

WSR 09-07-020

PROPOSED RULES

SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 6, 2009, 11:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-03-051.

Title of Rule and Other Identifying Information: WAC 392-122-420 Full-day kindergarten program—Authority, 392-122-421 Full-day kindergarten program—Definitions, 392-122-422 Full-day kindergarten program—Applicable provisions, 392-122-423 Full-day kindergarten program—Determination of eligibility, 392-122-424 Full-day kindergarten program—Applications and approvals, 392-122-425 Full-day kindergarten program—Subsequent determination of eligible schools, and 392-122-426 Full-day kindergarten program—Apportionment of state moneys.

Hearing Location(s): Office of the Superintendent of Public Instruction, Old Capitol Building, 600 South Washington, Olympia, WA, on April 21, 2009, at 9:00 a.m.

Date of Intended Adoption: April 22, 2009.

Submit Written Comments to: Mitch Thompson, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, e-mail Mitch.Thompson@k12.wa.us, fax (360) 725-6306, by April 20, 2009.

Assistance for Persons with Disabilities: Contact Clarice Nnanabu by April 20, 2009, TTY (360) 664-3631 or (360) 725-6271.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Full-day kindergarten was provided for by the legislature starting in the 2007-08 school year. These rules provide apportionment information related to the program for eligibility and funding.

Statutory Authority for Adoption: RCW 28A.150.290 (1).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of superintendent of public instruction, governmental.

Name of Agency Personnel Responsible for Drafting: Mitch Thompson, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6306; Implementation: Calvin W. Brodie, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6301; and Enforcement: Jennifer Priddy, Old Capitol Building, 600 South Washington, Olympia, WA, (360) 725-6292.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not applicable.

A cost-benefit analysis is not required under RCW 34.05.328.

March 6, 2009

Randy I. Dorn

State Superintendent

Chapter 392-122 WAC

FINANCE—CATEGORICAL APPORTIONMENT

NEW SECTION

WAC 392-122-420 Full-day kindergarten program—Authority. The authority for WAC 392-122-420 through 392-122-426 is:

- (1) RCW 28A.150.290(1);
- (2) RCW 28A.150.315; and
- (3) RCW 28A.150.370.

NEW SECTION

WAC 392-122-421 Full-day kindergarten program—Definitions. As used in WAC 392-122-420 through 392-122-426, the following definitions shall apply:

- (1) Full-day kindergarten (FDK) means an approved program that is eligible for state-funded full-day kindergarten program as provided for in the annual state operating budget;
- (2) Full-time equivalent (FTE) has the same meaning as defined in WAC 392-121-122 (1)(a);
- (3) "Poverty percentage" means the percentage of a school building's students who are eligible for the federal free and reduced price lunch (FRPL) as reported to OSPI for the prior school year October reporting.

NEW SECTION

WAC 392-122-422 Full-day kindergarten program—Applicable provisions. The following sections of this chapter are applicable to the distribution of state moneys for the full-day kindergarten program: WAC 392-122-420 through 392-122-426.

NEW SECTION

WAC 392-122-423 Full-day kindergarten program—Determination of eligibility. Determination for eligibility for full-day kindergarten programs is based on an individual school's poverty percentage from the prior school year.

- (1) By June 1st each year the superintendent of public instruction shall develop and publish an eligibility list for FDK for the subsequent school year, pursuant to the legislative limitation parameters in the annual budget bill to include the specified percentage of kindergarten students to be served; which shall be further limited to the estimated annual funding for the full-day kindergarten program, as provided for in the state Operating Appropriations Act.
- (2) Poverty percentage is determined as the higher of the following items as reported for October of the previous year:
 - (a) FRPL reported to child nutritional services at the superintendent of public instruction; or
 - (b) FRPL reported in the core student records system; or
 - (c) The percentage of students who qualify as a low-income student based on information provided by the school district that satisfies the requirements established in WAC 392-100-101(2) for those school districts that do not participate in the National School Lunch Program.

(3) Funding amounts per school shall be calculated in accordance with the state Operating Appropriations Act and WAC 392-121-400.

(4) School districts shall receive funding for eligible schools as follows:

(a) For September through December the additional FDK funding amount shall be calculated based upon one-half of the projected FDK enrollment submitted in the annual approved application.

(b) Commencing with the January payment funding shall be based upon the year-to-date (YTD) average FDK enrollment reported by the district less one-half of the YTD average FDK reported headcount.

(c) The remaining one-half of the YTD average FDK reported headcount will be paid under guaranteed entitlement funding on the Report 1191.

