

WSR 07-15-035
RULES OF COURT
STATE SUPREME COURT
[July 11, 2007]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENT TO CrR 4.2(g)-STATE- MENT DEFENDANT ON PLEA OF GUILTY TO NON-SEX OFFENSE; STATEMENT OF DEFENDANT ON PLEA OF GUILTY TO SEX OFFENSE; "OFFENDER REGISTRATION" ATTACHMENT, JuCR 7.7-STATEMENT ON PLEA OF GUILTY; "OFFENDER REGISTRA- TION" ATTACHMENT, AND CrRLJ 4.2(g)- "DUI" ATTACHMENT; "OFFENDER REGIS- TRATION" ATTACHMENT ) ORDER NO. 25700-A-877

The Pattern Forms Committee having recommended the adoption of the proposed amendment to CrR 4.2-Statement of Defendant on Plea of Guilty to Non-Sex Offense; Statement of Defendant on Plea of Guilty to Sex Offense; "Offender Registration" Attachment, JuCR 7.7-Statement of Plea of Guilty; "Offender Registration" Attachment, and CrRLJ 4.2(g)-"DUI" Attachment; "Offender Registration" Attachment, 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 11th day of July, 2007.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Owens, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

Superior Court of Washington for State of Washington, Plaintiff vs. Defendant. No. Statement of Defendant on Plea of Guilty to Non-Sex Offense (STTDFG)

- 1. My true name is:
2. My age is:
3. The last level of education I completed was

4. I Have Been Informed and Fully Understand That:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with:

The elements are:

5. I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

6. In Considering the Consequences of my Guilty Plea, I Understand That:

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a Standard Sentence Range as follows:

Table with 7 columns: COUNT NO., OFFENDER SCORE, STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements), PLUS Enhancements\*, TOTAL ACTUAL CONFINEMENT (standard range including enhancements), COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).), MAXIMUM TERM AND FINE.

\*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8).

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.728 is longer, that will be the term

of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.660)	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

If I have not completed my maximum term of total confinement and I am subject to a third violation hearing and the Department of Corrections finds that I committed the violation, the Department of Corrections may return me to a state correctional facility to serve up to the remaining portion of my sentence.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

[ ] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are

proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) I understand that I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Public assistance will be suspended during any period of imprisonment.

(m) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

**Notification Relating to Specific Crimes. If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.**

{(n)} This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

{(o)} The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

{(p)} If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

{(q)} If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

{(r)} If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

{(s)} The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative. If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court. As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.-715.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if any violations of the conditions of the sentence have occurred. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

{(t)} If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

{(u)} If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401 (2)(b).

{(v)} If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

{(w)} If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.

{(x)} If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(13).

{(y)} If I am pleading guilty to felony driving under the influence of intoxicating liquor or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked or denied. Following the period of suspension, revocation or denial, I must comply with ignition interlock device requirements.

{(yz)} The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].

{(zaa)} I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

{(abb)} I understand that the offense(s) I am pleading guilty to include a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

{(bcc)} I understand that the offense(s) I am pleading guilty to include a deadly weapon, firearm, or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

{(edd)} I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to

each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

{(dec)} I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

{(eff)} The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months, I can not currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I can not have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:  
count

\_\_\_\_\_ count

\_\_\_\_\_ count

\_\_\_\_\_ in the \_\_\_\_\_ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant  
I have read and discussed this statement with the defendant and I believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Defendant's Lawyer WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Print Name WSBA No. \_\_\_\_\_

\_\_\_\_\_  
Print Name WSBA No. \_\_\_\_\_

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_  
Judge

**Interpreter's Declaration**

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the \_\_\_\_\_ (Identify document being translated) for the defendant from English into that language.

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_  
Interpreter  
Print Name

Location: \_\_\_\_\_

<p style="text-align: center; margin: 0;"><b>Superior Court of Washington</b></p> <hr/> <p style="text-align: center; margin: 0;">State of Washington</p> <p style="text-align: center; margin: 0;">Plaintiff</p> <p style="text-align: center; margin: 0;">vs.</p> <hr/> <p style="text-align: center; margin: 0;">Defendant</p>	<p>No. _____</p> <p><b>Statement of Defendant on Plea of Guilty to Sex Offense (STTDFG)</b></p>
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1. My true name is: \_\_\_\_\_.
2. My age is: \_\_\_\_\_.
3. The last level of education I completed was \_\_\_\_\_.
4. **I Have Been Informed and Fully Understand That:**
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: \_\_\_\_\_.
  - The elements are: \_\_\_\_\_.

**5. I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;
- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

**6. In Considering the Consequences of my Guilty Plea, I Understand That:**

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9).

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's

statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both

the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is for a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will

have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006:

For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violations:

If I am subject to a first or second violation hearing and the Department of Corrections finds that I committed the violation, I may receive as a sanction up to 60 days of confinement per violation. If I have not completed my maximum term of total confinement and I am subject to a third violation hearing and the Department of Corrections finds that I committed the violation, the Department of Corrections may return me to a state correctional facility to serve up to the remaining portion of my sentence.

(g) The prosecuting attorney will make the following recommendation to the judge:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) I understand that I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Public assistance will be suspended during any period of imprisonment.

(m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(n) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

(o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

**Notification Relating to Specific Crimes. If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.**

{p} This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

~~{(q)}~~ Special sex offender sentencing alternative:

In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6(f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

~~{(r)}~~ If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

~~{(s)}~~ If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

~~{(t)}~~ If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.

~~{(u)}~~ The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].

~~{(v)}~~ I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

~~{(w)}~~ I understand that the offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.

(x) For crimes committed on or after July 22, 2007: I understand that if I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.

7. I plead guilty to:

count

\_\_\_\_\_

count

\_\_\_\_\_

count

\_\_\_\_\_

count

\_\_\_\_\_ in the \_\_\_\_\_ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime.

This is my statement: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable



cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

		_____ Defendant	
		I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.	
Prosecuting Attorney	WSBA No.	Defendant's Lawyer	WSBA No.
Print Name	WSBA No.	Print Name	WSBA No.

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**Interpreter's Declaration**

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the \_\_\_\_\_ (Identify document being translated) for the defendant from English into that language.

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Interpreter

\_\_\_\_\_  
Type or Print Name

Location: \_\_\_\_\_

Case Name \_\_\_\_\_ Cause No. \_\_\_\_\_

**"Offender Registration" Attachment:** sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

**1. General Applicability and Requirements:** Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

**2. Offenders Who Leave the State and Return:** If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If I change my residence within a county, I must send signed written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence and I must register with the sheriff of the new county within 24 hours of moving. I must also give signed written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If I am a resident of

Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination. If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if I do not have a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within 48 hours, excluding weekends and holidays, after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If I have a fixed residence and I am designated as a risk level II or III, I must report, in person, every 90 days to the sheriff of the county where I am registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If I comply with the 90-day reporting requirement with no violations for at least five years in the community, I may petition the superior court to be relieved of the duty to report every 90 days.

**8. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: \_\_\_\_\_  
Defendant's signature

SUPERIOR COURT OF WASHINGTON COUNTY OF _____ <b>JUVENILE COURT</b>	<b>No.</b> <b>Statement on</b> <b>Plea of Guilty</b> <b>(STJOPG)</b>
State of Washington vs. _____ Respondent	

1. My true name is: \_\_\_\_\_  
I am also know as: \_\_\_\_\_.
2. My age is \_\_\_\_\_. Date of Birth: \_\_\_\_\_.
3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
4. I understand that I am charged with Count 1 \_\_\_\_\_  
\_\_\_\_\_,  
the elements of which are \_\_\_\_\_  
\_\_\_\_\_  
Count 2 \_\_\_\_\_  
\_\_\_\_\_,  
the elements of which are \_\_\_\_\_  
\_\_\_\_\_.

And I have been given a copy of the charge(s).

*5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:*

- a. I have the right to a speedy and public trial in the county where the offense(s) allegedly occurred.
- b. I have the right to remain silent before and during trial, and I need not testify against myself.
- c. I have the right to hear and question witnesses who might testify against me.
- d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
- e. I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
- f. I have the right to appeal a finding of guilt after trial.

6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

LOCAL SANCTIONS:

COUNT	SUPERVISION	COMMUNITY RESTITUTION	FINE	DETENTION	CVC	RESTITUTION
<input type="checkbox"/> 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if community supervision is imposed, I will be required to comply with various rules, which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

JUVENILE REHABILITATION ADMINISTRATION (JRA) COMMITMENT:

COUNT	WEEKS AT JUVENILE REHABILITATION ADMINISTRATION (JRA) FACILITY	CVC	RESTITUTION
<input type="checkbox"/> 1	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	<input type="checkbox"/> 15 - 36 <input type="checkbox"/> 30 - 40 <input type="checkbox"/> 52 - 65 <input type="checkbox"/> 80 - 100 <input type="checkbox"/> 103 - 129 <input type="checkbox"/> 180 - Age 21	\$75/\$100	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if I am committed to a Juvenile Rehabilitation Administration (JRA) facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community restitution, electronic monitoring, and urinalysis. Failure to comply with the conditions of parole may result in parole revocation and further confinement. If the offense to which I am pleading guilty is a sex offense, failure to comply with the conditions of parole may result in further confinement of up to 24 weeks.

I understand that if I am pleading guilty to two or more offenses, the disposition terms shall run consecutively (one term after the other) subject to the limitations in RCW 13.40.180.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand, that the judge must impose a sentence within the standard range, unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am 21 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to two or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history when sentencing me

for any offense that I commit in the future as an adult or juvenile.

11. GROUNDS FOR DEPORTATION: If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.

[A] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR FIREARMS OR DRUGS: I have been informed that if the offense that I am pleading guilty to involves a finding that I was armed with a firearm when I committed the offense or if the offense was a violation of RCW 9.41.040(1) or chapters 66.44, 69.41, 69.50 or 69.52 and I was 13 years of age or older when I committed the offense, then the plea will result in the suspension or revocation of my privilege to drive.

[B] SUSPENSION/REVOCAION OF DRIVING PRIVILEGE FOR DRIVING OFFENSES: I have been informed that if the offense that I am pleading guilty to is any felony in the commission of which a motor vehicle was used, reckless driving, driving or being in physical control of a motor vehicle while under the influence of intoxicants, driving while license suspended or revoked, vehicular assault, vehicular homicide, hit and run, theft of motor vehicle fuel, or attempting to elude a pursuing police vehicle, the plea will result in the suspension or revocation of my privilege to drive.

[C] OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor, or sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation, or conspiracy to commit a sex offense or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[D] DNA TESTING: If this crime involves a felony or stalking, harassment, or communication with a minor for immoral purposes, I will be required to have a biological sample collected for purposes of DNA identification analysis. RCW 43.43.754.

[E] HIV TESTING: If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus. RCW 70.24.340.

[F] DOMESTIC VIOLENCE ASSESSMENT: If this offense involves domestic violence, I may be required to pay a domestic violence assessment of up to \$100.

[G] CRIME LAB FEES: If this offense involves a controlled substance, I will be required to pay \$100 for the State Patrol Crime Lab fees to test the substance.

[H] SCHOOL NOTIFICATION: If I am enrolled in a common school, the court will notify the principal of my plea of guilty if the offense for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; inhaling toxic fumes under chapter 9.47A RCW; a controlled substance violation under chapter 69.50 RCW; a liquor violation under RCW 66.44.270; or any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW. RCW 13.04.155.

[I] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend the school attended by the victim or victim's siblings. RCW 13.40.160.

[J] FEDERAL BENEFITS: I understand that if I am pleading guilty to a felony drug offense, my eligibility for state and federal food stamps and welfare will be affected. 21 U.S.C. § 862a.

[K] MANDATORY MINIMUM SENTENCE: The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ weeks of total confinement. The law does not allow any reduction of this sentence.

[L] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO OFFENDER] I have been informed that if I am pleading guilty to any offense that is classified as a felony or any of the following crimes when committed by one family or household member against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence; that I may not possess, own, or have under my control any firearm unless my right to do so has been restored by a court of record. RCW 9.41.040(1).

