family member.	Steve Brink, ADSA-DDD	WSR 06-10-054 Filed 5/1/06	WSR 06-10-030 Filed 4/27/06	To be filed in early August 2006	
WAC 388-827-0115 and 388-827-0145	DD State supplementary payments	Expanding the population that is eligible to get DD-SSP to include certain individuals in residential settings; and other purposes.	Steve Brink, ADSA-DDD	WSR 06-14-060 Filed 6/30/06	WSR 06-14-061 Filed 6/30/06		
Chapter 388-828 WAC (new) and related rules	DDD Assessment	Defining requirements for administering the assessment to eligible clients with developmental disabilities.	Mark Eliason, ADSA-DDD		WSR 05-23-133 Filed 11/21/05		
Chapter 388-828A WAC (new) and related rules	DDD plan of care module	Adopting new rules defining requirements for implementing a plan of care module for eligible clients with developmental disabilities.	Mark Eliason, ADSA-DDD		WSR 06-02-072 Filed 1/3/06		
Chapter 388-831 WAC (new)	Community protection program	Establishing the community protection program as directed by recent state law.	Steve Brink, ADSA-DDD		WSR 06-08-034 Filed 3/28/06		
Chapter 388-835 WAC	ICF/MR program and reimbursement system	Amending language to reflect new rates for intermediate care facilities for the mentally retarded.	Jeannie Johnson, ADSA-DDD		Planned for future action		
Chapter 388-845 WAC	Home and community based services waivers	Amending the procedures for administering the DDD home and community based services waivers consistent with federal approvals.	Steve Brink, ADSA-DDD	WSR 06-15-050 Filed 6/12/06 (WAC 388-845-0205 and 388-845-0210)	WSR 06-09-013 Filed 4/10/06		
Chapter 388-850 WAC	County plan for developmental disabilities	Rewriting rules in "plain talk" format and clarifying language.	Jeannie Johnson, ADSA-DDD		Planned for future action		

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Chapter 388-853 WAC	Cost of care for mentally deficient persons residing in state institutions	Repealing all sections in this chapter. The same subject matter is covered in chapter 388-835 WAC and rules in chapter 388-853 WAC are now obsolete.	Jeannie Johnson, ADSA-DDD		WSR 05-15-096 Filed 7/15/05		
<b>ADSA - Home and Community Services (HCS)</b>							
Chapter 388-106 WAC	Long-term care services	Adopting new rules on the New Freedom consumer directed services program, including eligibility criteria, available services, and enrollment/disenrollment.	Rosemary Biggins, ADSA-HCS		WSR 05-05-080 Filed 2/15/05	WSR 06-11-018 Hearing 6/27/06	WSR 06-16-035 Effective 8/25/06
Chapter 388-106 WAC	Long-term care services	Adding eligibility criteria and implementing the Washington Medicaid integration partnership (WMIP).	Tiffany Sevruck, ADSA-HCS		WSR 05-06-083 Filed 3/1/05	WSR 06-14-059 Hearing 8/8/06	
Chapter 388-106 WAC	Long-term care services	Clarifying portions of rules recently adopted, and adding new rules on scope of long-term care services; services provided; assessment; and specific services.	Kristi Knudsen, ADSA-HCS		WSR 06-05-099 Filed 2/14/06		
WAC 388-106-0047 (new)	Long-term care services	Clarify eligibility; denial and termination when conditions in the client's home are hazardous; or when the client refuses services essential to his or her plan of care.	Carol Sloan, ADSA-HCS		WSR 05-01-128 Filed 12/15/04	WSR 05-15-146 1st hearing 8/23/05 2nd proposal, WSR 05-20-080 2nd Hearing 11/8/05 3rd proposal WSR 06-09-091 3rd hearing 5/23/06	To be filed in early August 2006
Chapter 388-106 WAC and other chapters	Long-term care services	Clarifying what may change: The maximum number of hours of in-home long-term care a client may receive; the maximum payment rate; and a client's administrative hearing rights when care hours or payment rates previously approved as an exception to rule are terminated or reduced.	Tiffany Sevruck, ADSA-HCS	WSR 06-11-151 Filed 5/23/06	WSR 06-11-084 Filed 5/16/06		
WAC 388-112-0010 and 388-112-0250	Residential long-term care	Correcting errors and obsolete cross references in these rules without changing their effect.	Barbara Hanneman, ADSA-HCS		Exempt	WSR 06-04-087 Hearing 3/7/06	To be filed in early August 2006

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WAC 388-513-1330 and 388-513-1363	Eligibility for long-term care services	Revising rules regarding the transfer of assets for clients found eligible for long-term care services due to the federal Deficit Reduction Act, PL 109-171.	Lori Rolley, ADSA-HCS	WSR 06-10-045 Filed 4/28/06	WSR 06-10-020 Filed 4/24/06		
WAC 388-513-1350	Maximum resources allowed and resource available for long-term care services	Changing the spousal resource maximum effective July 1, 2005, and the community spousal share maximum effective July 1, 2006, and implementing federal law regarding disqualifying long-term care assistance for individuals with home equity in excess of \$500,000 effective May 1, 2006.	Lori Rolley, ADSA-HCS	WSR 06-10-033 Filed 4/27/06	WSR 06-10-019 Filed 4/24/06 Replaced WSR 05-13-139		
WAC 388-513-1360	Client not in own home - Institutional medical	Repealing the rule. Information from this rule may be moved to WAC 388-513-1350.	Lori Rolley, ADSA-HCS		WSR 05-13-131 Filed 6/20/05		
WAC 388-513-1380	Financial participation in the cost of long-term care services	Implementing July 1, 2006, increases in the: Personal needs allowance for clients living in medical institutions, community spouse income and family allowance; and community spouse housing allowance.	Lori Rolley, ADSA-HCS	WSR 06-14-039 Filed 6/28/06	WSR 06-14-033 Filed 6/28/06		
WAC 388-515-1550	Medically needy in-home waiver (MNIW)	Increasing the personal needs allowance for MNIW to match the personal needs allowance for the categorically needy waiver program.	Lori Rolley, ADSA-HCS	WSR 06-14-038 Filed 6/28/06	WSR 06-12-092 Filed 6/6/06		
<b>ADSA - Office of Rates Management</b>							
Chapter 388-105 WAC	Medicaid rates for contracted home and community residential care services	Accepting payments, or other items from clients, friends or family.	Patricia Hague, ASDA-Office of Rates Management		WSR 04-10-089 Filed 5/4/04		
Chapter 388-105 WAC	Medicaid rates for contracted home and community residential care services	Vendor rate increase; capital add-on rate.	Patricia Hague, ADSA-Office of Rates Management (WSR 04-20-100 replaces WSR 04-06-088)		WSR 04-20-100 Filed 10/5/04		
WAC 388-105-0005, 388-105-0035, and 388-105-0045	Medicaid rates for contracted home and community residential care services	Implementing: The vendor rate increases; and requirements for a capital add-on rate for contracted boarding homes, approved by the 2006 legislature.	Patricia Hague, ADSA-Office of Rates Management	WSR 06-13-027 Filed 6/13/06	WSR 06-08-032 Filed 3/28/06	To be filed in early August 2006 Hearing 9/5/06	