NEW SECTION

WAC 392-122-424 Full-day kindergarten program—Applications and approvals. Eligible schools shall submit an application to the superintendent of public instruction. This application must include the following:

(1) Assurances that the school shall comply with all program requirements outlined in RCW 28A.150.315(1);

(2) Assurances that the district can provide the full-day kindergarten program for all children of parents who request it in each eligible school for which the district is including in their application (ref: Section 511(14), chapter 329, Laws of 2008);

(3) A projected estimate of full-day kindergarten enrollment for each applicant school for the application year; and

(4) Any other requirements as established by the office of superintendent of public instruction.

The eligibility for FDK is determined based upon an individual building's student poverty and may not transfer to other buildings or students within the district.

NEW SECTION

WAC 392-122-425 Full-day kindergarten program—Subsequent determination of eligible schools.

After consideration of the funding requirement of all submitted applications, the school projected FTE and subject to the amount of remaining funding available, the office of superintendent of public instruction may publish a subsequent list of additional eligible schools that may apply for the FDK program. Eligibility on this list shall be ranked in order of decreasing poverty percentage, in the manner outlined in WAC 392-122-423.

Upon program approval for the full-day kindergarten program, a school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for FRPL as long as all other program requirements are fulfilled.

NEW SECTION

WAC 392-122-426 Full-day kindergarten program—Apportionment of state moneys. Apportionment of

state moneys for full-day kindergarten will be conducted in a manner prescribed by WAC 392-121-400.

WSR 09-07-021

PROPOSED RULES

BOARD OF ACCOUNTANCY

[Filed March 6, 2009, 2:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-03-044.

Title of Rule and Other Identifying Information: WAC 4-25-530 Fees.

Hearing Location(s): The DoubleTree Hotel Seattle Airport, 18740 International Boulevard, Cascade 13 Room, SeaTac, WA, on April 21, 2009, at 9:00 a.m.

Date of Intended Adoption: April 21, 2009.

Submit Written Comments to: Richard C. Sweeney, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, e-mail cheyls@cpaboard.wa.gov, fax (360) 664-9190, by April 13, 2009.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by April 13, 2009, TTY (800) 833-6384 or (360) 664-9194.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To increase the section fees charged to candidates applying to take the uniform certified public accountant (CPA) examination.

Reasons Supporting Proposal: Prometric, the vendor providing testing centers used to administer the computer based CPA exam have notified the board of a forthcoming increase of its hourly fee to \$24.80 from \$23.85, a 4% increase.

The fee increase will become effective with ATTs (authorizations to test) submitted August 16, 2009. The board must therefore increase the fees it charges for the administration of the CPA examination to adequately pay all costs.

Statutory Authority for Adoption: RCW 18.04.065, 18.04.105(3).

Statute Being Implemented: RCW 18.04.065, 18.04.105 (3).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state board of accountancy, governmental; AICPA, NASBA, and Prometric, private.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard C. Sweeney, P.O. Box 9131, Olympia, WA 98507-9131, (360) 586-0163.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

A cost-benefit analysis is not required under RCW 34.05.328. The board of accountancy is not one of the agen-

cies required to submit to the requirements of RCW 34.05.328.

March 6, 2009
 Richard C. Sweeney
 Executive Director

AMENDATORY SECTION (Amending WSR 08-14-152 and 08-15-018, filed 7/1/08 and 7/8/08, effective 8/1/08 and 8/8/08)

WAC 4-25-530 Fees. The board shall charge the following fees:

- (1) Initial application for individual license, individual license through reciprocity, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner \$330
- (2) Renewal of individual license, CPA-Inactive certificate, CPA firm license (sole proprietorships with no employees are exempt from the fee), or registration as a resident nonlicensee firm owner \$230
- (3) Application for CPA-Inactive certificate-holder to convert to a license \$0
- (4) Application for reinstatement of license, CPA-Inactive certificate, or registration as a resident nonlicensee owner \$480
- (5) Quality assurance review (QAR) program fee (includes monitoring reviews for up to two years)
 Firm submits reports for review \$400
 Firm submits a peer review report for review \$60
 Firm is exempted from the QAR program because the firm did not issue attest reports \$0
- (6) Late fee \$100
- (7) Amendment to firm license except for a change of firm address (there is no fee for filing a change of address) \$35
- (8) Copies of records, per page exceeding fifty pages \$0.15
- (9) Computer diskette listing of licensees, CPA-Inactive certificateholders, or registered resident nonlicensee firm owners \$75
- (10) Replacement CPA wall document \$50
- (11) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts) \$35

(12) CPA examination. Exam fees are comprised of section fees plus administrative fees. **The total fee is contingent upon which section(s) is/are being applied for and the number of sections being applied for at the same time.** The total fee is the section fee(s) for each section(s) applied for added to the administrative fee for the number of section(s) applied for.