[M] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession Under Age 18: I understand that the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (1)(b) (iii), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement without possibility of release until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consec-

utive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the commission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. Such confinement will run consecutive to any other sentence that may be imposed.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. I understand that the probation counselor will make the following recommendation to the judge:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence he or she feels is appropriate, up to the maximum allowed by law.

16. The judge has asked me to state in my own words what I did that makes me guilty of this crime.  
This is my statement:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

17. I plead guilty to count \_\_\_\_\_ in the \_\_\_\_\_ Information. I have received a copy of that Information.

18. I make this plea freely. No one has threatened to harm me or anyone else to get me to plead guilty.

19. No one has made any promises to make me plead guilty, except as written in this statement.

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I

understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Respondent  
I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

\_\_\_\_\_  
Deputy Prosecuting Attorney      WSBA No.      \_\_\_\_\_  
Attorney for Respondent      WSBA NO.

\_\_\_\_\_  
Type or Print Name      \_\_\_\_\_  
Type or Print Name

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

- (a) The respondent had previously read the entire statement above and that the respondent understood it in full;
- (b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or
- (c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charge and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Judge/Commissioner

INTERPRETER'S DECLARATION

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the respondent understands, and I have translated the \_\_\_\_\_ (Identify document being translated) for the respondent from English into that language.

The respondent has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED: \_\_\_\_\_  
\_\_\_\_\_  
Interpreter

LOCATION: \_\_\_\_\_

Case Name \_\_\_\_\_ Cause No. \_\_\_\_\_

**"Offender Registration" Attachment:** Offender Registration For Sex Offense or Kidnapping Offense (If required, attach to Statement on Plea of Guilty.)

**1. General Applicability and Requirements:** Because this crime involves a sex offense or a kidnapping offense

involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

**2. Offenders Who Leave the State and Return:** If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If I change my residence within a county, I must send signed written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, and I must register with the sheriff of the new county within 24 hours of moving. I must also give signed written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher educa-

tion, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination. ~~(Effective September 1, 2006)~~. If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. ~~If I am enrolled on September 1, 2006, I must notify the sheriff immediately.~~ The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if I do not have a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. Within 48 hours, excluding weekends and holidays, after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make

me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If I have a fixed residence and I am designated as a risk level II or III, I must report, in person, every 90 days to the sheriff of the county where I am registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If I comply with the 90-day reporting requirement with no violations for at least five years in the community, I may petition the superior court to be relieved of the duty to report every 90 days.

**8. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: \_\_\_\_\_  
Respondent's signature

Case Name: \_\_\_\_\_ Cause No.: \_\_\_\_\_

**"DUI" Attachment:** Driving under the influence of alcohol and/or actual physical control of a vehicle while under the influence of alcohol and/or drugs. (If required, attach to Statement of Defendant on Plea of Guilty.)

Department Of Licensing - DUI Administrative Sanctions and Reinstatement Provisions (as amended through July 1, 2007 ~~24, 2005~~)

ADMINISTRATIVE SANCTIONS - RCW 46.20.3101		
REFUSED TEST	<i>First Refusal Within 7 Years <u>And</u> No Prior Administrative Action Within Past 7 Years</i>	<i>Second or Subsequent Refusal Within Past 7 Years OR First Refusal <u>And</u> At Least One Prior Administrative Action Within Past 7 Years (Day for day credit for revocation period already served under suspension, revocation, or denial imposed under RCW 46.61.5055 and arising out of the same incident. RCW 46.20.3101(4))</i>
Adult	1-Year License Revocation	2-Year License Revocation
Minor	1-Year License Revocation	2-Year License Revocation Or Until Age 21 Whichever Is Longer
ALCOHOL CONCENTRATION TEST RESULT	<i>First Administrative Action</i>	<i>Second or Subsequent Administrative Action</i>
Adult With 0.08 or Greater	90-Day License Suspension	2-Year License Revocation
Minor With 0.02 or Greater	90-Day License Suspension	1-Year License Revocation Or Until Age 21 Whichever Is Longer

Note: An individual convicted of DUI or physical control will have his/her driving privilege placed in probationary status for five years from the date he/she is eligible to reinstate his/her driver's license. (See RCW 46.61.5055 and 46.20.355) An individual granted a deferred prosecution under RCW 10.05.060 will have his/her driving privilege placed on probationary status for five years from the date of the incident, which was the basis for the deferred prosecution. (See RCW 46.20.355 and 10.05.060)

REQUIREMENTS FOR REINSTATEMENT OF DRIVING PRIVILEGE	
<i>Suspended License* (RCW 46.20.311)</i>	<i>Revoked License* (RCW 46.20.311)</i>
<ul style="list-style-type: none"> <li>File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW</li> </ul>	<ul style="list-style-type: none"> <li>File and maintain proof of financial responsibility for the future with the Department of Licensing as provided in chapter 46.29 RCW</li> </ul>

<ul style="list-style-type: none"> <li>Present written verification by a company doing business in this state that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> </ul>	<ul style="list-style-type: none"> <li>Present written verification by a company doing business in this state that it has installed the required ignition interlock device on a vehicle owned and/or operated by the person seeking reinstatement</li> </ul>
<ul style="list-style-type: none"> <li>Pay \$150 driver's license reissue fee</li> </ul>	<ul style="list-style-type: none"> <li>Pay \$150 driver's license reissue fee</li> </ul>
<ul style="list-style-type: none"> <li>Driver's ability test NOT required</li> </ul>	<ul style="list-style-type: none"> <li>Satisfactorily complete a driver's ability test</li> </ul>

\* If suspension or revocation is the result of a criminal conviction, the driver must also show proof of either (1) enrollment and satisfactory participation in an approved alcohol treatment program or (2) completion of an alcohol information school, as determined by the court and/or treatment agency.

<b>TEMPORARY RESTRICTED DRIVER'S LICENSE, RCW 46.20.380, RCW 46.20.391</b>
RCW 46.20.391 provides for a temporary restricted license: \$100 fee, proof of functioning ignition interlock and financial responsibility; demonstrated necessity.
<b>COURT DUI SENTENCING GRID (RCW 46.61.5055 as amended through July 1, 2007 <del>24, 2005</del>)</b>

**"Prior Offense" includes the following:** (as defined in RCW 46.61.5055)

**Original Convictions for the following:** (1) DUI (RCW 46.61.502) (or an equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or an equivalent local ordinance); (3) Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522) if either committed while under the influence; (4) Equiv. out-of-state statute for any of the above offenses.

**Amended Convictions for the following:** If the person was originally charged with DUI or Phys. Cont. or an equivalent local ordinance, or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522). (1) Neg. Driving 1st (RCW 46.61.5249); (2) Reckless Driving (RCW 46.61.500); (3) Reckless Endangerment (RCW 9A.36.050); (4) Equiv. out-of-state or local ordinance for the above offenses. ♦

**Deferred Prosecution Granted for the following:** (1) DUI (RCW 46.61.502) (or equivalent local ordinance); (2) Phys. Cont. (RCW 46.61.504) (or equivalent local ordinance); (3) Neg. Driving 1st (RCW 46.61.5249), (or equiv. local ord.), if the person was originally charged with DUI or Phys. Cont. (or an equiv. local ord.), or Veh. Homicide (RCW 46.61.520) or Veh. Assault (RCW 46.61.522).

"Within seven years" or "within 10 years" means that the arrest for a prior offense(s) occurred within 7 years or within 10 years of the arrest for the current offense. (as defined in RCW 46.61.5055.)

<b>Alcohol Concentration Less Than .15 Or No Test Result</b>	<b>No Prior Offenses Within Past 7 Years</b>	<b>One Prior Offense Within Past 7 Years</b>	<b>Two or <del>More</del> Three Prior Offenses Within Past 7 Years</b>
Jail Time***	1-365 Days (24 consecutive hours non-suspendable)	30-365 Days (30 days non-suspendable)	90-365 Days (90 days non-suspendable)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 15 Days	60 Days	120 Days
Fine	\$350-\$5,000 (\$866 total minimum fine w/statutory assessments****)	\$500-\$5,000 (\$1,121 total minimum fine w/statutory assessments****)	\$1,000-\$5,000 (\$1,971 total minimum fine w/statutory assessments****)
Driver's License	90-Day Suspension	2-Year Revocation	3-Year Revocation
Ignition Interlock Device	DOL Shall Require**	DOL Shall Require**	DOL Shall Require**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court
<b>Alcohol Concentration At Least .15 or Greater Or Test Refusal</b>	<b>No Prior Offenses Within Past 7 Years</b>	<b>One Prior Offense Within Past 7 Years</b>	<b>Two or <del>More</del> Three Prior Offenses Within Past 7 Years</b>
Jail Time***	2-365 Days (2 consecutive mandatory)	45-365 Days (45 days mandatory)	120-365 Days (120 days mandatory)
Electronic Home Monitoring*	In Lieu of Mandatory Minimum Jail Time, Not Less Than 30 Days	90 Days	150 Days
Fine	\$500-\$5,000 (\$1,121 total minimum fine w/statutory assessments****)	\$750-\$5,000 (\$1,546 total minimum fine w/statutory assessments****)	\$1,500-\$5,000 (\$2,821 total minimum fine w/statutory assessments****)
Driver's License	1-Year Revocation (2 years if BAC refused; RCW 46.61.5055(7)(c))	900-Day Revocation (3 years if BAC refused; RCW 46.61.5055(7)(c))	4-Year Revocation
Ignition Interlock Device	DOL Shall Require**	DOL Shall Require**	DOL Shall Require**
Alcohol/Drug Ed. or Treatment	As Determined By The Court	As Determined By The Court	As Determined By The Court

♦ **Amended Convictions:** See *City of Walla Walla v. Greene*, 154 Wn. 2d 722, 116 P. 3d 1008 (2005).

\* **Electronic Home Monitoring (EHM):** For first time offenders, the court may impose electronic home monitoring in lieu of the mandatory minimum jail time. Courts may waive electronic home monitoring in writing stating the reasons therefore and facts relied upon. If EHM is waived, the court is required to impose an alternative sentence with similar punitive consequences. (RCW 46.61.5055.)

\*\* **Ignition Interlock (IID):** Effective 6/10/04, DOL shall require after any alcohol related violation of RCW 46.61.502, 46.61.504 or equivalent local ordinances; the court may order IID, setting a calibration level and duration. 46.20.720 (as amended by Laws of 2004, ch. 95). For application in DUI Deferred Prosecution, see: RCW 10.05.140, which requires IID in a deferred prosecution of any alcohol-dependency based case. If the violation was committed while a passenger under 16 was in the vehicle, the court must order installation and use of IID for at least 60 days or

extend a previously imposed IID requirement by at least 60 days; IID restrictions begin after any applicable period of suspension, revocation, or denial of driving privileges. RCW 46.61.5055. (As amended by Laws of 2003, ch. 103).

\*\*\* **Mandatory conditions of probation if any jail time is suspended:** (*Court's jurisdiction extended to five years if it imposes less than one year in jail* - RCW 46.61.5055) The individual: (i) is not to drive a motor vehicle without a valid license to drive and proof of financial responsibility, (ii) is not to drive a motor vehicle while having an alcohol concentration of .08 or more within two hours after driving, (iii) is not to refuse to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. Violation of **any** mandatory condition requires a minimum penalty of 30 days confinement, which may not be suspended or deferred, and an additional 30 day license suspension. RCW 46.61.5055(9). Courts are required to report violations of mandatory conditions to DOL. RCW 46.61.5055.

\*\*\*\* **Statutory Assessments:** PSEA 1, RCW 3.62.090(1); Alcohol Violators Fee, RCW 46.61.5054; Criminal Justice Funding (CJF) Penalty, RCW 46.64.055 (Note RCW 3.62.090(1) and (2) apply to CJF penalty); Criminal Conviction Fee, RCW 3.62.085. (Similarly to forfeitable offenses listed in CrRLJ 3.2(r) - (u), statutory assessments are rounded up to the next even dollar amount.)

• **Felony DUI:** With four priors within 10 years, or one prior conviction of Veh. Homicide or Veh. Assault (see above), a current offense is a Class C Felony punished under Chapter 9.94A RCW.