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Amending WAC 388-105-0005 and 388-105-0045, and repealing WAC 388-105-0010, 388-105-0020, 388-105-0025, 388-105-0030, and 388-105-0040	Medicaid rates for contracted home and community residential care services	Updating the home and community residential rates from a four-level payment system to the comprehensive assessment reporting evaluation payment levels; reflecting the July 1, 2005, vendor rates; and clarifying the bed-hold sections regarding third-party payment and absences of less than twenty-four hours.	Patricia Hague, ASDA-Office of Rates Management		WSR 05-13-127 Filed 6/20/05	WSR 06-03-119 Hearing 2/21/06	WSR 06-07-013 Effective 4/3/06
WAC 388-105-0035	Medicaid rates for contracted home and community residential care services	Limiting the capital add-on rate limit to licensed boarding homes with assisted living facilities and a minimum Medicaid occupancy percentage.	Patricia Hague, ASDA-Office of Rates Management		See WSR 05-13-127 Filed 6/20/05	WSR 06-03-118 Hearing 2/21/06	WSR 06-07-012 Effective 4/3/06
<b>ADSA - Residential Care Services (RCS)</b>							
Chapter 388-76 WAC	Adult family homes	Updating the rules to comply with statutes, simplifying language, clarifying issues, and reorganizing the chapter.	Roger Woodside, ADSA-RCS		WSR 06-09-084 Filed 4/18/06		
WAC 388-78A-2020	Boarding home licensing rules	Updating the definitions section to be consistent with definitions in state law.	Denny McKee, ASDA-RCS		Exempt	WSR 06-10-032 Hearing 6/6/06	WSR 06-13-028 Effective 7/14/06
Chapter 388-101 WAC	Certified community residential services and supports	Adopting new or revising rules on health and safety, community protection, assessments, appeals, and other provisions. Permanent rule effective date extended to 10/1/06 - See WSR 06-11-103.	John Gaskell, ASDA-RCS		WSR 05-07-132 (replaces WSR 05-01-127) Filed 3/22/05	WSR 06-06-075 Hearing 4/4/06	WSR 06-09-090 and 06-11-103 Effective 10/1/06
Chapter 388-101 WAC	Certified community residential services and supports	Adopting rules on reports and investigation of abuse; requiring transportation providers to be licensed and insured as required by law.	John Gaskell, ASDA-RCS		WSR 05-07-132 Filed 3/22/05	WSR 06-11-152 Hearing 6/27/06	
<b>Children's Administration</b>							
WAC chapter not determined yet	Domestic violence prevention	Proposing new rules establishing standards for programs receiving domestic violence prevention funds.	Maureen Kelly, Children's Administration		WSR 06-06-073 Filed 2/28/06		

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WAC 388-32-0030	Child welfare services to prevent out of home placement and achieve family reconciliation	Adopting a new evidence-based service option for Family Reconciliation Services that may require more than twelve hours of counseling or take longer than forty-five days.	Tim Kelly, Children's Administration		WSR 06-02-074 Filed 1/3/06	WSR 06-08-094 Hearing 5/9/06	WSR 06-11-080 Effective 6/16/06			
Chapter 388-39A WAC	Child welfare services—Complaint resolution	Same.	Children's Administration		Planned for future action					
Chapter 388-61A WAC	Shelters for victims of family violence	Clarifying confidentiality requirements, fire safety requirements, and appeal rights.	Susan Hannibal, Children's Administration		WSR 03-22-087 Filed 11/5/03					
WAC 388-148-0010 and 388-148-0120, and related rules	Foster care reporting	Adopting rules to require foster parents to report within certain time frames when a child in foster care is missing.	Maureen Kelly, Children's Administration	WSR 06-10-046 Filed 4/28/06	WSR 06-10-031 Filed 4/27/06					
Chapter 388-149 WAC	Licensing standards for special model foster homes	Developing consistent standards and providing for regular monitoring.	Deborah Reed, Children's Administration		WSR 01-15-080 Withdrawn, See WSR 06-15-038					
<b>ESA - Community Services Division (CSD)</b> No current rule-making activity										
<b>ESA - Division of Child Care and Early Learning (DCCEL)</b>										
<p><b>NOTE:</b> When chapter 265, Laws of 2006, became effective on July 1, 2006, DCCEL became part of the new department of early learning and is no longer a unit of DSHS. DSHS-DCCEL preproposal notices described in this section have been or will be withdrawn, and similar preproposal notices may be filed by the department of early learning as appropriate to continue these actions. Contact Carla Gira at (360) 725-4682 regarding child care licensing rules that are now managed by the department of early learning.</p> <p>The following DSHS child care licensing WAC chapters and sections have been moved (recodified) to corresponding department of early learning rules in Title 170 WAC. See WSR 06-14-067:</p> <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 33%;"> <p><u>Previous DSHS WAC</u></p> <p>Chapter 388-150 WAC 388-155-080 Chapter 388-292 Chapter 388-295 Chapter 388-296</p> </td> <td style="vertical-align: top; width: 33%;"> <p><u>Now located in DEL WAC:</u></p> <p>Chapter 170-26 WAC 170-24-0315 Chapter 170-15 Chapter 170-22 Chapter 170-24</p> </td> <td style="vertical-align: top; width: 33%;"> <p><u>Subject Matter</u></p> <p>School-age child care center minimum licensing requirements. Child care business regulations for family home child care. Seasonal child care program. Minimum licensing requirements for child care centers. Child care business regulations for family home child care.</p> </td> </tr> </table>								<p><u>Previous DSHS WAC</u></p> <p>Chapter 388-150 WAC 388-155-080 Chapter 388-292 Chapter 388-295 Chapter 388-296</p>	<p><u>Now located in DEL WAC:</u></p> <p>Chapter 170-26 WAC 170-24-0315 Chapter 170-15 Chapter 170-22 Chapter 170-24</p>	<p><u>Subject Matter</u></p> <p>School-age child care center minimum licensing requirements. Child care business regulations for family home child care. Seasonal child care program. Minimum licensing requirements for child care centers. Child care business regulations for family home child care.</p>
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WAC 388-290-0125 and 388-292-0085	Working connections child care (WCCC)  Seasonal child care	Requiring a social security number or employer identification number (SSN / EIN) for providers who wish to accept child care subsidies.	Sheri-Bruu DeLeon, DEL		WSR 06-01-041 Withdrawn, see WSR 06-07-030					
WAC 388-290-0045, 388-290-0190	Working connections child care (WCCC)	Implementing the governor's WorkFirst redesign; updating cross references in related rules; clarifying WCCC eligibility and payment requirements.	Sheri-Bruu DeLeon		WSR 06-04-020 Filed 1/23/06	WSR 06-09-085 Hearing 5/23/06	WSR 06-12-094 Effective 7/7/06			
WAC 388-290-0273	Working connections child care	Amending the rule to allow WCCC payment if the child care providers has documentation of attendance records.	Sally Reigel, DEL		WSR 06-08-033					