- (a) Section fees:
 - (i) Auditing and attestation ~~\$(226.28)~~
230.55
 - (ii) Financial accounting and reporting ~~\$(214.35)~~
218.15
 - (iii) Regulation ~~\$(190.50)~~
193.35
 - (iv) Business environment and concepts ~~\$(178.58)~~
180.95
 - (b) Administrative fees:
 - (i) First-time candidate - Four sections \$132.95
 - (ii) First-time candidate - Three sections \$119.10
 - (iii) First-time candidate - Two sections \$104.70
 - (iv) First-time candidate - One section \$90.30
 - (v) Reexam candidate - Four sections \$130.75
 - (vi) Reexam candidate - Three sections \$111.40
 - (vii) Reexam candidate - Two sections \$91.50
 - (viii) Reexam candidate - One section \$71.60
- National Association of State Boards of Accountancy candidate data base investigation fee for exam applications submitted without the applicant's Social Security number \$70

Note: The board may waive late filing fees for individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment.

WSR 09-07-022
PROPOSED RULES
WASHINGTON STATE LOTTERY

[Filed March 6, 2009, 3:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-02-060.

Title of Rule and Other Identifying Information: WAC 315-30-010 Draw games—Authorized—Director's authority, the commission authorizes the director to select and operate draw games approved by the commission. Before the director approves final draw game specifications, the director shall provide the commission a full description of the proposal and obtain approval of the game concept.

Hearing Location(s): Washington's Lottery, 814 4th Avenue, Olympia, WA 98506, on April 21, 2009, at 9:00 a.m.

Date of Intended Adoption: April 21, 2009.

Submit Written Comments to: Jana Jones, P.O. Box 43000, Olympia, WA 98506, e-mail jjones@walottery.com, fax (360) 586-1039, by March 30, 2009.

Assistance for Persons with Disabilities: Contact Debbie Robinson, TTY (360) 586-0933 or (360) 664-4818.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To require the director of the lottery to present game proposals, concepts, and final draw game specifications prior to entering into agreements to move forward with the game development for eventual sale to the public.

Reasons Supporting Proposal: Intended to create more efficiencies in the commission's decision-making process and authority around draw game approval.

Statutory Authority for Adoption: RCW 67.70.040 (1), (3).

Statute Being Implemented: RCW 67.70.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state lottery commission, governmental.

Name of Agency Personnel Responsible for Drafting: Jana Jones, Washington's Lottery, (360) 664-4833; Implementation and Enforcement: Christopher Liu, Washington's Lottery, (360) 664-4809.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The only business allowed by law to sell lottery products are existing licensed lottery retailers.

March 6, 2009

Jana L. Jones

Director of Legal Services

AMENDATORY SECTION (Amending WSR 07-11-037, filed 5/8/07, effective 6/8/07)

WAC 315-30-010 Draw games—Authorized—Director's authority. The commission hereby authorizes the director to ~~((select and))~~ operate draw games which meet the criteria set forth in this chapter. New draw games shall not be made available for sale without approval of the commission.

(1) The director may contract for the development and operation of draw games, ~~((as determined necessary by the director))~~ and may operate said games subject to the approval of the commission.

(2) Before approving the final draw game specifications, the director shall provide the commission with a description

of the proposal, and obtain approval of the proposed game concept by the commission.

(3) The director shall establish and approve the final draw game specifications, as executed in working papers or software requirement specifications, including the determination of winning tickets, ~~((prior to))~~ after presentation and approval of any new draw game proposal to the commission for a vote of the commission.

~~((3) New draw games shall not be made available for sale without approval of the commission.))~~

(4) All draw game procedures and play criteria shall be made available to the public on the agency internet web site and ~~((on))~~ upon request.

WSR 09-07-030

PROPOSED RULES

OFFICE OF

INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2008-25—Filed March 10, 2009, 10:03 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-21-094.

Title of Rule and Other Identifying Information: Discretionary clauses.

Hearing Location(s): Insurance Commissioner's Office, 5000 Capitol Boulevard, Room TR 120, Tumwater, WA 98504-0255, on April 28, 2009, at 10:00.