Case Name: \_\_\_\_\_ Cause No.: \_\_\_\_\_

**"Offender Registration" Attachment:** Sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

**1. General Applicability and Requirements:** Because this crime involves sexual misconduct with a minor in the second degree, communication with a minor for immoral purposes, or attempt, solicitation or conspiracy to commit a sex offense, or a kidnapping offense involving a minor, as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

**2. Offenders Who Leave the State and Return:** If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within three business days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If I change my residence within a county, I must send signed written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send signed written notice of the change of address at least 14 days before moving to the

county sheriff in the new county of residence and I must register with the sheriff of the new county within 24 hours of moving. I must also give signed written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination. (~~Effective September 1, 2006.~~) If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. ~~If I am enrolled on September 1, 2006, I must notify the sheriff immediately.~~ The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if I do not have a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if



I do not have a residence at the time of my release from custody. Within 48 hours, excluding weekends and holidays, after losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If I have a fixed residence and I am designated as a risk level II or III, I must report, in person, every 90 days to the sheriff of the county where I am registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If I comply with the 90-day reporting requirement with no violations for at least five years in the community, I may petition the superior court to be relieved of the duty to report every 90 days.

**8. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Defendant's signature

**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 07-16-095**

**AGENDA**

**DEPARTMENT OF HEALTH  
 STATE BOARD OF HEALTH**

[Filed July 30, 2007, 3:51 p.m.]

**July 2007 Rules Agenda**

This report details current and anticipated rule-making activities for 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 Andy Fernando 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.

This agenda is for information purposes - the noted dates of anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional DOH rule-making activities that cannot be forecasted as the department initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "key" at the end of the tables for explanations of terms and acronyms.

**State Board of Health Rules**

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing Number and Date	CR-102 Filing Number and Date	CR-105 Filing Number and Date	CR-103 Filing Number and Date	SBOH and DOH Staff Contacts
246-100-166	28A.210.140	State board of health	Immunization of child care and school children - adopting 2007 immunization schedule.	Proposal exempt under RCW 34.05.310(4)	Anticipated filing CR-102 this period		_____	Tara Wolff (360) 236-4101 State Board of Health Jeff Wise (360) 236-3483 Department of Health Community and Family Health
246-100-191 246-100-201	43.20.050	State board of health	Animals, birds, pets— Measures to prevent human disease.	WSR 07-10-117 5/2/07	_____		_____	Ned Therien (360) 236-4103 State Board of Health Dorothy Tibbetts (360) 236-3361 Department of Health Environmental Health

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing Number and Date	CR-102 Filing Number and Date	CR-105 Filing Number and Date	CR-103 Filing Number and Date	SBOH and DOH Staff Contacts
246-203-120	43.20.050	State board of health	Disposal of garbage, trash, rubbish, offal, dead animals, and manure.	WSR 05-10-096 5/4/05	WSR 07-10-119 5/16/07		WSR 07-14-149 7/5/07	Ned Therien (360) 236-4103 State Board of Health
Chapter 246-272A	43.20.050	State board of health	On-site sewage systems— Drain field remediation.	WSR 06-12-108 6/7/06	_____		_____	Ned Therien (360) 236-4103 State Board of Health Kelly Cooper (360) 236-3012 Department of Health Environmental Health
Chapter 246-272B	43.20.050	State board of health	Large on-site sewage systems.	WSR 04-03-010 1/9/04	_____		_____	Ned Therien (360) 236-4103 State Board of Health Kelly Cooper (360) 236-3012 Department of Health Environmental Health
Chapter 246-272C	43.20.050	State board of health	On-site sewage systems.	WSR 06-06-051 2/28/06	_____		_____	Ned Therien (360) 236-4103 State Board of Health Kelly Cooper (360) 236-3012 Department of Health Environmental Health
246-282-005	69.30.030	State board of health	Sanitary control of shellfish—Minimum performance standards.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-12-089 6/6/07		Anticipated filing CR-103 by 8/07	Ned Therien (360) 236-4103 State Board of Health Maryanne Guichard (360) 236-3391 Department of Health Environmental Health
246-282-006	69.30.030	State board of health	Washington state vibrio parahaemolyticus control plan for June through September 2007.				Emergency Rule WSR 07-12-051 6/1/07	Ned Therien (360) 236-4103 State Board of Health Maryanne Guichard (360) 236-3391 Department of Health Environmental Health

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing Number and Date	CR-102 Filing Number and Date	CR-105 Filing Number and Date	CR-103 Filing Number and Date	SBOH and DOH Staff Contacts
Chapter 246-290	43.20.050	State board of health delegated to DOH secretary	Water-system requirements Group A— Planning and engineering.	WSR 05-01-096 12/14/04	Anticipated filing CR-102 by 9/07		_____	Ned Therien (360) 236-4103 State Board of Health Theresa Phillips (360) 236-3147 Department of Health Environmental Health
Chapter 246-290	43.20.050	State board of health delegated to DOH secretary	Public water supplies—Surface water treatment.	WSR 07-14-146 7/5/07	Anticipated filing CR-102 by 9/07			Ned Therien (360) 236-4103 State Board of Health Michelle Austin Department of Health (360) 236-3156 Environmental Health
Chapter 246-290	43.20.050	State board of health delegated to DOH secretary	Public water supplies— Stage 2 disinfection.	To be determined	_____		_____	Ned Therien (360) 236-4103 State Board of Health Theresa Phillips (360) 236-3147 Department of Health Environmental Health
Chapter 246-290	43.20.050	State board of health delegated to DOH secretary	Public water supplies— Ground water rules.	Anticipated filing CR-101 by 11/07	_____		_____	Ned Therien (360) 236-4103 State Board of Health Theresa Phillips (360) 236-3147 Department of Health Environmental Health
Chapter 246-291	43.20.050	State board of health	Public water system Group B.	WSR 07-14-147 7/5/07 (replaces withdrawn WSR 02-19-060)	_____		_____	Ned Therien (360) 236-4103 State Board of Health Vicki Bouvier (360) 236-3011 Department of Health Environmental Health
Chapter 246-360	43.20.050	State board of health	Transient accommodations - Possible new WAC chapter on homeless shelters.	WSR 07-14-148 7/5/07	_____		_____	Ned Therien (360) 236-4103 State Board of Health Yvette Fox (360) 236-2928 Department of Health, Facilities and Services Licensing

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing Number and Date	CR-102 Filing Number and Date	CR-105 Filing Number and Date	CR-103 Filing Number and Date	SBOH and DOH Staff Contacts
Chapter 246-366	43.20.050	State board of health	Primary and secondary schools.	WSR 04-20-050 10/1/04	Anticipated filing CR-102 by 1/08		_____	Ned Therien (360) 236-4103 State Board of Health Nancy Napolilli (360) 236-3325 Department of Health Environmental Health
Chapter 246-390	43.20.050	State board of health	Drinking water laboratories certification.	WSR 06-23-077 11/13/06	_____		_____	Ned Therien (360) 236-4103 State Board of Health Theresa Phillips (360) 236-3147 Department of Health Environmental Health
Chapter 246-XXX	Chapters 70.83 and 43.20	State board of health/ department of health joint rules	Storage, retention and use of specimens in public health lab.	WSR 03-02-101 1/2/03	_____		_____	Ned Therien (360) 236-4103 State Board of Health Pam Lovinger (360) 236-4225 Department of Health, Epidemiology, Health Statistics, and Public Health Laboratories
Chapter 246-650	70.83.050	State board of health	Newborn screening— Considering addition of new conditions.	WSR 06-11-054 5/11/06	_____		_____	Tara Wolff (360) 236-4101 State Board of Health. Mike Glass (206) 418-5470 Department of Health, Epidemiology, Health Statistics, and Public Health Laboratories

**Department of Health Rules**

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
New Chapter 246-XXX	43.70.250, chapter 253, Laws of 2007 (SSB 5503)	Secretary	Licensing requirements for athletic trainers.	Anticipated filing CR-101 by 8/07	_____		_____	Jennifer Bressi (360) 236-4893 Department of Health, Health Professions Quality Assurance
New Chapter 246-XXX	Chapter 70, Laws of 2007 (ESB 5403)	Secretary	Certification of animal massage practitioners.	Anticipated filing CR-101 by 8/07	_____		_____	Judy Haenke (360) 236-4947 Department of Health Health Professions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
New Chapter 246-XXX	Chapter 371, Laws of 2007 (ESSB 6032)	Secretary	Sixty-day supply of medical marijuana.	Anticipated filing CR-101 by 8/07	_____		_____	Kristin Reichl (360) 236-4985 Department of Health Health Professions Quality Assurance
246-08-400	70.02.010	Secretary	How much can a medical provider charge for searching and duplicating medical records.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-07-073 3/16/07		WSR 07-12-029 5/30/07	Sherry Thomas (360) 236-4612 Department of Health Health Professions Quality Assurance
Chapter 246-12 246-976-195	Chapter 18.130 43.70.250	Secretary	Retired volunteer medical worker license.	WSR 06-20-076 10/2/06	WSR 07-14-129 and 07-14-158 7/5/07		Anticipated filing CR-103 by 12/07	Susan Gragg (360) 236-4941 Department of Health Health Systems Quality Assurance
246-14-010 246-14-020 246-14-090 246-14-100 246-14-110 246-14-120	18.130.095	Secretary	Uniform procedures for complaint resolution.	Proposal is exempt under RCW 34.05.310(4)	Anticipated filing CR-102 by 8/07			Margaret Gilbert (360) 236-4913 Department of Health Health Professions Quality Assurance
246-16-010	18.130.060 18.130.070 18.130.050	Secretary	Mandatory reporting of unprofessional conduct by health care providers.	WSR 06-23-160 11/22/06	_____		_____	Margaret Gilbert (360) 236-4913 Department of Health Health Professions Quality Assurance
Chapter 246-205	43.70.250 chapter 339, Laws of 2006 (E2SSB 6239)	Secretary	Decontamination of illegal drug manufacturing sites—Contractor fees.	Anticipated filing CR-101 by 8/07	_____		_____	Vicki Bouvier (360) 236-3011 Department of Health Environmental Health
246-221-150	70.98.050	Secretary	Security and control of stored radioactive material and radiation machines.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-11-121 5/21/07		Anticipated filing CR-103 by 8/07	Arden Scroggs (360) 236-3221 Department of Health Environmental Health
Chapter 246-225A	43.70.250	Secretary	Radiation protection—Dental x-ray standards.	WSR 06-07-033 3/8/06	Anticipated filing CR-102 by 9/07		_____	Phyllis Hurtado (360) 236-3230 Department of Health Environmental Health
Chapter 246-231	70.98.050	Secretary	Packaging and transportation of radioactive material.	Proposal is exempt under RCW 34.05.310(4)	Anticipated filing CR-101 by 9/07		_____	Arden Scroggs (360) 236-3221 Department of Health Environmental Health