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Chapter 388-295 WAC	Minimum licensing requirements for child care centers	Correcting errors made previously, and reflecting new federal food code requirements.	Liz Egge, DEL		WSR 05-08-059 Withdrawn, see WSR 06-13-011		
Chapter 388-296 WAC	Minimum licensing requirements for family home child care	Correcting errors and clarifying rules, and revising regulations related to fire safety.	Joel Roalkvam, DEL		WSR 05-07-131 Withdrawn, see WSR 06-13-011		
Chapter 388-296 WAC	Minimum licensing requirements for family home child care	Revising rules as requested by rule-making petition, and clarifying other rules without changing their effect.	Judy Jaramillo		WSR 06-01-043 Filed 12/15/05		
Chapter 388-296 WAC	Minimum licensing requirements for family home child care	Revising rules to include: STARS (state training and registry system); federal employer identification numbers requirements; and corporal punishment rules.	Judy Jaramillo, DEL		WSR 06-01-042 Withdrawn, see WSR 06-13-011		
<b>ESA Division of Child Support (DCS)</b>							
Chapter 388-14A WAC	Division of child support rules	Adopting rules regarding distributing child support payments by electronic funds transfer or stored value cards instead of by check.	Nancy Koptur, ESA-DCS		WSR 06-02-075 Filed 1/3/06		
Chapter 388-14A WAC	Division of child support rules	Adopting rules to comply with 2006 state laws regarding the Uniform Interstate Family Support Act, and to comply with the state plan under Title IV-D of the Social Security Act.	Nancy Koptur, ESA-DCS		WSR 06-09-014 Filed 4/10/06		
WAC 388-14A-1020, 388-14A-3140, 388-14A-3370, 388-14A-3600, 388-14A-3810, 388-14A-6300, and other related rules	Division of child support rules	Court ordered parenting plans; equal time custody split.	Nancy Koptur, ESA-DCS		WSR 04-09-036 Filed 4/13/04		
WAC 388-14A-3200, 388-14A-8100, 388-14A-8125, and 388-14A-8130	Division of child support rules	Clarifying procedures regarding completion of worksheets under the state child support schedule in a foster care case.	Nancy Koptur, ESA-DCS		WSR 06-02-073 Filed 1/3/06	WSR 06-13-026 Hearing 7/25/06	To be filed in early August 2006
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Revising rules on modification of support orders.	Nancy Koptur, ESA-DCS		WSR 03-22-054 Filed 10/31/03		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Modifying a support order when it will not change by more than the current standard.	Nancy Koptur, ESA-DCS		WSR 01-13-020 Filed 6/11/01		

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WAC 388-14A-3115, 388-14A-3120, 388-14A-3140, 388-14A-3320, and 388-14A-6300	Division of child support rules	Revising rules on payments on child support arrearages.	Nancy Koptur, ESA-DCS		WSR 03-23-106 Filed 11/18/03	WSR 06-06-038 Hearing 4/4/06	WSR 06-09-015 Effective 5/11/06
WAC 388-14A-4500, 388-14A-4505, 388-14A-4510, 388-14A-4515, 388-14A-4520, 388-14A-4525, and 388-14A-4530	Division of child support rules	Clarifying and establishing clearer standards for when the department may suspend and/or release licenses to improve predictability and consistency in the program.	Nancy Koptur, ESA-DCS		WSR 06-10-079 Filed 5/2/06		
<b>ESA - Division of Employment and Assistance Programs (DEAP)</b>							
Chapters 388-310 and 388-484 WAC	WorkFirst, TANF/SFA five-year time limits	Insuring that recipients receive employability evaluations; establishing termination criteria; modifying time limit extension approval criteria.	Sandy Jsames, ESA-DEAP		WSR 05-22-099 Filed 11/1/05	WSR 06-04-069 Hearing 3/7/06	WSR 06-08-048 Effective 5/1/06 and WSR 06-08-044 Effective 6/1/06
WAC 388-290-0020, 388-310-0800, 388-310-1600, 388-406-0010, 388-406-0065, 388-460-0020, 388-460-0055, 388-484-0005, and 388-484-0006	WorkFirst and related chapters	Implementing recommendations of the governor's WorkFirst re-examination workgroup regarding the noncompliance sanction policy.	Sandy Jsames, ESA-DEAP		WSR 05-22-099 Filed 11/1/05	WSR 06-06-084 and 06-06-085 Hearing 4/4/06	WSR 06-10-034 and 06-10-035 Effective 6/1/06
WAC 388-310-0300 and 388-310-1450	WorkFirst	Clarifying WorkFirst infant care exemptions.	Aurea Figueroa, ESA-DEAP		WSR 05-20-085 Filed 10/4/05		
Multiple chapters 388-400 through 388-492 WAC	Assistance rules	Revising eligibility rules for the state Basic Food program, Washington combined application project, temporary assistance to needy families, state financial assistance and other programs.	John Camp, ESA-DEAP		WSR 05-08-091 Filed 4/1/05	Several proposals, see WSR 05-18-065, 05-18-067, 05-20-053, 05-20-054, 06-01-088, and 06-10-053	For final rules, see WSR 05-22-075, 05-23-081, 05-23-082, and 06-13-043
WAC 388-400-0005, 388-400-0025, 388-400-0040, 388-418-0007, 388-418-0011, and 388-418-0020	Six-month reporting process	Updating and streamlining the rules to prevent clients who receive benefits from more than one program from receiving multiple reports.	John Camp, ESA-DEAP		WSR 05-21-095 Filed 10/18/05	WSR 06-10-053 Hearing 6/6/06	WSR 06-13-043 Effective 7/17/06
Chapter 388-406 WAC	Applications	Clarifying delayed processing and actions on applications for food assistance that are thirty days old to be consistent with federal rules.	Rebecca Henrie, ESA-DEAP		WSR 06-14-037 Filed 6/28/06		