Date of Intended Adoption: May 6, 2009.

Submit Written Comments to: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail KacyS@oic.wa.gov, fax (360) 586-3109, by April 27, 2009.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by April 27, 2009, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to clarify for carriers that discretionary clauses are not allowed in health and disability policies.

Anticipated Effects: The proposed rule will inform and clarify for carriers that the Washington insurance code prohibits the use of a discretionary clause; this is also consistent with the NAIC endorsement of the prohibition of discretionary clauses as well as similar prohibitions adopted by other state insurance regulators.

Carriers will not be able to rely on a discretionary clause to deny benefits or protections and need to file new contracts or amendments to change contract or policy language containing discretionary clauses. Under RCW 48.01.030 carriers are required to act in good faith with regard to the business of insurance, and if current contracts or policies contain discretionary clauses, are required to administer them as though they did not contain discretionary clauses. A uniform policy of banning discretionary clauses will ensure that all carriers will be subject to the same rules and will not suffer competitive disadvantages. State laws regarding discretionary clauses have been upheld through the courts. The rejected

legal challenges asserted that because ERISA doesn't bar discretionary clauses, state action barring them are preempted.

Consumers will receive the benefits and protections in their insurance contracts because when benefits are denied and then reviewed, courts will review the record without deferring to the carrier's exercise of discretion in making its decision.

Reasons Supporting Proposal: A discretionary clause is a clause in an insurance policy which provides the carrier with sole discretionary authority to determine eligibility for benefits or to otherwise interpret the terms and provisions of the policy or contract. This issue came to the attention of the commissioner after a court case was filed against a carrier using a discretionary clause in a health plan contract; a review of other carrier's contracts revealed that they also contained discretionary clauses. The commissioner has determined discretionary clauses are prohibited per RCW 48.18.110, 48.44.020, and 48.46.060, because they unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the agreement.

Statutory Authority for Adoption: RCW 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.200, and 48.02.060.

Statute Being Implemented: RCW 48.18.110, 48.44.020, and 48.46.060.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Donna Dorris, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7040; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7117; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the health carriers offering health care or disability insurance in Washington state meet the definition of small business under the law.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

March 10, 2009

Mike Kreidler
Insurance Commissioner

NEW SECTION

WAC 284-44-015 Discretionary clauses prohibited.

(1) No contract may contain a discretionary clause. "Discretionary clause" means a provision that purports to reserve discretion to a carrier, its agents, officers, employees, or designees in interpreting the terms of a contract or deciding eligibility for benefits, or requires deference to such interpretations or decisions, including a provision that provides for any of the following results:

(a) That the carrier's interpretation of the terms of the contract is binding;

(b) That the carrier's decision regarding eligibility or continued receipt of benefits is binding;

(c) That the carrier's decision to deny, modify, reduce or terminate payment, coverage, authorization, or provision of health care service or benefits, is binding;

(d) That there is no appeal or judicial remedy from a denial of a claim;

(e) That deference must be given to the carrier's interpretation of the contract or claim decision; and

(f) That the standard of review of a carrier's interpretation of the contract or claim decision is other than a de novo review.

(2) Nothing in this section prohibits a carrier from including a provision in a contract that informs an insured that as part of its routine operations the carrier applies the terms of its contracts for making decisions, including making determination regarding eligibility, receipt of benefits and claims, or explaining its policies, procedures, and processes.

NEW SECTION

WAC 284-46-015 Discretionary clauses prohibited.

(1) No contract may contain a discretionary clause. "Discretionary clause" means a provision that purports to reserve discretion to a health maintenance organization, its agents, officers, employees, or designees in interpreting the terms of a contract or deciding eligibility for benefits, or requires deference to such interpretations or decisions, including a provision that provides for any of the following results:

(a) That the carrier's interpretation of the terms of the contract is binding;

(b) That the carrier's decision regarding eligibility or continued receipt of benefits is binding;

(c) That the carrier's decision to deny, modify, reduce or terminate payment, coverage, authorization, or provision of health care service or benefits, is binding;

(d) That there is no appeal or judicial remedy from a denial of a claim;

(e) That deference must be given to the carrier's interpretation of the contract or claim decision; and

(f) That the standard of review of a carrier's interpretation of the contract or claim decision is other than a de novo review.

(2) Nothing in this section prohibits a carrier from including a provision in a contract that informs an insured that as part of its routine operations the carrier applies the terms of its contracts for making decisions, including making determination regarding eligibility, receipt of benefits and claims, or explaining its policies, procedures, and processes.