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
Chapters 246-235, 246-240	70.98.050	Secretary	Radioactive materials; Radiation protection.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-07-074 3/16/07		WSR 07-14-131 7/5/07	Terry Frazee (360) 236-3213 Department of Health Environmental Health
Chapters 246-247 246-248 possible new chapters	70.98.050	Secretary	Radiation protection—Air emissions.	WSR 05-12-140 6/1/05	_____		_____	Allen Conklin (360) 236-3261 Department of Health Environmental Health
Chapter 246-254	19.02.050 43.20B.020 43.70.110 43.70.250 70.98.080	Secretary	X-ray registration—Fee structure.	WSR 07-06-029 2/28/07	WSR 07-10-118 5/2/07		WSR 07-14-130 7/3/07	Ellen Haars (360) 236-3231 Department of Health Environmental Health
Chapter 246-272B	Chapter 343, Laws of 2007 (ESSB 5894)	Secretary	Large on-site sewage systems.	Anticipated filing CR- 101 by 9/07	_____		_____	Kelly Cooper (360) 236-3012 Department of Health Environmental Health
246-282-990	43.70.250	Secretary	Sanitary control of shellfish— Fees.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-12-052 6/1/07		Anticipated filing CR- 103 by 8/07	Jan Jacobs (360) 236-3316 Department of Health Environmental Health
246-290-990	43.70.250 43.20B.020	Secretary	Office of drinking water— Fees.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-09-090 4/18/07		WSR 07-14-128 7/5/07	Theresa Phillips (360) 236-3147 Department of Health Environmental Health
246-310-010	70.38.135	Secretary	Certificate of need—Definition of "established ratio."	WSR 07-07-072 3/16/07	_____		_____	Janis Sigman (360) 236-2956 Department of Health, Facilities and Services Licensing
246-310-262	Chapter 70.38 chapter 440, Laws of 2007 (SHB 2304)	Secretary	Nonemergent interventional cardiology.	Anticipated filing CR- 101 by 9/07	Anticipated filing CR- 103 by 3/08		_____	Yvette Fox (360) 236-4928 Department of Health Facilities and Services Licensing
246-310-990 246-329-990 246-335-990 246-337-990 246-380-990	43.70.250 70.38.105 18.46.030 70.127.090 71.12.470 43.70.040	Secretary	Department fees for certificate of need, childbirth centers, in-home services agencies, residential treatment facilities and state institutional survey.	Proposal was exempt under RCW 34.05.310(4)	WSR 07-15-076 Filed 7/17/07			Alisa Harris, 360) 236-2907 Department of Health Facilities and Services Licensing

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
Chapter 246-320	70.41.030	Secretary	Hospital licens- ing regulations (construction standards only).	WSR 05-23-096 11/17/05	Anticipated filing CR- 102 by 8/07			Allen Spaulding (360) 236-2929 Department of Health Facilities and Ser- vices Licensing
Chapter 246-320	70.41.030	Secretary	Hospital licens- ing regulations (operations).	Anticipated filing CR- 101 by 8/07				Allen Spaulding (360) 236-2929 Department of Health Facilities and Ser- vices Licensing
New Chapter 246-XXX	Chapter 273, Laws of 2007 (ESHB 1414)	Secretary	Ambulatory sur- gical facilities.	Anticipated filing CR- 101 by 1/08				Yvette Fox (360) 236-4928 Department of Health Facilities and Ser- vices Licensing
246-320-990 246-322-990 246-324-990	43.70.110 43.70.250 43.135.145 70.41.100 71.12.470	Secretary	Facility licens- ing fees—Acute care hospitals, private psychiat- ric hospitals and alcoholism hos- pitals.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-13-075 6/18/07		Anticipated filing CR- 103 by 9/07	Alisa Harris (360) 236-2907 Department of Health Facilities and Ser- vices Licensing
Chapter 246-322	Chapter 71.12	Secretary	Adverse events—Psychi- atric hospitals.			Anticipated filing CR- 105 by 10/07	_____	Yvette Fox (360) 236-4928 Department of Health Facilities and Ser- vices Licensing
246-358-990 246-359-990 246-361-990	43.70.250	Secretary	Temporary worker housing; Stick; construc- tion; and cherry harvest camps— Fee structure.	Anticipated filing CR- 101 by 8/07	_____		_____	Alisa Harris (360) 236-2907 Department of Health Facilities and Ser- vices Licensing
246-360-990	Chapter 70.62	Secretary	Transient accommoda- tions—Fee structure.	Anticipated filing CR- 101 by 8/07	_____		_____	Alisa Harris, (360) 236-2907 Department of Health Facilities and Ser- vices Licensing
New Chapter 246-XXX		Secretary	Federal certifi- cation of health care facilities.	Anticipated filing CR- 101 by 12/07	_____		_____	Alisa Harris (360) 236-2907 Department of Health Facilities and Ser- vices Licensing
Chapter 246-491	Chapter 70.58 43.70.150	Secretary	Vital statistics.	WSR 07-08-051 3/29/07	_____		_____	Phillip Freeman (360) 236-4330 Department of Health Epidemiology, Health, Statistics and Public Health Laboratories

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-808-560	18.25.0171	Chiropractic quality assurance commis- sion	Documentation of care.	Anticipated filing CR- 101 by 9/07	—		—	Leann Yount (360) 236-4856 Department of Health, Health Profes- sions Quality Assurance
246-809-049 246-810-049 246-811-020 246-930-490	18.130.040 18.130.180	Secretary	Sexual miscon- duct regarding: Chemical depen- dency treatment professionals, licensed mar- riage and family therapists, men- tal health coun- selors, social workers, regis- tered counselors, hypnothera- pists, sex offender treat- ment providers.	WSR 07-03-048 01/12/07	Anticipated filing this period		—	Betty Moe (360) 236-4909 Department of Health Health Profes- sions Quality Assurance
246-809-240	Chapter 18.225	Secretary	Examination for licensed mental health counse- lors.	Anticipated filing CR- 101 this period	—		—	Betty Moe (360) 236-4909 Department of Health Health Profes- sions Quality Assurance
246-815-XXX	18.29.130 chapter 270, Laws of 2007 (SHB 1298)	Secretary	Dental hygiene practice in senior centers.	Anticipated filing CR- 101 by 8/07	—		—	Vicki Brown (360) 236-4865 Department of Health Health Profes- sions Quality Assurance
246-815-030	18.29.130 18.29.021	Secretary	Dental hygiene education requirements for licensure appli- cants.	WSR 06-13-047 6/16/06	WSR 07-15- 077 7/17/07		—	Vicki Brown (360) 236-4865 Department of Health Health Profes- sions Quality Assurance
Chapter 246-817	18.32.0365 chapter 269, Laws of 2007 (SHB 1099)	Dental quality assurance commis- sion	Registration of dental assistants.	Anticipated filing CR- 101 in 8/07	—		—	Lisa Anderson (360) 236-4863 Department of Health Health Profes- sions Quality Assurance
Chapter 246-817	18.32.0365 chapter 269, Laws of 2007 (SHB 1099)	Dental quality assurance commis- sion	Licensure for expanded func- tion dental auxil- iaries.	Anticipated filing CR- 101 in 8/07	—		—	Lisa Anderson (360) 236-4863 Department of Health Health Profes- sions Quality Assurance



WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-817-010	18.32.0365	Dental quality assurance commission	Definitions.	WSR 07-13-074 6/18/07	Anticipated filing CR-102 by 8/07			Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
New 246-817-450 246-817-460	18.32.0365 18.32.040	Dental quality assurance commission	Sexual misconduct rules for dentists.	WSR 06-13-013 6/9/06	WSR 06-21-105 10/17/06  Supplemental proposal, WSR 07-13-098 6/18/07		Anticipated filing CR-103 by 10/07	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
246-817-110 246-817-120	18.32.0365 18.32.040	Dental quality assurance commission	Dental licensure—Initial eligibility and application requirements.	WSR 02-15-160 7/23/02	Anticipated filing CR-102 by 8/07		_____	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
246-817-130 246-817-140	18.32.0365 18.32.215	Dental quality assurance commission	Licensure without examination for dentists.	WSR 07-13-072 6/18/07	Anticipated filing CR-102 by 8/07		_____	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
246-817-135	18.32.0365 18.32.215 chapter 57, Laws of 2003 (SB 5966)	Dental quality assurance commission	Licensure without examination for dentists—Application procedures.	WSR 04-08-096 4/6/04	Anticipated filing CR-102 by 8/07		_____	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
246-817-155	18.32.0365 18.32.040 18.32.195 chapter 454, Laws of 2005 (SHB 1689)	Dental quality assurance commission	Dental residents' licensure to full dental license—Conditions.	WSR 07-13-073 6/18/07	Anticipated filing CR-102 in this period		_____	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
246-817-170	18.32.0365 18.32.640	Dental quality assurance commission	Applications—Permits—Renewals.	WSR 07-14-144 7/5/07	Anticipated filing CR-102 by 8/07		_____	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance
246-817-180	18.32.0365 18.32.640	Dental quality assurance commission	General anesthesia (including deep sedation) education and training.	WSR 04-15-151 7/21/04	Anticipated filing CR-102 by 8/07		_____	Lisa Anderson (360) 236-4863 Department of Health Health Professions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-817-700 246-817-701 through 246- 817-780	18.32.0365 18.32.640	Dental quality assurance com- mission	Administration of anesthesia agents for dental procedures.	WSR 05-09-001 4/7/05	Anticipated filing CR- 102 by 8/07		_____	Lisa Anderson (360) 236-4863 Department of Health Health Profes- sions Quality Assurance
246-826-990	18.135.055 43.70.250 43.70.280	Health care assistants	Licensing fees, expired creden- tial.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-14-133 7/5/07		Anticipated filing CR- 103 by 12/07	Karen Kelley (360) 236-4950 Department of Health Health Profes- sions Quality Assurance
246-830-010	Chapter 34.05 18.108.025	Secretary	Board of mas- sage meetings of the board.	Anticipated filing CR- 101 9/07	_____		_____	Kris Waidely (360) 236-4847 Department of Health Health Profes- sions Quality Assurance
246-830-201	18.108.025	Secretary	Board of mas- sage scope of examination.	Anticipated filing CR- 101 9/07	_____		_____	Kris Waidely (360) 236-4847 Department of Health Health Profes- sions Quality Assurance
246-830-610	18.108.025	Secretary	Board of mas- sage definitions.	Anticipated filing CR- 101 9/07	_____		_____	Kris Waidely (360) 236-4847 Department of Health Health Profes- sions Quality Assurance
Chapter 246-836	18.36A.060 chapter 158 Laws of 2005 (HB 1546)	Secretary	Naturopathy education and training require- ments; injec- tions; prescrib- ing, dispensing and ordering.	WSR 05-14-152 05-14-153 05-14-155 7/6/05	WSR 07-14-127 7/3/07		Anticipated filing CR- 103 by 12/07	Susan Gragg (360) 236-4941 Department of Health Health Profes- sions Quality Assurance
246-836-080	18.36A.060 18.130.050	Secretary	Naturopathy continuing com- petency.	Anticipated filing CR- 101 this period	_____		_____	Susan Gragg (360) 236-4941 Department of Health Health Profes- sions Quality Assurance
246-840-010 through 246-840-090 246-840-865 246-840-870	18.79.110 chapter 262, Laws of 2004 (SB 6554)	Nursing care quality assur- ance commis- sion	Requirements for licensure.	WSR 04-21-079 10/20/04	Anticipated filing this period		_____	Kendra Pitzler (360) 236-4856 Department of Health Health Profes- sions Quality Assurance
246-840-300 through 246-840-450	18.79.050 18.79.110	Nursing care quality assur- ance commis- sion	Advanced regis- tered nurse prac- titioners.	Anticipated filing CR- 101 by 9/07	Anticipated filing CR- 102 by 1/08		_____	Kendra Pitzler (360) 236-4856 Department of Health Health Profes- sions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-840-740	18.130.180 18.79.110	Nursing care quality assurance commission	Sexual misconduct—Nursing technicians.	WSR 06-14-093 7/5/06	WSR 07-08-104 4/24/07		Anticipated filing CR-103 by 10/07	Kendra Pitzler (360) 236-4856 Department of Health Health Professions Quality Assurance
246-841-400 through 246-841-510	18.88A	Secretary	Nursing assistants.	WSR 00-03-072 1/19/00	_____		_____	Kendra Pitzler (360) 236-4856 Department of Health Health Professions 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	Chapters 18.52 18.130 and ESHB 1850 ESHB 2775 (2004)	Board of nursing home administrators	Application for initial license and endorsement.	WSR 06-12-109 6/7/06	Anticipated filing this period		_____	Kendra Pitzler (360) 236-4856 Department of Health Health Professions Quality Assurance
246-847-010 246-847-020 246-847-130 246-847-XXX	18.59.130	Occupational therapy board	Occupational therapy definitions standards of supervision.	WSR 06-15-126 7/19/06	WSR 07-07-098 3/19/07		Anticipated filing CR-103 by 10/07	Vicki Brown (360) 236-4865 Department of Health Health Professions Quality Assurance
246-847-175	18.59.130 18.130.050	Occupational therapy board	Delegation of authority to initiate investigations.	Proposal is exempt under RCW 34.08.310(4)	WSR 07-07-099 3/19/07		Anticipated filing CR-103 by 10/07	Vicki Brown (360) 236-4865 Department of Health Health Professions Quality Assurance
Chapter 246-852	18.54.070	Secretary	Consumer access to vision care.	WSR 05-01-017 12/2/04	WSR 07-12-053 6/1/07		Anticipated filing CR-103 by 12/07	Judy Haenke (360) 236-4947 Department of Health Health Professions Quality Assurance
Chapters 246-853 246-854	18.57.005 18.57A.020 18.130.050 chapter 273, Laws of 2007 (ESHB 1414)	Osteopathic board	Administration of sedation and anesthesia.	Anticipated filing CR-101 by 8/07	_____		_____	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance
Chapters 246-853 246-854	18.57.005 18.57A.020 18.130.050	Osteopathic board	Delegation and supervision of nonsurgical cosmetic procedures.	Anticipated filing CR-101 by 8/07	_____		_____	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing num- ber and Date	CR-102 Filing num- ber and Date	CR-105 Filing num- ber and Date	CR-103 Filing num- ber and Date	DOH Staff Contact
246-853-XXX	18.57.005 18.57A.020 18.130.050	Osteopathic board	Use of laser, light, radiofre- quency, and plasma devices as applied to the skin.	Anticipated filing CR- 101 by 8/07	_____		_____	Arlene Robertson (360) 236-4945 Department of Health Health Profes- sions Quality Assurance
246-853-200 246-853-600 246-854-210 246-854-610	18.57.005 18.57.020	Osteopathic board	Osteopathic physicians and osteopathic phy- sicians assistants sexual miscon- duct and abuse.	WSR 06-11-091 5/17/06	WSR 06-24-138 12/6/06		WSR 07/12-091 6/6/07	Arlene Robertson (360) 236-4945 Department of Health Health Profes- sions Quality Assurance
246-853-510 246-854-120	18.57.005 18.130.050 Chapters 18.57 18.57A	Osteopathic board	Use of con- trolled sub- stances for pain control.	WSR 98-22-086	WSR 06-22-103 11/1/06		WSR 07-11-058 6/11/07	Arlene Robertson (360) 236-4945 Department of Health Health Profes- sions Quality Assurance
246-856-030	Chapters 18.64 and 18.64A	Pharmacy board	Delegation of authority to ini- tiate investiga- tions.	Proposal is exempt under RCW 34.08.310(4)	Anticipated filing CR- 102 this period.		_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-863-095	18.64.005	Pharmacy board	Pharmacist pro- fessional respon- sibilities.	WSR 06-08-104 4/5/06	WSR 07-05-055 2/20/07		WSR 07-14-025 6/25/07	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
Chapters 246-865 246-869 246-887	69.50.301 18.64.005 chapter 248, Laws of 2001 (SSB 5565)	Pharmacy board	Faxing Sched- ule II controlled substance pre- scriptions.	WSR 01-14-090 7/5/01	_____		_____	Lisa Salmi (360) 236-4829 Department of Health Health Profes- sions Quality Assurance
246-865-060	18.64.005	Pharmacy board	Controlled sub- stance registra- tion—Extended care facility.	WSR 04-21-078 10/20/04	Anticipated filing CR- 102 this period		_____	Lisa Salmi (360) 236-4829 Department of Health Health Profes- sions Quality Assurance
246-869-010	18.64.005	Pharmacy board	Pharmacies responsibilities.	WSR 06-23-079 11/13/06	WSR 07-05-055 2/20/07		WSR 07-14-025 6/25/07	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-869-090	18.64.005	Pharmacy board	Prescription transfers (typo- graphical correc- tion).			Anticipated filing CR- 105 this period	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance