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WAC 388-406-0005	Applying for assistance	Adopting rules on processing applications from persons with serious mental illness to assure that medical benefits are reinstated when the person leaves a public institution.	Doug Sevin, ESA-DEAP		WSR 05-23-110 Filed 11/18/05	WSR 06-04-045 Hearing 3/7/06	WSR 06-08-047 Effective 5/1/06
WAC 388-406-0055, 388-408-0035, 388-489-0005, 388-489-0010, 388-489-0015, 388-489-0020, and 388-489-0025	Transitional food assistance (TFA) and related rules	The department is reviewing options selected in the initial implementation of TFA, and plans to adjust program eligibility consistent with the TFA program purposes.	John Camp, ESA-DEAP		WSR 05-23-011 Filed 11/4/05		
WAC 388-408-0035	Who is in my assistance unit for Basic Food?	Updating the rule for status of mandatory assistance unit members to comply with federal guidance.	Rebecca Henrie, ESA-DEAP		WSR 05-20-084 Filed 10/4/05		
WAC 388-408-0040	Eligibility for food assistance	Revising rule allowing persons living in certain drug or alcohol treatment centers to receive food assistance benefits.	John Camp, ESA-DEAP		WSR 06-12-091 Filed 6/6/06		
WAC 388-410-0020, 388-410-0025, 388-410-0030, and 388-410-0033	Overpayments of assistance	Amending rules to meet federal requirements regarding establishing and collecting food stamp overpayment claims.	John Camp, ESA-DEAP		WSR 06-14-043 Filed 6/28/06		
WAC 388-426-0005	Client complaints	Revising the rule to comply with federal food stamp regulations.	John Camp, ESA-DEAP		WSR 06-03-018 Filed 1/6/06	WSR 06-07-076 Hearing 4/25/06	WSR 06-10-057 Effective 6/1/06
Chapter 388-444 WAC	Food stamp employment and training	Revising rules to support expansion of the department's food stamp employment and training pilot project, and to clarify program requirements and make rules consistent with federal rules.	Nick Espinosa, ESA-DEAP		WSR 06-13-088 Filed 6/20/06		
WAC 388-448-0010	Progress evaluation process	Replacing an obsolete reference in the rule to the Dictionary of Occupational Titles.	Logan McGregor [MacGregor], ESA-DEAP		WSR 16-13-010 [06-13-010] Filed 6/9/06		
WAC 388-450-0005, 388-450-0015, and 388-450-0175	Income	Updating policy on how the department treats various sources of income when determining eligibility and benefits.	John Camp, ESA-DEAP		WSR 05-21-094 Filed 10/18/05	WSR 06-04-044 Hearing 3/7/06	WSR 06-07-078 Effective 5/1/06

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-450-0015, 388-450-0035, 388-470-0045, 388-470-0055, and related sections	Income and resources counted for food assistance	Amending rules consistent with federal law regarding exclusion for certain types of educational income, interest or dividend income, and retirement savings.	John Camp, ESA-DEAP		WSR 06-07-147 Filed 3/21/06		
WAC 388-450-0045	Income from employment and training programs	Amending the rule consistent with federal guidance on counting payments from federal VISTA and Americorps VISTA as income.	John Camp, ESA-DEAP		WSR 06-10-044 Filed 4/28/06	WSR 06-13-089 Hearing 7/25/06	
WAC 388-450-0080	What is self-employment income?	Clarifying criteria for when earned income is considered a person's self-employment income when determining eligibility for assistance.	Rebecca Henrie, ESA-DEAP		WSR 05-21-094 Filed 10/18/05	WSR 06-11-101 Hearing 6/27/06	WSR 06-15-049 Effective 9/1/06
WAC 388-450-0085	Income	Clarifying deductions allowed from countable income for applicants who are self employed.	John Camp, ESA-DEAP		WSR 05-21-094 Filed 10/18/05	WSR 06-05-020 Hearing 3/21/06	WSR 06-08-045 Effective 4/30/06
WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060, 388-492-0040, and 388-492-0070	Annual updates to standards in rule	Amending all necessary rules to implement annual federal adjustments standards for federal fiscal year 2007.	John Camp, ESA-DEAP		WSR 06-11-059 Filed 5/12/06		
WAC 388-450-0195	Utility allowances for Basic Food programs	Amending utility allowances used to determine client eligibility to allow for higher home heating costs.	John Camp, ESA-DEAP		WSR 06-03-117 Filed 1/17/06	WSR 06-07-075 Hearing 4/25/06	WSR 06-10-056 Effective 6/1/06
WAC 388-450-0200	Income	Revising how medical expenses for the elderly or persons with disabilities is counted or excluded when applying for food benefits.	Rebecca Henrie, ESA-DEAP		WSR 05-08-091 Filed 4/1/05	WSR 06-01-088 Hearing 1/24/06	WSR 06-04-070 Effective 4/1/06
WAC 388-454-0006	Background checks for persons acting in place of a parent without court-ordered custody	Amending the rule to be consistent with working connections child care rules regarding background checks for adult child-caregivers applying for assistance for unrelated children in their care.	Tom Berry, ESA-DEAP		WSR 06-09-037 Filed 4/13/06		
Chapter 388-460 WAC	Payees on benefit issuances	Adopting changes to protective payee policies.	Brent Low, ESA-DEAP		WSR 01-23-067 Filed 11/20/01		
WAC 388-478-0055	State supplemental payments	Increasing SSP payments to persons residing in nursing homes as directed by recent state law.	Logan MacGregor, ESA-DEAP	WSR 06-12-040 Filed 5/31/06 Effective 7/1/06	WSR 06-07-146 Filed 3/21/06	WSR 06-12-040 Hearing 7/11/06	To be filed in early August 2006