NEW SECTION

WAC 284-50-321 Discretionary clauses prohibited.

(1) No disability insurance policy may contain a discretionary clause. "Discretionary clause" means a provision that purports to reserve discretion to an insurer, its agents, officers, employees, or designees in interpreting the terms of a policy or deciding eligibility for benefits, or requires deference to such interpretations or decisions, including a provision that provides for any of the following results:

(a) That the insurer's interpretation of the terms of the policy is binding;

(b) That the insurer's decision regarding eligibility or continued receipt of benefits is binding;

(c) That the insurer's decision to deny, modify, reduce or terminate payment, coverage, authorization, or provision of health care service or benefits, is binding;

(d) That there is no appeal or judicial remedy from a denial of a claim;

(e) That deference must be given to the insurer's interpretation of the contract or claim decision; and

(f) That the standard of review of an insurer's interpretation of the policy or claim decision is other than a de novo review.

(2) Nothing in this section prohibits an insurer from including a provision in a policy that informs an insured that as part of its routine operations the insurer applies the terms of its policies for making decisions, including making determination regarding eligibility, receipt of benefits and claims, or explaining its policies, procedures, and processes.

NEW SECTION

WAC 284-96-012 Discretionary clauses prohibited.

(1) No disability insurance policy may contain a discretionary clause. "Discretionary clause" means a provision that purports to reserve discretion to an insurer, its agents, officers, employees, or designees in interpreting the terms of a policy or deciding eligibility for benefits, or requires deference to such interpretations or decisions, including a provision that provides for any of the following results:

(a) That the insurer's interpretation of the terms of the policy is binding;

(b) That the insurer's decision regarding eligibility or continued receipt of benefits is binding;

(c) That the insurer's decision to deny, modify, reduce or terminate payment, coverage, authorization, or provision of health care service or benefits, is binding;

(d) That there is no appeal or judicial remedy from a denial of a claim;

(e) That deference must be given to the insurer's interpretation of the contract or claim decision; and

(f) That the standard of review of an insurer's interpretation of the policy or claim decision is other than a de novo review.

(2) Nothing in this section prohibits an insurer from including a provision in a policy that informs an insured that as part of its routine operations the insurer applies the terms of its policies for making decisions, including making determination regarding eligibility, receipt of benefits and claims, or explaining its policies, procedures, and processes.

Preproposal statement of inquiry was filed as WSR 06-12-024.

Title of Rule and Other Identifying Information: Chapter 516-15 WAC, Skateboard and in-line skate policy.

Hearing Location(s): Western Washington University, Main Campus, Board Room, Old Main 340, 516 High Street, Bellingham, WA 98225, on April 22, 2009, at 3 p.m.

Date of Intended Adoption: June 1, 2009.

Submit Written Comments to: Suzanne Baker, Rules Coordinator, 516 High Street, Old Main 335, Bellingham, WA 98225-9015, e-mail Suzanne.Baker@wwu.edu, fax (360) 650-6197, by April 21, 2009.

Assistance for Persons with Disabilities: Contact Suzanne Baker by April 22, 2009, (360) 650-3117.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Western Washington University proposes amendments to the skateboard and skate rules to provide updated and clear guidance for students, faculty, staff, and guests. A significant change has been made to the rules that acknowledge skateboards, foot scooters, skates, and other similar devices as sustainable forms of transportation. The amended rules provide clear guidelines for operation on campus and allowable speeds on campus. The rules also provide for walk zones where riders are required to dismount from their skateboards.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Western Washington University, governmental.

Name of Agency Personnel Responsible for Drafting: Gayle Shipley, Director, Environmental Health and Safety, and Public Safety Personnel, 516 High Street, Bellingham, WA, (360) 650-6512; Implementation: Randy Stegmeier, Chief of WWU Police and Director of Public Safety, 516 High Street, Bellingham, WA, (360) 650-3555; and Enforcement: Kathy Wetherell, Interim Vice-President for Business and Financial Affairs, 516 High Street, Bellingham, WA, (360) 650-3180.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 516-15 WAC does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 516-15 WAC is not considered a significant legislative rule by Western Washington University.

March 10, 2009

Suzanne M. Baker
Rules Coordinator

WSR 09-07-032

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed March 10, 2009, 11:28 a.m.]

Original Notice.