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New Chapter 246-874	18.64.005 18.64.165	Pharmacy board	Pharmaceutical services—Cor- rectional facili- ties.	WSR 07-14-145 7/5/07	_____	_____	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-883-020	69.41.075	Pharmacy board	Legend drugs— Red book.	_____	_____	Anticipated filing CR- 105 this period	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
Chapter 246-887	18.64.005 69.50.201	Pharmacy board	Uniform Con- trol[ed] Sub- stances Act.	WSR 03-09-124 4/23/03	_____	_____	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-889-050	18.64.005 69.43 chapter 52, Laws of 2004 (ESSB 6478)	Pharmacy board	Precursor sub- stance control.	WSR 04-18-091 9/1/04	WSR 07-10-123 5/2/07	_____	Anticipated filing CR- 103 by 11/07	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-885-030	69.41.075	Pharmacy board	Identification of legend drugs.	_____	_____	Anticipated filing CR- 105 this period	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
Chapters 246-863 246-901 246-858	18.64.005	Pharmacy board	Pharmacist licensing and standards of pro- fessional con- duct—Sexual misconduct rules.	WSR 06-11-022 5/4/06	Anticipated filing CR- 102 by 9/07	_____	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-889-050	69.43.035 18.64.005	Pharmacy board	Suspicious transactions.	WSR 04-18-091 9/1/04	WSR 07-10-123 5/2/07	_____	Anticipated filing CR- 103 by 12/07	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
246-901-030 246-901-060	18.64A.020	Pharmacy board	Pharmacy tech- nician education and pharmacy technician certi- fication.	WSR 06-08-103 4/5/06	Anticipated filing CR- 102 this period	_____	_____	Doreen Beebe (360) 236-4834 Department of Health Health Profes- sions Quality Assurance
Chapter 246-915	18.74.023 18.74.010	Physical ther- apy board	Physical ther- apy assistant and physical therapy aide supervision ratio.	WSR 98-13-105 6/17/98	_____	_____	_____	Joy King (360) 236-4859 Department of Health Health Profes- sions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
Chapter 246-915	18.74.023 chapter 98, Laws of 2007 (ESSB 5292) (2007)	Physical therapy board	Licensure and supervision of physical therapy assistants.	Anticipated filing CR-101 by 8/07	_____	_____	_____	Kris Waidely (360) 236-4847 Department of Health Health Professions Quality Assurance
246-915-150	18.74.023 18.74.010	Physical therapy board	Physical therapist assistant and physical therapy aide supervision ratio.	WSR 98-13-105 6/17/98	_____	_____	_____	Kris Waidely (360) 236-4847 Department of Health Health Professions Quality Assurance
Chapters 246-918 and 246-919		Medical quality assurance commission	Appropriate delegation and supervision of nonsurgical cosmetic procedures.	WSR 07-08-103 4/4/07	_____	_____	_____	Beverly Thomas (360) 236-4788 Department of Health Health Professions Quality Assurance
Chapter 246-919	18.71.017 18.130.050	Medical quality assurance commission	Safe and effective analgesia and anesthetic administration in office-based surgical settings.	WSR 07-03-178 1/24/07	_____	_____	_____	Beverly Thomas (360) 236-4788 Department of Health Health Professions Quality Assurance
Chapter 246-922	18.22.015 18.130.050 chapter 273, Laws of 2007 (ESHB 1414)	Podiatric medical board	Administration of sedation and anesthesia.	Anticipated filing CR-101 by 8/07	_____	_____	_____	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance
246-922-XXX	18.22.015 18.130.050 chapter 273, Laws of 2007 (ESHB 1414)	Podiatric medical board	Administration of sedation and anesthesia.	Anticipated filing CR-101 by 8/07	_____	_____	_____	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance
246-922-001	18.22.015	Podiatric medical board	Scope of practice to include certified registered nurse anesthetists.	WSR 06-07-020 3/7/06	WSR 06-24-134 6/6/06	_____	WSR 07-13-071 6/18/07	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance
246-922-010 and new sections	18.22.015 18.130.050	Podiatric medical board	Standards for prescribing orthotic devices.	Anticipated filing CR-101 by 8/07	_____	_____	_____	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance
246-922-600	18.22.015	Podiatric medical board	Podiatric physicians and physician's assistants—Sexual misconduct and abuse.	WSR 06-11-093 5/17/06	WSR 06-24-135 12/6/06	_____	WSR 07-12-092 6/6/07	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-922-510 246-922-520 246-922-530 246-922-540	18.22.015 18.130.050	Podiatric medical board	Use of controlled substances for pain control.	WSR 98-22-084	WSR 06-22-102 11/1/06		WSR 07-11-059 6/11/07	Arlene Robertson (360) 236-4945 Department of Health Health Professions Quality Assurance
246-924-358	18.83.050	Psychology board	Psychologists—Sexual misconduct.	WSR 07-07-062 3/14/07	Anticipated filing CR-102 by 9/07			Betty Moe (360) 236-4909 Department of Health Health Professions Quality Assurance
246-924-040 246-924-055 246-924-060 246-924-065 246-924-070 246-924-080 and new sections	18.83.050 chapter 262, Laws of 2004 (SSB 6554)	Psychology board	Education and experience requirements for licensure.	WSR 04-17-130 8/18/04	Anticipated filing CR-102 by 9/07		_____	Betty Moe (360) 236-4909 Department of Health Health Professions Quality Assurance
246-924-090 246-924-095 246-924-100 246-924-150 246-924-160 246-924-480	18.83.050 chapter 262, Laws of 2004 (SSB 6554)	Psychology board	Psychology—Oral examination.	WSR 04-17-130 8/18/04	Anticipated filing CR-102 during this period			Betty Moe (360) 236-4909 Department of Health Health Professions Quality Assurance
246-924-445 246-924-467	18.83.050 18.83.121	Psychology board	Parenting evaluation standards.	WSR 98-22-087 11/3/98	WSR 07-02-098 1/3/07		WSR 07-12-090 6/6/0[07]	Betty Moe (360) 236-4909 Department of Health Health Professions Quality Assurance
246-924-485	18.83.050 18.130.50 [18.130.050]	Psychology board	Delegation of authority to initiate investigations.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-06-084 3/7/07		WSR 07-13-076 6/18/07	Betty Moe (360) 236-4909 Department of Health Health Professions Quality Assurance
246-924-990	18.83.050 chapter 262, Laws of 2004 (SSB 6554)	Psychology board	Psychology—Oral examination fees.			Anticipated filing CR-105 this period	_____	Betty Moe (360) 236-4909 Department of Health Health Professions Quality Assurance
246-930-490 246-809-049 246-810-049 new 246-811-XXX	18.55.040 18.19.050 18.130.050 18.225.040 18.205.060	Secretary	Sexual misconduct—Sex offender treatment providers, marriage and family therapists, mental health counselors, registered counselors, and chemical dependency professions.	WSR 07-03-048 1/12/07	_____		_____	Karen Kelley (360) 236-4950 Leann Yount (360) 236-4865 Department of Health Health Professions Quality Assurance

WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-933-060 246-933-310 246-933-320 246-933-330 246-933-340	Chapter 18.83 18.92.020	Veterinary board of govern- ors	Patient abandon- ment and faciliti- es and practice management standards.	WSR 06-01-100 12/21/05	_____		_____	Judy Haenke (360) 236-4947 Department of Health Health Profes- sions Quality Assurance
246-933-200 246-935-150 246-937-120	18.92.020	Veterinary board of govern- ors	Delegation of authority to initi- ate investiga- tions for veteri- nary, veterinary technician and veterinary medica- tion clerk.	Proposal is exempt under RCW 34.05.310(4)	WSR 07-03-151  <i>Proposal Withdrawn, See WSR 07-14-141 7/5/07</i>			Judy Haenke (360) 236-4947 Department of Health Health Profes- sions Quality Assurance
246-933-230 246-933-250 246-933-260 246-933-280	Chapter 18.83 18.92.020	Veterinary board of govern- ors	Foreign trained veterinarians— Examination.	WSR 05-24-114 12/7/05	WSR 07-10-121 5/2/07		Anticipated filing CR- 103 by 10/07	Judy Haenke (360) 236-4947 Department of Health Health Profes- sions Quality Assurance
246-933-401 246-933-420 246-933-440 246-933-450 246-933-460	Chapter 18.83 18.92.020	Veterinary board of govern- ors	Continuing edu- cation.	WSR 05-24-112 12/7/05	WSR 07-10-122 5/2/07		Anticipated filing CR- 103 by 10/07	Judy Haenke (360) 236-4947 Department of Health Health Profes- sions Quality Assurance
Chapter 246-933	18.92.030 chapter 235, Laws of 2007 (HB 1331)	Veterinary board of govern- ors	Licensure for veterinary tech- nicians.	Anticipated filing CR- 101 by 8/07				Judy Haenke (360) 236-4947 Department of Health Health Profes- sions Quality Assurance
246-935-010	18.92.030	Veterinary board of govern- ors	Definitions for veterinary tech- nicians.	WSR 07-06-028 2/28/07	_____		_____	Judy Haenke (360) 236-4947 Department of Health Health Profes- sions Quality Assurance
246-935-050	18.92.020	Veterinary board of govern- ors	Animal health care tasks.	WSR 05-24-113 12/7/05	WSR 07-10-120 5/2/07		Anticipated filing CR- 103 by 9/07	Judy Haenke (360) 236-4947 Department of Health 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.	WSR 05-14- 154 7/6/05 <i>Withdrawn, See WSR 07-14-143 7/5/07</i>				Maura Craig (360) 236-2831 Department of Health, Emergency Medi- cal Services and Trauma System