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-492-0040	Washington combined application program	Revising the rule if needed to implement changes in the federal demonstration project waiver regarding client choice to participate in WASHCAP or apply for Basic Food benefits.	Rebecca Henrie, ESA-DEAP		WSR 06-14-044 Filed 6/28/06		
<b>Health and Recovery Services Administration (HRSA)</b>							
<b>HRSA - Alcohol and Substance Abuse (ASA)</b>							
Chapter 388-800 WAC	Chemical dependency assistance programs	Clarifying rules; updating references to patient eligibility standards; clarifying the process for secondary ADATSA clients.	Earl Long, HRSA-ASA		WSR 05-02-065 Filed 1/4/05		
Chapter 388-805 WAC	Certification requirements for chemical dependence service providers	Implementing changes required by chapter 70, Laws of 2005 and chapter 166, Laws of 2004, regarding chemical dependency treatment services.	Deb Cummins, HRSA-ASA		WSR 05-17-191 Filed 8/24/05	WSR 06-06-014 Hearing 4/25/06	WSR 06-11-096 Effective 6/17/06
Chapter 388-810 WAC	Administration of county chemical dependency prevention, treatment, and support program	Clarifying rules; updating definition and requirements for a county designated chemical dependency specialist.	Dennis Malmer, HRSA-ASA		Planned for future action		
<b>HRSA - Mental Health (MH)</b>							
Chapter 388-865 WAC	Community mental health and involuntary treatment programs	Amending, adopting or repealing rules to implement recent state laws: Chapters 503 and 504, Laws of 2005; and Laws of 2006.	Paul DesJardien, HRSA-MH		WSR 06-07-145 Filed 3/21/06	WSR 06-12-085 Hearing 7/25/06	
WAC 388-865-0201 and 388-865-0203 Repeal	Regional support networks	Repealing these sections regarding mental hospital bed allocations and RSN funding allocations that were made obsolete by passage of 2006 session laws.	Paul DesJardien, HRSA-MH	WSR 06-03-038 Filed 4/13/06	WSR 06-07-145 Filed 3/21/06	WSR 06-14-085 Hearing 8/8/06	
WAC 388-865-0100 through 388-865-0484	Community mental health and involuntary treatment programs	Revising rules consistent with the Federal Balanced Budget Act, and for quality improvement.	Paul DesJardien, HRSA-MH		WSR 03-08-077 Filed 4/1/03		
WAC 388-865-0201	Community mental health and involuntary treatment programs	Implementing the freedom of choice federal waiver; and to implement chapter 518, Laws of 2005.	Paul DesJardien, HRSA-MH		WSR 05-14-072 Withdrawn, see WSR 06-15-035		
<b>HRSA - Medical Assistance (MA)</b>							
WAC 388-408-0055	Medical assistance units	Amending the rule allowing families to be considered as one medical assistance unit when all family members are found to be Medicaid eligible.	Joanie Scotson, HRSA-MA		WSR 06-11-102 Filed 5/17/06		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-416-0020	Certification periods for medical coverage	Clarifying that the medically needy (MN) effective date begins the first day of the base period.	Wendy Forslin, HRSA-MA		WSR 06-01-086 Filed 12/20/05		
WAC 388-438-0110	Alien emergency medical (AEM) program	Clarifying that AEM clients can receive categorically needy scope of care, but only if it relates to the emergency medical condition for which the client was found eligible.	Joanie Scotson, HRSA-MA		WSR 06-14-041 Filed 6/28/06		
WAC 388-478-0075 and 388-478-0085	Standards for payments	Amending the rules to explain the basis for standards based on percentage multiples of the federal poverty level rate.	Mary Beth Ingram, HRSA-MA	WSR 06-16-034 Filed 7/25/06	WSR 06-06-074 Filed 2/28/06	WSR 06-09-087 Hearing 5/23/06	WSR 06-16-026 Effective 8/24/06
WAC 388-490-0005	Eligibility for medical assistance	Requiring proof of citizenship for persons applying for or receiving Medicaid, to comply with recent federal law.	Joanie Scotson, HRSA-MA	WSR 06-15-001 Filed 7/5/03	WSR 06-14-042 Filed 6/28/06		
Chapters 388-500, 388-501, and 388-529 WAC, other chapters as appropriate	Updating several chapters	Clarifying and correcting inaccurate, outdated, or inconsistent information; and correcting obsolete cross references.	Kevin Sullivan, HRSA-MA		WSR 05-17-140 Filed 8/19/05		
WAC 388-501-0135	Patient review and restriction	Allowing the department to restrict a client to one narcotic prescriber.	Kathy Sayre, HRSA-MA		WSR 05-06-079 Filed 3/1/05	WSR 06-08-096 Hearing 5/9/06	WSR 06-14-062 Effective 7/31/06
WAC 388-502-0100, 388-519-0100, and 388-865-0217	Covered emergency services	Clarifying the emergency medical expense requirement (EMER) policy.	Ann Myers, HRSA-MA		WSR 06-03-019 Filed 1/6/06	WSR 06-09-086 Hearing 5/23/06	WSR 06-13-042 Effective 7/16/06
WAC 388-502-0150	Administration of medical programs	Extending the time limit to submit a claim after Medicare has processed the claim.	Diane McMasters, HRSA-MA		WSR 04-23-100 Filed 11/17/04		
WAC 388-502-0160	Administration of medical programs	Updating and clarifying the scope of the rule.	Wendy Boedigheimer, HRSA-MA		WSR 04-16-087 Filed 8/2/04		
WAC 388-502-0160	Administration of medical programs	Implementing budget reductions directed by the legislature.	Wendy Boedigheimer, HRSA-MA		WSR 04-07-088 Withdrawn, see WSR 06-14-063		
WAC 388-503-0505	General eligibility requirements for medical programs	Requiring clients who are entitled to Medicare benefits and applying for Medicaid to enroll in Medicare Parts A, B, and D.	Carole McRae, HRSA-MA		WSR 06-11-085 Filed 5/16/06		
Chapter 388-517 WAC	Medicare savings programs	Revising rules to reflect federal requirements on copayments, policies and program eligibility.	Carole McRae, HRSA-MA		WSR 05-17-137 Filed 8/19/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-526 WAC	Medical assistance administrative hearings	Defining the scope of the rule and adding procedural requirements to MA's client hearing process.	Kevin Sullivan, HRSA-MA		WSR 04-04-096 Withdrawn, see WSR 06-16-025		
Chapter 388-527 WAC	Estate recovery	Revising the rule chapter to implement 2005 legislation (SHB 2304).	Wendy Boedigheimer, HRSA-MA		WSR 05-19-125 Filed 9/20/05	WSR 06-03-046 Hearing 3/7/06	
WAC 388-531-0275	Physician-related services	Revising medical teaching and residency programs.	Wendy Boedigheimer, HRSA-MA		WSR 03-08-084 Withdrawn, see WSR 06-16-025		
Chapter 388-535 WAC	Dental related services	Amending rules in this chapter to update and clarify current adult dental program policy.	Kathy Sayre, HRSA-MA		WSR 05-21-093 Filed 10/18/05		
Chapter 388-535 WAC	Access to baby and child dentistry (ABCD)	Updating current policy for the ABCD program.	Kathy Sayre, HRSA-MA		WSR 05-20-086 Filed 10/4/05		
Chapter 388-537 WAC	School services	Amending the rule on school medical services for students in special education programs to comply with federal rules.	Wendy Boedigheimer, HRSA-MA		WSR 05-15-095 Filed 7/15/05		
WAC 388-540-001 through 388-540-065; related rules	Kidney disease program (state funded)	Revising rules so that the state-funded program mirrors Medicaid policy.	Wendy Boedigheimer, HRSA-MA		WSR 05-22-047 Being withdrawn in August 2006		
WAC 388-542-0010	Purpose and scope of the state children's health insurance program (SCHIP)	Adding language to clarify that an unborn child is eligible for SCHIP coverage when the mother is ineligible for Medicaid.	Joanie Scotson, HRSA-MA		WSR 05-22-098 Filed 11/1/05	WSR 06-12-093 Hearing 7/11/06	WSR 06-15-134 Effective 8/19/06
Chapter 388-549 WAC	Rural health clinics	Replacing the cost-based reimbursement methodology with the prospective payment system per the federal Benefit Improvement and Protection Act.	Wendy Boedigheimer, HRSA-MA		WSR 05-16-083 Filed 8/1/05		
Chapter 388-550 WAC	Hospital services	Revising rule regarding the certified public expenditure (CPE) program; disproportionate share hospitals; trauma program; psychiatric indigent inpatient disproportionate share hospital payment; bad debt policies; the upper payment limit for inpatient hospital services.	Kathy Sayre, HRSA-MA		WSR 05-13-076 Filed 6/13/05	WSR 06-08-095 Hearing 5/9/06	WSR 06-11-100 Effective 6/17/06

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-550-2600 and related sections	Hospital services	Insuring that Medicaid funds pay only for inpatient psychiatric services for Medicaid clients.	Kathy Sayre, HRSA-MA		WSR 05-08-089 Filed 4/1/05		
WAC 388-550-2650	Hospital services	Adopting two separate bases for community psychiatric hospital payment rates for Medicaid and non-Medicaid clients.	Kathy Sayre, HRSA-MA	WSR 06-14-086 Filed 7/3/06	WSR 05-14-145 Filed 7/5/05		
WAC 388-550-2900	Hospital services	Clarifying what the department pays for certain screening tests of newborn infants in addition to the DRG (diagnostic-related group) payment.	Kathy Sayre, HRSA-MA		WSR 05-16-082 Filed 8/1/05		
Chapter 388-551 WAC	Alternatives to hospital services	Updating and clarifying current program policy and establishing a tiered health care plan.	Kathy Sayre, HRSA-MA		WSR 05-19-120 Filed 9/20/05		
Chapter 388-557 WAC, repealing all sections of this chapter	Disease management program	Repealing all sections of this chapter no longer needed because the pilot disease management program ended June 30, 2006. New rules will be adopted creating a chronic care management program.	Kevin Sullivan, HRSA-MA		N/A	<b>Expedited Rule</b> WSR 06-15-100 Objection period ends 9/18/06	
<b>Juvenile Rehabilitation Administration (JRA)</b>							
Chapter 388-700 WAC	Juvenile rehabilitation administration—Practices and procedures	Potential revisions due to changes in background check procedures.	David Griffith, JRA		Planned for future action		
Chapter 388-720 WAC	Collection of costs of support, treatment and confinement of juveniles under RCW 13.40.220	Potential changes to clarifying sentencing in relation to "victim in the home" status and to update the reimbursement schedule.	Cheryl Sullivan-Colglazier, JRA		Planned for future action		
Chapter 388-740 WAC	Juvenile parole revocation	Potential revision to update revocation process for certain offenders and update confidentiality requirements.	David Griffith, Bob Salisbury, JRA		Planned for future action		
Chapter 388-745 WAC	Transfer of juvenile offenders to the department of corrections (DOC)	Potential revisions due to changes in transfer procedures.	David Griffith, JRA		Planned for future action		
Chapter 388-750 WAC	Impact account—Criminal justice cost	Review for potential updates.	Ken Brown, Trent Phillips, JRA		Planned for future action		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
<b>Public Affairs (PA)</b>							
<b>PA - Division of Vocational Rehabilitation (DVR)</b>							
Chapter 388-891 WAC	Vocational rehabilitation services for individuals with disabilities	Adopting or revising rules on Order of selection—Criteria for priority, categories 1 and 2. Broadening the diversity of disability groups represented and served.	Michael Cunningham, PA-DVR		WSR 05-20-083 Filed 10/4/05		
<b>PA - Office of Deaf and Hard of Hearing Services</b>							
			No current rule-making activity				
<b>DSHS Organization - Public Disclosure</b>							
Chapter 388-01 WAC	DSHS organization and disclosure of public records	Updating procedures for responding to public requests for disclosure of records.	Kristal K. Wiitala, PA-Government and Community Relations		WSR 02-01-007 Filed 12/7/01		
Chapter 388-01 WAC	DSHS organization and disclosure of public records	Amending rules to reflect changes in DSHS organization structure, and to implement chapter 483, Laws of 2005.	Kristal K. Wiitala, PA-Government and Community Relations		Planned for future action		

Andy Fernando  
RPAU Manager  
DSHS Rules Coordinator

**WSR 06-18-010**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
[Memorandum—August 22, 2006]

Please be advised of a revision to the 2006 meeting schedule of the Edmonds Community College board of trustees. A special meeting has been scheduled for Friday, August 25, 8:45 a.m., Bellwether Hotel, Admiral Room, Bellingham, Washington.

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

monthly review of the adjustment voucher summary report for all division of child support offices.

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.

August 23, 2006  
Jeff Kildahl

**WSR 06-18-013**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 24, 2006, 1:44 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Division of Child Support Administrative Policy 2.05.  
Subject: Reviewing adjustment vouchers.  
Effective Date: August 16, 2006.  
Document Description: This policy explains the division of child [support] (DCS) procedure for conducting the

**WSR 06-18-014**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 24, 2006, 1:46 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.  
Subject: 06-71.  
Effective Date: 06-71 October 1, 2006.  
Document Description: Numbered Memorandum 06-71, 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, Divi-

sion of Legal Services, 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).

August 24, 2006  
Amelia Holl  
for Ann Myers, Manager  
Rules and Publications Section

**WSR 06-18-015**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 24, 2006, 1:48 p.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: Document Correction.

Subject: Document correction 2006-8 and 2006-9.

Effective Date: DC 2006-8 July 1, 2006; DC 2006-9 February 21, 2006.

Document Description: Outpatient hospital services; prescription drug program.

To receive a copy of the interpretive or policy statement, contact Amelia Holl, Rules and Publications, DSHS, Health and Recovery Services Administration, Division of Legal Services, 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 "Billing Instructions"), TDD 1-800-848-5429, fax (360) 586-9727, e-mail [hollag@dshs.wa.gov](mailto:hollag@dshs.wa.gov).

August 24, 2006  
Amelia Holl  
for Ann Myers, Manager  
Rules and Publications Section

**WSR 06-18-022**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRAL WASHINGTON UNIVERSITY**

[Memorandum—August 23, 2006]

The board of trustees changed their meeting time from 1:00 to 1:30 p.m. beginning October 6. Please republish the meeting dates with the new time.