WAC	RCW or Session Law	Authority	Subject	CR-101 Filing number and Date	CR-102 Filing number and Date	CR-105 Filing number and Date	CR-103 Filing number and Date	DOH Staff Contact
246-976-021 246-976-161	43.70.615 18.71.205	Secretary	EMT-EMS curriculum—Multi-cultural health awareness and education program.	Anticipated filing CR-101 by 11/07	Anticipated filing CR-102 by 2/08			Maura Craig (360) 236-2831 Department of Health Emergency Medical Services and Trauma System
246-976-420 and 246-976-430	Chapter 70.168	Secretary	EMS and trauma system trauma registry.	WSR 06-02-086 1/4/06	_____		_____	Maura Craig (360) 236-2831 Department of Health Emergency Medical Services and Trauma System
246-976-830 through 246-976-860 246-976-881	Chapter 70.168	Secretary	Standard for trauma rehabilitation.	WSR 05-12-015 5/20/05	Anticipated filing CR-102 by 12/07		_____	Maura Craig (360) 236-2831 Department of Health Emergency Medical Services and Trauma System
246-976-910	70.168.060	Secretary	Regional quality improvement program EMS/trauma.	Anticipated filing CR-101 by 12/07	Anticipated filing CR-102 by 5/08		_____	Maura Craig (360) 236-2831 Department of Health Emergency Medical Services and Trauma System
246-976-990	Chapter 70.168	Secretary	EMS and trauma—Fees.	Proposal is exempt under RCW 34.05.310 (4)	Anticipated filing CR-102 by 9/07		Anticipated filing CR-103 by 12/07	Maura Craig (360) 236-2831 Department of Health Emergency Medical 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 WAC cross references.			Anticipated filing CR-105 this period	_____	Jovi Swanson (360) 236-4028 Department of Health - Policy, Legislative, and Constituent Relations

KEY

**CR** means "code reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

**CR-101** is a preproposal statement of inquiry filed under RCW 34.05.310.

**CR-102** is a proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

**Proposal is exempt under RCW 34.05.310(4)** is a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

**CR-105** is an expedited rule-making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

**CR-103** is rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

**CR-103 EMERGENCY** is a temporary rule-making order filed under RCW 34.05.350 and 34.05.380. Emergency rules may be used to meet specific urgent circumstances. These rules are effective for 120 days after the filing date, and may be extended in certain circumstances.

**Blank cells [with lines] in tables** mean the anticipated filing date is unavailable at the time this rules agenda is filed.

**Shaded [blank] cells in tables** mean the type of notice in that column is not needed or applicable to the rule-making proceeding.

**To be determined** is when a date is still being discussed.

**WSR** number is the Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

**WSR 07-16-104**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed July 31, 2007, 9:23 a.m.]

In accordance with RCW 34.05.230(12), following are the policy and interpretive statements issued by the department for June-July 2007.

If you have any questions or need additional information, please call Josh Swanson at (360) 902-6805.

**Specialty Compliance Services**

**New Policy 07-01** - Minimum qualifications an elevator applicant needs in order to test for an elevator mechanic license.

Policy to clarify the minimum qualifications an applicant needs in order to test for an elevator mechanic license outlined in WAC 296-96-00906 and 296-96-00910.

**Documented work experience.** The elevator rule states an applicant needs to have a minimum of three years of experience depending upon the category sought. In an effort to clarify the rules, every applicant needs to have 1,800 hours of documented experience per year working within the conveyance categories 01, 02, 03, 04, 07, and 08. Categories 05 and 06 shall have 1,200 hours of documented work experience per year.

For example: An applicant seeking an 01-elevator license must have three years of experience, which equates to 5,400 hours (1,800 X 3 = 5,400 hours).

**Acceptable proof of documented experience.** It is the responsibility of the applicant to supply the department with the required information:

- Signed affidavits from employer(s); or
- Time sheets from employer; or
- Job/employer reports to prevailing wage.

The acceptable documentation must originate from a company licensed to do business in the state of Washington. Other forms of documentation may be used with department approval. The department may also require additional information in order to determine the applicant's experience.

**Training.** The applicant must provide the department with a complete list of training credits and certificates of successful completion before the applicant can take the written examination administered by the department. The department recommends the applicants take the following classes before applying for the written examination.

Category 01

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction of Installation of Pit, Rails, Machine Room, and Hoistway
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Hydraulic Theory, Operation, and Installation
- Conveyance Safety Test
- Elevator Doors and Door Operators

- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing
- Escalator/Moving Walk Safety and Installation
- Escalator/Moving Walk Maintenance and Safety Test

Category 02

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction of Installation of Pit, Rails, Machine Room, and Hoistway
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Hydraulic Theory, Operation, and Installation
- Conveyance Safety Test
- Elevator Doors and Door Operators
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing

Category 03

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction of Installation of Pit, Rails, Machine Room, and Hoistway
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Hydraulic Theory, Operation, and Installation
- Conveyance Safety Test
- Elevator Doors and Door Operators
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing

Category 04

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction of Installation of Pit, Rails, Machine Room, and Hoistway
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Hydraulic Theory, Operation, and Installation
- Conveyance Safety Test
- Elevator Doors and Door Operators
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing

Category 05

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction Maintenance Practices

- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Conveyance Safety Test
- Elevator Doors and Door Operators
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing

#### Category 06

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction of Installation of Pit, Rails, Machine Room, and Hoistway
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Hydraulic Theory, Operation, and Installation
- Conveyance Safety Test
- Elevator Doors and Door Operators
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing

#### Category 07

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Conveyance Safety Test
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing

#### Category 08

- Basic Safety, Electricity, Rigging, Hoisting
- Basic Introduction of Installation of Pit, Rails, Machine Room, and Hoistway
- Basic Introduction Maintenance Practices
- Basic Electrical Theory; AC, DC, Symbols, and Print Reading
- Electric Operation and Motor Controls
- Electrical Wiring, Equipment, Installation, Maintenance
- Hydraulic Theory, Operation, and Installation
- Conveyance Safety Test
- Elevator Doors and Door Operators
- Basic Electronic Theory and Fundamental Application
- Suspension Maintenance and Testing
- Escalator/Moving Walk Safety and Installation
- Escalator/Moving Walk Maintenance and Safety Test

Temporary licenses will be granted to individuals who have 25% or more of experience and education within the category they seek by January 31, 2008.

Contact Jack Day, P.O. Box 44480, Olympia, WA 98504, phone (360) 902-6128.

### **Specialty Compliance Services**

#### **New Policy 07-02 - Shunt Trip Policy**

This policy will encompass new elevator technology into existing WAC rule. Currently, customers have to request a variance to deal with new technology.

WAC 296-96-02277(2) recognizes alternative methods to shunt trip the main line disconnect if they have department approval.

WAC 296-96-02277 (1)(e) requires power for the shunt trip device to be derived from a 120 volt separate branch circuit. An illuminated visual device must be installed in the machine room indicating that power is available to the shunt trip activation mechanism (heat detector).

The department will allow disconnects that are labeled and listed to have built in circuits that transform the power for the shunt trip device. This must be a 120 volt supply to the device. The shunt trip device must initiate shunt trip of the main line, not the fire panel.

Their [There] must be an illuminate visual device in the machine room that identifies that power is available to the shunt trip device.

Contact Jack Day, P.O. Box 44480, Olympia, WA 98504, phone (360) 902-6128.

### **Insurance Services: Office of the Medical Director, Crime Victims, State Fund Claims Administration and Self Insurance**

**Repeal Policy PB 98-01** Provider Bulletin 98-01 Payment policy for Nurse Case Management Services.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 99-11** Provider Bulletin 99-11 Job Modifications and Pre-Job Accommodations Services.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 01-01** Provider Bulletin 01-01 Vocational Rehabilitation Purchasing.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 01-03** Provider Bulletin 01-03 Vocational Rehabilitation Guidelines.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 01-08** Provider Bulletin 01-08 Payment Policies for Attendant Services.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 01-11** Provider Bulletin 01-11 Transcutaneous Electrical Nerve Stimulation (TENS).

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 01-14** Provider Bulletin 01-14 Recent Formulary Coverage Decisions and Drug Updates.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 02-07** Provider Bulletin 02-07 General Vocational Rehabilitation and Claims Information.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 03-07** Provider Bulletin 03-07 Implementation of the Prospective Drug Utilization Review Program.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 03-08** Provider Bulletin 03-08 Vocational Rehabilitation Rule Changes; Referrals for stand alone and provisional job analysis.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-02** Provider Bulletin 04-02: Implementation of Senate Bill 6088 and the preferred drug list.

This provider bulletin has been deleted because the information is available in L&I's web site <http://www.lni.wa.gov/ClaimsIns/Providers/Treatment/Presc/PDL.asp>.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-03** Provider Bulletin 04-13 [04-03]: Vocational Rehabilitation rule change.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-05** Provider Bulletin 04-05: Implementation of the preferred drug list.

This provider bulletin has been deleted because the information is available in [on] L&I's web site <http://www.lni.wa.gov/ClaimsIns/Providers/Treatment/Presc/PDL.asp>.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-08** Provider Bulletin 04-08: Vocational Rehabilitation rules—Qualification Requirements for Supervisors of Interns.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-11** Provider Bulletin 04-11: Hearing Aid Services and Devices Reimbursement Policies and Rates.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-13** Provider Bulletin 04-13: Coverage Decisions (May 2004 to Sept. 2004).

This provider bulletin has been deleted because the information is available on L&I's web site at <http://www.lni.wa.gov/ClaimsIns/Providers/Treatment/CovMedDev/SpecCovDec/default.asp>.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-14** Provider Bulletin 04-14: Resources to assist with safe, timely and appropriate return-to-work.

This provider bulletin has been deleted because the information is available on L&I's web site at <http://lni.wa.gov/ClaimsIns/Insurance/Reduce/Manage/Ertw/Default.asp>.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 04-15** Provider Bulletin 04-15: Chronic Pain Management.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-04** Provider Bulletin 05-04: Interpretive Services Payment Policy.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-05** Provider Bulletin 05-05: Work Hardening Fee Schedule.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-06** Provider Bulletin 05-06: Physician's Assistants and physical therapy, occupational therapy and message [massage] therapy.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-07** Provider Bulletin 05-07: Durable Medical Equipment (DME) Coverage and Payment Policy.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-08** Provider Bulletin 05-08: Chiropractic Consultant Program.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-10** Provider Bulletin 05-10: Antiepileptic Drugs Guideline for Chronic Pain.

This provider bulletin has been deleted because the information is available on L&I's web site <http://www.lni.wa.gov/ClaimsIns/Providers/Treatment/Presc/Policy/default.asp>.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 05-12** Provider Bulletin 05-12: Physical/Occupational Therapy Progress Report Form.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PB 06-04** Provider Bulletin 06-04: Ambulance Services.

This provider bulletin has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**NEW Policy PB 07-04** Provider Bulletin 07-04: Physical and Occupational Therapy Utilization Review.

This provider bulletin became effective July 1, 2007, it announces the implementation of utilization review of physical and occupational therapy and describes the procedures to request, review and obtain authorization for service.

Contact Nikki D'Urso, P.O. Box 44321, Olympia, WA 98504, phone (360) 902-5034.

**NEW Policy PB 07-05** Provider Bulletin 07-05: Out-of-state Care Coordination pilot project.

The pilot dates are July 1, 2007, to June 30, 2008. The purpose of this bulletin is to advise providers outside of Washington state about the pilot project and the new on-line provider look-up services. The pilot dates are July 1, 2007, to June 30, 2008. During this time the nurse case managers will coordinate care for Washington state workers.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 00-01B** Provider Update 00-01B: Plantar Fasciitis.

This has been deleted because the information can be found in other available resources.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 01-02** Provider Update 01-02: Vocational Resources.

This has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 02-01** Provider Update 02-01: Spring Vocational Update.

This has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 02-02** Provider Update 02-02: Fall Vocational Update.

This has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 02-03** Provider Update 02-03: Winter Vocational Update.

This has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 03-01** Provider Update 03-01: Transcutaneous Electrical Nerve Stimulation (TENS) Program.

This has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 03-02** Provider Update 03-02: Physical[,] Occupational and Massage Therapy.

This has been deleted because the information is available in L&I's *Medical Aid Rules and Fee Schedules*.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

**Repeal Policy PU 05-01** Provider Update 05-01: Claim and Account Management Topics, Billing and Payment Topics, Medical Topics and Publications, Forms, and Reference Materials

Physical, Occupational and Massage Therapy.

This provider update has been deleted because the information is either out of date or available at Claim and Account Management Topics - <http://www.lni.wa.gov/ORLI/LoGon.asp>; Billing and Payment Topics - <http://www.lni.wa.gov/ClaimsIns/Providers/Billing/BillLNI/Electronic/default.asp>; <http://www.lni.wa.gov/ClaimsIns/Providers/Billing/BillLNI/default.asp>; Medical Topics - <http://www.lni.wa.gov/Safety/Topics/AtoZ/Cholinesterase/Providers.asp>; Publications, Forms, and Reference Materials - <http://www.lni.wa.gov/Main/ProviderTopics.asp?WT.svl=1>.

Contact Cecilia Maskell, P.O. Box 44322, Olympia, WA 98504, phone (360) 902-5161.

#### WSR 07-17-001

##### NOTICE OF PUBLIC MEETINGS

##### DEPARTMENT OF SERVICES FOR THE BLIND

(Statewide Rehabilitation Council)

(Department of Services for the Blind Community)

[Filed August 2, 2007, 8:42 a.m.]

**DSB Community Meeting**  
**Friday, September 7, 2007**  
**4:30 - 6:30 p.m.**

##### Location:

**Hilton Garden Inn Yakima**  
**Cascade B Conference Room**  
**401 East Yakima Avenue**  
**Yakima, WA 98901**  
**(509) 454-1111**

#### We Want To Hear From You!

Community meetings give us a chance to inform you about the latest changes at the department of services for the blind (DSB) and to discuss issues and challenges. We want to know about your experience with our services. What is working well in your community? What could we do better? What needs are not being met? We will use your comments to develop our state and strategic plans for the coming year.

Whether you are a past, present or potential consumer of the DSB, a family member, a community service provider, a friend to someone who is blind, a member of a blind consumer organization, or an interested citizen, we want to hear

form you. Please join us to talk to us in person at our upcoming Yakima community meeting.

**State Rehabilitation Council Meeting**  
**Saturday, September 8, 2007**  
**9 a.m. - 4 p.m.**

##### Location:

**Hilton Garden Inn Yakima**  
**Cascade B Conference Room**  
**401 East Yakima Avenue**  
**Yakima, WA 98901**  
**(509) 454-1111**

The purpose of the state rehabilitation council for the DSB is to develop, analyze, make recommendations, and agree to state goals, the state plan, state policies, and state activities to insure that persons who are blind in Washington state receive the most effective and efficient services possible. Council meetings are held on a quarterly basis and follow a set agenda. Members from the public are encouraged to attend and participate in **public comment scheduled from 10-10:30 a.m.** A copy of the agenda is available upon request.

DSB is committed to providing a barrier free environment for everyone who attends the meeting(s). If you need a reasonable accommodation to attend the meeting(s), please make those requests at least two weeks in advance. DSB does not provide transportation to or from the meeting(s).

For more information about either meeting, contact Marla Oughton directly at (206) 721-6430, toll-free at 1-800-552-7103, or by e-mail at [maroughton@dsb.wa.gov](mailto:maroughton@dsb.wa.gov). You may also visit DSB's web site at [www.dsb.wa.gov](http://www.dsb.wa.gov) to see where the next quarterly meetings will be held.

#### WSR 07-17-008

##### NOTICE OF PUBLIC MEETINGS

##### BELLINGHAM TECHNICAL COLLEGE

[Filed August 3, 2007, 10:26 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for August 16, 2007, has been cancelled. Call 752-8334 for information.

#### WSR 07-17-014

##### NOTICE OF PUBLIC MEETINGS

##### WHEAT COMMISSION

[Filed August 6, 2007, 9:44 a.m.]

The Washington wheat commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the state register. The remainder of 2007's **meeting time changes** is submitted at least twenty days prior to the rescheduled meeting dates.

**SEPTEMBER MEETING WAS PREVIOUSLY LISTED AS:**  
 Regular - September 12 (10:00 a.m.) and 13 (8:30 a.m.)  
 907 West Riverside Avenue  
 Spokane, WA

**PLEASE CHANGE SECOND DAY START TIME TO:**  
 Regular - September 12 (10:00 a.m.) and 13 (**8:00 a.m.**)

**NOVEMBER MEETING WAS PREVIOUSLY LISTED AS:**  
 Regular - November 14 (10:00 a.m.) and 15 (8:30 a.m.)  
 907 West Riverside Avenue  
 Spokane, WA

**PLEASE CHANGE SECOND DAY START TIME TO:**  
 Regular - November 14 (10:00 a.m.) and 15 (**8:00 a.m.**)

**WSR 07-17-015**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed August 6, 2007, 11:36 a.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN  
 WASHINGTON

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby notifying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. 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, 2007, and October 31, 2007. 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 1-800-258-5990.

**WSR 07-17-021**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (Capitol Campus Design Advisory Committee)  
 [Filed August 6, 2007, 3:40 p.m.]

A Capitol Campus Design Advisory Committee (CCDAC) special meeting will be on August 8, 2007.

The CCDAC meeting will be held in the Cherberg Building, Conference Room B/C. The meeting will begin at 1:30.

If you have any questions, please contact Jennifer Cox at (360) 902-0975.

**WSR 07-17-027**  
**NOTICE OF PUBLIC MEETINGS**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 [Filed August 7, 2007, 9:14 a.m.]

A special commission meeting will be held on Thursday, September 13, 2007, at 11 a.m. (for an estimated two hours), at the Alpen Rose Inn, 500 Alpine Place, Leavenworth, WA.

The meeting is being held to discuss strategic planning between the Washington state criminal justice training commission and the Washington Association of Sheriffs and Police Chiefs (WASPC). This is the only matter about which the commission could make a final disposition.

Thursday, September 13, 2007	
11:00 a.m. - 1:00 p.m.	Strategic planning with the Washington Association of Sheriffs and Police Chiefs (WASPC).

For more information about the Alpen Rose Inn, please visit their web site at [www.alpenroseinn.com](http://www.alpenroseinn.com).

If you have questions regarding the special commission meeting, please call Sonja Hirsch at (206) 835-7372.

**WSR 07-17-038**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**  
 [Filed August 8, 2007, 11:34 a.m.]

A state board of education special meeting is scheduled for Monday, August 13, 2007, as follows:

- Collection of evidence standard setting approval for mathematics.
- Proficiency determination approval for reading and writing.

Materials for this meeting are posted on the web site at [www.sbe.wa.gov](http://www.sbe.wa.gov).

Location: Office of Superintendent of Public Instruction  
600 Washington Street S.E.  
4th Floor  
Brouillet Conference Room  
Olympia, WA 98501

Questions: Contact Edie Harding  
Executive Director  
(360) 725-6025

Klickitat County	September 26, 2007 3:00 p.m. to 6:00 p.m	Community Service and Senior Center 501 N.E. Washington Street White Salmon, WA
Skamania County	October 4, 2007 3:00 p.m. to 6:00 p.m	Rock Creek Center 710 S.W. Rock Creek Drive Stevenson, WA

If you have questions about these hearings, please contact Penny Black by phone at (360) 725-2515 or by e-mail at blackpa@dshs.wa.gov.

**WSR 07-17-039**  
**NOTICE OF PUBLIC MEETINGS**  
**CLEMENCY AND PARDONS BOARD**

[Filed August 8, 2007, 3:21 p.m.]

**Clemency & Pardons Board Hearing**  
**(Amended)**  
**John L. O'Brien Building, Hearing Room A**  
**September 14, 2007**  
**10:00 a.m.**

1. Ian Todd Gordon - Petition to Restore Civil Rights
2. Long Kim Nguyen - Petition to Restore Civil Rights
3. Jose Sison - Petition for Pardon
4. Abdelilah Tateni - Petition for Pardon
5. Steven McQueen - Petition for Pardon
6. Hien Pham - Petition for Commutation - Tabled Over from June 8, 2007, Hearing

**WSR 07-17-040**  
**DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

[Filed August 8, 2007, 4:16 p.m.]

**Notice of Public Hearings**

**Public Hearings:** The department of social and health services has scheduled five public hearings to discuss the formation of a council of governments to deliver services to aging adults in five southwest Washington counties.

The hearings are as follows:

Wahkiakum County	September 19, 2007 3:00 p.m. to 6:00 p.m.	3rd Floor County Meeting Room 64 Main Street Kathlamet, WA
Cowlitz County	September 20, 2007 3:00 p.m. to 6:00 p.m	County Administrative Building Room 303 207 4th Avenue North Kelso, WA
Clark County	September 24, 2007 3:00 p.m. to 6:00 p.m	6th Floor Public Service Center 1300 Franklin Street Vancouver, WA

**WSR 07-17-046**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF INFORMATION SERVICES**

(Enterprise Architecture Committee)

[Filed August 9, 2007, 11:10 a.m.]

The enterprise architecture committee meeting scheduled for Wednesday, August 8, 2007, from 10:30 - 12:30 in the Forum Building has been cancelled.

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

**WSR 07-17-053**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE REHABILITATION COUNCIL**

[Filed August 10, 2007, 9:30 a.m.]

The Washington state rehabilitation council (WSRC) is holding a special meeting: The WSRC has learned that the governor recently acted on our request to appoint members. Four new members were appointed. Two current members were appointed to serve second terms.

We are providing orientation and training for our members on Thursday, September 6, 2007, from 10:00 a.m. to 4:00 p.m. and Friday, September 7, 2007, from 10:00 a.m. to 2:00 p.m. at the Best Western Icicle Inn, Wedge Conference Room, 505 Highway 2, Leavenworth, WA 98826.

For more information or to request reasonable accommodation contact Grace Doyle at 1-866-252-2939 or doylepg@dshs.wa.gov.

**WSR 07-17-057**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF CIVIL LEGAL AID**

[Filed August 10, 2007, 3:07 p.m.]

The civil legal aid oversight committee established by section 4, chapter 105, Laws of 2005, will meet and conduct business on Friday, September 21, 2007.



What: Quarterly Meeting of the Civil Legal Aid Oversight Committee  
 When: Friday, September 21, 2007  
 Time: 10:00 a.m. - 2:00 p.m.  
 Where: Radisson Gateway Hotel  
 18118 Pacific Highway South  
 SeaTac, WA 98188

November 19, 2007 (Monday)	2-5 p.m.	Whatcom Community College Laidlaw Building Boardroom #143 237 West Kellogg Road Bellingham, WA 98226
December 12, 2007 (Wednesday)	2-5 p.m.	Whatcom Community College Laidlaw Building Boardroom #143 237 West Kellogg Road Bellingham, WA 98226

The agenda will include action on oversight committee business matters, receipt of the quarterly report from the director of the office of civil legal aid and other matters within the charge of the oversight committee. A detailed agenda will be available at the meeting.