Regular meetings of the Central Washington University board of trustees will be held in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, at **1:30 p.m.** on the following dates:

October 6, 2006  
December 8, 2006  
February 2, 2007  
March 2, 2007 (CWU-Wenatchee Center)  
May 4, 2007

June 8, 2007

August 2-3, 2007 (Board Retreat)

**WSR 06-18-023**  
**RULES COORDINATOR**  
**BELLEVUE COMMUNITY COLLEGE**

[Filed August 25, 2006, 3:20 p.m.]

As required by RCW 34.05.310(3), effective August 29, 2006, the designated rules coordinator for Bellevue Community College, Community College District VIII, will be Lucinda Taylor, Executive Assistant to the President, Bellevue Community College, 3000 Landerholm Circle S.E., Room A201, Bellevue, WA 98007-6484, phone (425) 564-2302, fax (425) 564-2261, e-mail [ltaylor@bcc.ctc.edu](mailto:ltaylor@bcc.ctc.edu).

B. Jean Floten  
President

**WSR 06-18-031**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 28, 2006, 11:47 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: PCM 06-011.

Subject: Changes to credit bureau certification.

Effective Date: August 22, 2006.

Document Description: This notice is a new policy clarification memo which explains to staff that the support enforcement management system (SEMS) updates now allow the division of child support (DCS) to report to credit bureaus those cases which DCS is enforcing for a foreign country. SEMS released the changes on August 11, 2006.

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).

August 23, 2006  
Fran Ferry

**WSR 06-18-032**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 28, 2006, 1:26 p.m.]

**PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON**

LEGAL NOTICE: The Washington state department of agriculture (WSDA) laboratory services division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, Agri-Dex™, Class Act Next



Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1, 2006, and October 31, 2006. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington state department of ecology 24-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

#### WSR 06-18-046

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF AGRICULTURE  
(Fryer Commission)**

[Memorandum—August 28, 2006]

#### **Board meeting date change for Washington Fryer Commission for remainder of 2006**

The Washington fryer [commission] board meeting for October 3, 2006, has been changed to October 24, 2006.

The meeting will take place at the Renton Community Center, 1715 Maple Valley Highway, Classroom B, Renton, WA, from 10 a.m. to 1 p.m.

Any questions you may have can be addressed to JoAnne Naganawa, Administrator, Washington Fryer Commission at (425) 226-6125 or e-mail joanne@cluckcluck.org.

#### WSR 06-18-053

**NOTICE OF PUBLIC MEETINGS  
OFFICE OF THE  
INTERAGENCY COMMITTEE  
(Salmon Recovery Funding Board)**

[Memorandum—August 30, 2006]

September 12, 2006  
King Street Center - Rainier Room  
Seattle, Washington

If you need special accommodations to participate in this meeting, please notify the office of the interagency committee by September 5, 2006, at (360) 902-2636 or TDD (360) 902-1996.

Next Meeting: December 6 and 7, 2006, Comfort Inn Conference Center, Evergreen Room, Tumwater, Washington.

#### WSR 06-18-054

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Regional Fisheries Enhancement Group)**

[Memorandum—August 30, 2006]

This letter is to request publication of a venue change for the September regional fisheries enhancement group (RFEG) program advisory board meeting. The September meeting originally set for Saturday, September 9, in Forks, Washington has been moved to Lacey. It will still be held on September 9. If additional information or a point of contact is needed contact Dianne Ludwig in Olympia at (360) 902-2252.

#### WSR 06-18-060

**NOTICE OF PUBLIC MEETINGS  
MARINE EMPLOYEES' COMMISSION**

[Memorandum—August 30, 2006]

September 2006 Public Meeting

There will be a change in the previously adopted 2006 meeting schedule for the marine employees' commission. The September 29, 2006, meeting will now begin at 10:30 a.m., rather than as originally published at 10:00 a.m. The location has also changed: WSF Eagle Harbor Facility, Bainbridge, Washington.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

#### WSR 06-18-063

**AGENDA  
LIQUOR CONTROL BOARD**

[Filed September 1, 2006, 1:32 p.m.]

#### **Semi-Annual Rule-Making Agenda July 1, 2006, through December 31, 2006**

Following is the liquor control board's semiannual rule-making 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.

If you have questions about this rule-making agenda, please contact Pam Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1648, e-mail rules@liq.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
314-12-140 Prohibited practices, 314-05-020 What is a special occasion license?	Creates exceptions to the tied-house law for winery licensees sitting on board of nonprofit organizations holding a retail liquor license.	WSR 06-09-105, filed 4/19/06.	Expect to file CR-102 in November 2006.	
314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Spirit, beer and wine restaurant operation.	Allows a domestic brewery or microbrewery holding a spirits, beer, and wine restaurant license to sell kegs "to go" of its own production and to sell its beer in small containers from the tap in the restaurant "to go."	WSR 06-09-104, filed 4/19/06.	Expect to file CR-102 in September 2006.	
314-24-040 Wine labels, chapter 314-19 WAC on beer and wine reporting and tax payments.	Allows the direct shipment of wine to consumers by in-state and other United States wineries.	WSR 06-09-103, filed 4/19/06.	WSR 06-16-138, filed CR-102 on August 3, 2006 (combined with self-distribution rule making below).	
314-05-030 Guidelines for special occasion license events, 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?, 314-16-160 Purchases—Reports, 314-24-150 Wine records, 314-24-190 Wine supplier and distributor price postings, 314-24-240 Conditions on delivery, 314-20-050 Beer distributors—Importers—Brewers—Records—Preservation, 314-20-100 Beer supplier and distributor price posting, 314-19-015 What are the monthly reporting and tax payment requirements, 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?, 314-60-105 General guidelines—Exempt records.	Allows the self-distribution of beer and wine by United States breweries, micro-breweries and wineries directly to licensed liquor retailers.	WSR 06-09-101, filed 4/19/06.	WSR 06-16-138, filed CR-102 on August 3, 2006 (combined with direct shipping rule making above).	
314-07-010 Definition (public institution), 314-07-020 Liquor license qualifications and application process, 314-07-055 Temporary retail license.	Modifies the processing of liquor licenses.	WSR 06-09-102, filed 4/19/06.	Expect to file CR-102 in September 2006.	

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
314-01-050 Definitions, 314-11-025 What are the forms of acceptable identification.	Clarifies process allowing use of tribal enrollment cards as official identification to prove age when purchasing alcohol or tobacco and clarifies use of an expiration date on official documents.	Expect to file CR-101 in September 2006.		
314-42	General cleanup of rules that outline what happens in an administrative hearing and other rules that implement the Administrative Procedure Act.	WSR 04-08-109, filed 4/6/04.	Expect to file CR-102 in October 2006.	
314-09-015	Process for local government objections to liquor license renewals.	Expect to file CR-101 in September 2006.		

**WSR 06-18-085  
DEPARTMENT OF  
EARLY LEARNING**

[Filed September 5, 2006, 2:35 p.m.]

I am writing to request that the code reviser's office decodify the department of 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:

Decodify Current CTED Chapter	Recodify as DEL Chapter
365-170-010	170-100-010
365-170-020	170-100-020
365-170-030	170-100-030
365-170-060	170-100-040
365-170-070	170-100-050
365-170-07005	170-100-060
365-170-07010	170-100-070
365-170-080	170-100-080
365-170-095	170-100-090

DEL intends for the recodification to be effective immediately.

Joyce Turner  
Acting Executive Director

**WSR 06-18-099  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed September 6, 2006, 9:33 a.m.]

TECHNICAL ASSISTANCE ADVISORY  
T 06-05

TO: All insurers, fraternal benefit societies, health care service contractors, and health maintenance organizations authorized in the state of Washington  
AND  
All resident agents and brokers licensed in the state of Washington.

SUBJECT: Disaster preparedness.

DATE: September 6, 2006.

Every responsible business should be prepared to respond to the consequences of a major disaster. This is particularly true for those in the insurance industry in view of the demands that were placed upon the industry when responding to the devastation caused by last year's hurricanes. The welfare of insurance consumers - who pay their premiums and expect their companies to help them at a time when they need it most - is paramount. For this reason, insurers and producers must be prepared to respond efficiently and effectively when a major disaster occurs in our state. To ensure that Washington consumers will receive the best possible service under the circumstances, the commissioner has outlined what he expects, at a minimum, from companies and producers in the event of a disaster.

**INSURERS, FRATERNAL BENEFIT SOCIETIES, HEALTH CARE SERVICE CONTRACTORS, AND HEALTH MAINTENANCE ORGANIZATIONS**

**What should insurers, fraternal benefit societies, health care service contractors, and health maintenance organizations do to be prepared?**

- Prepare a business continuity plan for each functional unit or division of the company.
- Assist the company's employees in preparing emergency plans for themselves and their families.
- Confirm that providers of essential goods and services, upon which the company depends, have emergency plans in place.
- Test the business continuity plan annually and update the plan to correct noted deficiencies.
- Designate a contact person and alternate and provide the office of insurance commissioner (OIC) with their names, phone numbers and locations.

**What should a business continuity plan include?**

- Executive endorsement of senior management roles and responsibilities. It is critical that executive management fully support the plan, take an active role in overseeing its preparation, and commit to implementing any operational or organizational changes that may be required by the plan.
- Current business impact analysis. During the planning process, current essential business functions should be listed and studied. Interdependencies between departments and functions should be analyzed, and any new functions or business process changes accounted for. The business impact analysis must be dated and signed off by the divisions involved. A current analysis demonstrates that essential functions or recent process changes will be covered in the plan.
- Coverage of all significant business activities and functions.
- Restoration priorities, including an estimated return to operations.
- Recovery plan for information systems, including back up.
- Off site locations and back up plan storage.
- Security plans for confidential information located in buildings and information systems.

**What level of service is expected for consumers?**

- Consumers should be able to speak with a company representative by telephone as soon as service is restored.
- Phone systems should be sufficient to respond to callers with a minimum wait time. Many callers will be using cell phones, which means that long hold times will be costly in minutes and battery power.
- Phone systems should allow consumers to leave a message. Voicemail boxes should have sufficient capacity to accept all messages between the times that they are cleared.
- Consumer information, including all paper and electronic files, should be secure.

- Consumers should be given a time when they can expect a return call.
- As soon as disaster assistance phone numbers are established, companies should report the number to the OIC. This will help OIC consumer assistance staff when they are referring callers.

**What information will be requested?** The Department of Homeland Security has designated the OIC as one of the agencies that will collect damage information, specifically estimates of the extent of property damage in the affected areas. The information required will vary, depending upon the type of emergency, but will most likely include the extent and location of the loss and the estimated dollar value of the loss. This information will help the governor determine the level of disaster assistance that will be requested. The governor is responsible for issuing a Disaster Declaration.

**To whom should insurers, fraternal benefit societies, health care service contractors, and health maintenance organizations report damage?** Companies should report damage assessments to the Washington Insurance Council or directly to the OIC. Companies must report assessments in approximate dollar amounts by zip code area. The OIC will get in touch with the company's designated contact person.

**Who will have access to such information?** State emergency management personnel, the OIC designated liaison to the state emergency management division, the governor and the governor's staff will have access to the damage assessment reports. Specific company information will not be released.

**AGENTS AND BROKERS**

**What should agents and brokers do to be prepared?**

- Prepare a business continuity plan, including back up for all office functions.
- Back up data and maintain it at a secure location to ensure that confidential information will remain protected.
- Assist your employees in preparing plans for themselves and their families.
- Confirm that the back up phone system will allow customers to make contact with a minimum wait time. Many callers will be using cell phones, which means long hold times will be costly in minutes used and battery power.

**What should be done to prepare for possible relocation of an agent's or broker's office?**

- Establish an alternate contact point - either a telephone number or location.
- Report this location and phone number to the OIC. This will help OIC consumer assistance staff when they are referring customers.

If you have questions regarding this technical assistance advisory, you may contact Joan Scofield at (360) 725-7244 or [JoanS@oic.wa.gov](mailto:JoanS@oic.wa.gov).

**WSR 06-18-106****DEPARTMENT OF ECOLOGY**

[Filed September 6, 2006, 11:45 a.m.]

## Public Notice

## Preliminary Multiyear Chemical Action Plan Schedule

The department of ecology's solid waste and financial assistance program is seeking public comment on its preliminary multiyear chemical action plan schedule, which was prepared in accordance with the persistent bioaccumulative toxins regulation (WAC 173-333-410). The document identifies the persistent bioaccumulative toxins (PBTs) for which ecology will develop chemical action plans (CAPs), a rationale for ecology's selections, and the timeline for development through 2010.

The preliminary multiyear chemical action plan schedule is available for sixty days of public review and comment. The comment period ends on November 20, 2006. Comments on the preliminary multiyear schedule may be submitted to ecology via United States mail, e-mail or facsimile. All comments must be received by 5:00 p.m., November 20, 2006, in order to be given consideration.

Comments should be submitted to Mike Gallagher, PBT Coordinator, Solid Waste and Financial Assistance Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6868, fax (360) 407-6884, e-mail MGAL461@ecy.wa.gov.

Ecology will review all public comments and notify the public of the final decision through an announcement published in the *Washington State Register* and through a posting on the ecology PBT web site. Written notification will also be provided to all individuals or organizations who submitted comments on the preliminary multiyear schedule.