Accommodations: The civil legal aid oversight committee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of physical, mental, cognitive or other disabilities. Requests for translation services or assistive technology should be submitted at least forty-eight hours prior to the meeting in order to allow the oversight committee to accommodate.

Contact: For further information about this meeting and/or to request reasonable accommodation, please contact James A. Bamberger, Director, Office of Civil Legal Aid, 1112 Quince Street S.E., Mailstop 41183, Olympia, WA 98504, (360) 704-4135, jim.bamberger@ocla.wa.gov.

**WSR 07-17-068**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**  
 [Filed August 13, 2007, 2:39 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, has made the following changes to their regularly scheduled board of trustees' meetings for the 2007 calendar year: The board has cancelled its Wednesday, September 11, 2007, regularly scheduled board meeting, and has scheduled Tuesday, September 25, 2007, for the September board meeting date. In addition, the board has cancelled its Wednesday, November 8, 2007 regularly scheduled board meeting, and has scheduled Monday, November 19, 2007, for the November board meeting date. The times and locations for each of these meetings will be 2-5 p.m. on the campus of Whatcom Community College in the Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. The board of trustees' meetings are open to the public.

**REMAINING BOARD OF TRUSTEES MEETINGS FOR 2007**

September 25, 2007 (Tuesday)	2-5 p.m.	Whatcom Community College Laidlaw Building Boardroom #143 237 West Kellogg Road Bellingham, WA 98226
October 11, 2007 (Wednesday)	2-5 p.m.	Whatcom Community College Laidlaw Building Boardroom #143 237 West Kellogg Road Bellingham, WA 98226

**WSR 07-17-089**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 15, 2007, 1:54 p.m.]

FINAL NOTICE OF CHANGES TO STATE OF WASHINGTON  
 NURSING FACILITY MEDICAID PAYMENT RATE  
 METHODOLOGY

The 2007 state legislature has passed changes to the method for determining facility-specific, per resident day medicaid payment rates for nursing facility care in Washington. Unless otherwise indicated, the changes are effective July 1, 2007. This notice includes a justification, description, and estimated rate impact of the changes.

These changes were the subject of a notice published in Issue 07-14 of the Washington state register, distributed on July 18, 2007. No comments were received in response to the notice.

JUSTIFICATION

The changes are mandated by the 2007 Washington state legislature in chapter 508, Laws of 2007, and in section 206, chapter 522, Laws of 2007, the state Operating Budget Appropriations Act.

NEW RATES AND PROPOSED CHANGES  
 TO RATE METHODOLOGY

In combination with a variety of other factors, including changes in the allowed costs of care, the methodological changes are estimated to result in a statewide average nursing facility medicaid payment rate of \$158.11 per resident day, at a maximum, for state fiscal year 2008, running from July 1, 2007, to June 30, 2008, and \$164.18 for state fiscal year 2009, running from July 1, 2008, to June 30, 2009.

Chapter 508, Laws of 2007, makes several changes in the medicaid nursing facility rate methodology, including:

1) A "rebasng" of costs used to calculate the direct care, operations, support services, and therapy care component rates to the 2005 cost report, for rate setting in the period from July 1, 2007, through June 30, 2009.

2) Beginning on July 1, 2009, those same four component rates - direct care, operations, support services, and therapy care - will be automatically rebased every two years, using the cost report from the time period two years before. For example, on July 1, 2009, those four component rates will be based on the 2007 cost report, and so on every other year.

3) Costs of the state's quality maintenance fee, or "bed tax," are expressly excluded from the 2005 cost base. Based on earlier legislative action, the quality maintenance fee

expires as of July 1, 2007. To make sure that QMF costs paid in 2005 did not affect the rates paid to facilities as of July 1, 2007, the legislature expressly excluded them from the 2005 cost base.

4) The designation of "vital local provider" given to some nursing facilities with home offices located in Washington is terminated as of July 1, 2007, along with the "hold harmless" rate previously given to facilities so designated.

5) A new "hold harmless" rate is given to qualifying facilities as of the July 1, 2007, and July 1, 2008, rate settings. To qualify, a facility must have overspent its combined direct care, operations, support services, and therapy care component rates in either 2004 or 2005. For a qualifying facility, the department will compare the facility's combined direct care, operations, support services, and therapy care component rates calculated as of July 1, 2007 (and then again as of July 1, 2008), adjusted for economic trends and conditions in the 2007-2009 operating budget, and those same four component rates calculated as of June 30, 2007 (less the quality maintenance fee). If the combined rates as of June 30, 2007, are higher, then the facility will receive its June 30, 2007, rates for direct care, operations, support services, and therapy care, excluding the quality maintenance fee but adjusted for economic trends and conditions specified in the 2007-2009 operating budget.

Subject: Reunification after termination of parental rights.

Effective Date: August 10, 2007.

Document Description: This policy clarification memo explains to division of child support (DCS) staff how ESHB 1624 (chapter 413, Laws of 2007) changed the law affecting children involved in dependency proceedings.

Document Title: Policy Clarification Memo 07-006.

Subject: Social Security Administration (SSA) disability information request.

Effective Date: August 14, 2007.

Document Description: This policy clarification memo explains to division of child support (DCS) policy for requesting disability information from the Social Security Administration (SSA).

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Technical Writer, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [jkildahl@dshs.wa.gov](mailto:jkildahl@dshs.wa.gov), web site <http://www1.dshs.wa.gov/dcs/>.

**WSR 07-17-091**

**NOTICE OF PUBLIC MEETINGS  
COMMUNITY ECONOMIC  
REVITALIZATION BOARD**

[Filed August 15, 2007, 4:02 p.m.]

The community economic revitalization board (CERB) will be having a two-day special meeting September 13-14, 2007. The meeting location for the September meeting is SeaTac International Airport located at 17801 Pacific Highway South, Seattle, WA 98158. The CERB meeting will be held in the Moscow Room. The meetings will begin at 9:00 a.m.

The regular scheduled CERB meeting for Thursday, September 20, 2007, has been cancelled.

**WSR 07-17-097**

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

[Filed August 16, 2007, 1:58 p.m.]

**Notice of Interpretive or Policy Statements**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration  
Division of Child Support**

Document Title: Policy Clarification Memo 07-005.

**WSR 07-17-119**

**NOTICE OF PUBLIC MEETINGS  
FREIGHT MOBILITY  
STRATEGIC INVESTMENT BOARD**

[Filed August 17, 2007, 2:38 p.m.]

**2007 FMSIB Meeting Schedule**

January 17	Olympia
March 16	University Place
May 18	Vancouver
July 19 and 20	Bainbridge
September 21	Spokane
November 16	SeaTac

**WSR 07-17-121**

**NOTICE OF PUBLIC MEETINGS  
EASTERN WASHINGTON UNIVERSITY**

[Filed August 20, 2007, 9:12 a.m.]

**BOARD OF TRUSTEES**

**August 23, 2007**

Open Public Session	2:00 p.m.	TAW 215 B&C
Executive Session	12:30 p.m.	TAW 215 A

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-4648.

**WSR 07-17-122**  
**NOTICE OF PUBLIC MEETINGS**  
**LOWER COLUMBIA COLLEGE**

[Filed August 20, 2007, 9:13 a.m.]

During a recent board meeting, the trustees of Lower Columbia College agreed to change the date of their regularly scheduled September board meeting from September 19, 2007, to September 18, 2007, beginning at 5:30 p.m. in the Heritage Room of the Lower Columbia College Administration Building.

**WSR 07-17-130**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 20, 2007, 10:23 a.m.]

This memorandum is to notify your office that as per RCW 42.56.580, I am the designated public records officer for the department of labor and industries.

My contact information is e-mail GELA235@Lni.wa.gov, phone (360) 902-6695, fax (360) 902-4202.

AnnaLisa Gellermann  
 Agency Public Records Officer

**WSR 07-17-134**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**

[Filed August 20, 2007, 2:47 p.m.]

You are hereby notified that the board of trustees of Whatcom Community College, District Number Twenty-One, will hold a board retreat on Orcas Island, Tuesday through Thursday, August 21-23, 2007. Open meetings will be held at the following times and locations:

**Tuesday, August 21, 2007**

- 3:00 p.m. - 4:30 p.m. 145 Cottage Knoll Lane  
Eastsound, WA
- 6:30 p.m. - 8:00 p.m. The Inn at Ship Bay Restaurant  
326 Olga Road  
Orcas Island, WA

**Wednesday, August 22, 2007**

- 9:00 a.m. - 12 noon 145 Cottage Knoll Lane  
Eastsound, WA
- 1:00 p.m. - 2:30 p.m. Rosie's at the Outlook Inn  
171 Main Street  
Eastsound, WA
- 5:00 p.m. - 6:30 p.m. 145 Cottage Knoll Lane  
Eastsound, WA

**Thursday, August 23, 2007**

- 9:00 a.m. - 10:30 a.m. 145 Cottage Knoll Lane  
Eastsound, WA

If you are a person with a disability and require an accommodation while attending the meeting, please contact the president's office at 752-6777 (or TDD 647-3279) as soon as possible to allow sufficient time to make arrangements.

NEXT MONTH'S MEETING REMINDER: Tuesday, September 25, 2007.

**WSR 07-17-139**  
**RULES COORDINATOR**  
**WHATCOM COMMUNITY COLLEGE**

[Filed August 20, 2007, 5:39 p.m.]

Laurel Denison is taking over the responsibilities of Whatcom Community College's designated rules coordinator from Keri Parriera effective August 21, 2007. I am providing the following information: Whatcom Community College, Rules Coordinator: Laurel Denison, Administrative Assistant to the Vice-President for Educational Services, 237 West Kellogg Road, Bellingham, WA 98226, (360) 676-2710, ext. 3275, fax (360) 676-2171, e-mail ldenison@whatcom.ctc.edu.

Keri Parriera, as executive assistant to the president, will continue to electronically submit the board of trustees meeting notifications and agendas. Her information is e-mail kparrier@whatcom.ctc.edu and phone (360) 752-6777.

Trish Onion  
 Vice-President for  
 Educational Services

**WSR 07-17-143**  
**PUBLIC RECORDS OFFICER**  
**OFFICE OF THE**  
**STATE TREASURER**

[Filed August 21, 2007, 8:35 a.m.]

Effective immediately, I appoint Daniel P. Mason, P.O. Box 40200, Olympia, WA 98504-0200, phone (360) 902-9090, fax (360) 902-9044, e-mail danm@tre.wa.gov, as the public records officer for the office of the state treasurer.

Michael J. Murphy  
 State Treasurer

**WSR 07-17-149**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed August 21, 2007, 10:42 a.m.]

The public is invited to review the federal fiscal year 2008 (FFY 2008) Washington state application for federal substance abuse prevention and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2008 application will result in approximately \$35 million in federal funds being awarded to

the state of Washington for substance abuse prevention and treatment.

A public hearing to review the application and consider questions or comments will be held September 13, 2007, at 10:00 a.m. **The location of the public hearing is the Best Western Executel, Olympic Room, 20717 International Boulevard, Seattle, WA.** The hearing is sponsored by The Citizens Advisory Council on Alcoholism and Drug Addiction, a statutorily empowered body charged with the role of advising the department of social and health services on matters relating to the state substance abuse program.

The application is being prepared by the department of social and health services, division of alcohol and substance abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Kathie Roberts, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 725-3808, fax (360) 438-8078, roberkj@dshs.wa.gov.

#### **WSR 07-17-168**

##### **POLICY STATEMENT**

##### **DEPARTMENT OF HEALTH**

[Filed August 22, 2007, 9:25 a.m.]

##### **NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy: Moving Cases from Intake to Investigations—MD2007-01.

Issuing Entity: Medical quality assurance commission.

Subject Matter: Process and procedures for WAC 246-919-615 and 246-918-010 to move cases from intake to investigations.

Effective Date: Proposed June 1, 2007.

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