Chapter 516-15 WAC

**SKATEBOARDS ((AND IN-LINE SKATE POLICY)),
FOOT SCOOTERS, SKATES, AND OTHER SIMILAR
DEVICES**

AMENDATORY SECTION (Amending WSR 96-24-015, filed 11/22/96, effective 1/1/97)

WAC 516-15-010 Definitions. As used in this chapter, the following words mean:

~~("Skateboard." A toy consisting of an oblong or rectangular board, made of wood, plastic, metal or components thereof, with wheels, ridden, as down an incline, usually in a standing position. It may or may not be motorized.~~

~~"Skate." A toy consisting of shoes or boots with small wheels on the soles, either in pairs at the toe and heel or in a line down the length of the foot.)~~ (1) "Electric personal assistive mobility device (EPAMD)." A self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour.

(2) "Pedestrian." Any person who is afoot or who is using a wheelchair, a powered wheelchair or a powered scooter for persons with disabilities.

(3) "Skateboard." A flat or curved board, mounted on two or more casters or wheels, manually propelled, and usually made of wood, plastic, fiberglass, or similar materials. The term skateboard is intended to include roller skates, in-line skates, longboards, and foot scooters. It does not include electric or manual wheelchairs or powered scooters for use by persons with disabilities.

(4) "Skateboarder." Is a person using a device included in subsection (2) of this section.

(5) "Walk zone." Any area designated by signs or symbols as a place where bicycles, skateboards, and other regulated devices cannot be ridden during specified periods.

AMENDATORY SECTION (Amending WSR 96-24-015, filed 11/22/96, effective 1/1/97)

WAC 516-15-020 Purpose and application. ((Because the university is primarily a pedestrian campus, the purpose of these regulations is:

(1) ~~To protect and control pedestrian traffic and traffic of persons using coasters, skateboards, in-line skates, toy vehicles or other similar devices.~~

(2) ~~To protect from physical damage and more than ordinary wear the wooden and concrete benches, brick and paved walkways, stairs, steps, loading ramps, plazas, and ramps for the disabled, caused by use of coasters, skateboards, in-line skates, toy vehicles, or similar devices on such areas.)~~ Western Washington University acknowledges that skateboards, foot scooters, skates, and other similar devices are sustainable forms of transportation. Use is regulated to protect the campus from physical damage and to provide safe and equi-

table access. This chapter does not apply to bicycles, electric personal assistive mobility devices or other powered devices regulated under chapter 516-13 WAC.

NEW SECTION

WAC 516-15-045 Operation. (1) Skateboarders are expected to use skateboards in a safe, responsible manner.

(2) Skateboarders must comply with these regulations to ensure the safe operation, use, and storage of these devices on campus.

(3) Skateboarders must yield the right of way to pedestrians at all times.

(4) Skateboarders must comply with speed limits on campus as follows:

(a) Share pedestrian spaces and walkways only at pedestrian walking speeds, three miles per hour, within ten feet of any pedestrian or areas congested with pedestrians.

(b) Otherwise, skateboard speeds are limited to pedestrian jogging speeds, five to seven miles per hour maximum.

(5) Speeds in excess of seven miles per hour, stunt riding, or any and all other uses of skateboards that may cause property damage and endanger the user or others are prohibited.

(6) Skateboarders are restricted from the following areas: Lawns, benches, stairways, steps, sculpture, art work, hand rails, loading ramps, building interiors.

(7) Skateboarders must dismount and walk in areas specifically designated as permanent or temporary walk zones from 9 a.m. to 4 p.m. during regular class days, including finals week, during the regular academic year. Designated walk zones are as follows:

(a) In Red Square;

(b) In the congested, narrow walk area from the north side of Engineering Technology to the north side of Carver Gym;

(c) At Viking Union Vendor's Row; and

(d) Such other areas as may be designated by the vice-president for business and financial affairs.

(8) Skateboards may be used in the east-west intertie between Carver Gym, the Art Annex, Bond Hall, and Miller Hall but must yield right of way to pedestrians.

NEW SECTION

WAC 516-15-046 Storage and parking. Skateboarders must store and maintain control of their devices to prevent harm to others.

AMENDATORY SECTION (Amending WSR 99-07-089, filed 3/19/99, effective 4/19/99)

WAC 516-15-050 Enforcement. (1) A ~~((person using a skateboard, coaster, in-line skates, toy vehicle, or similar device))~~ skateboarder who refuses to abide by the rules and regulations set forth under chapter 516-15 WAC may be issued a university notice of infraction (NOI) for ~~((using a skateboard, coaster, in-line skates, toy vehicle, or similar device on campus in an area not designated for such use-))~~ one or more of the following:

(a) Failure to yield right of way to a pedestrian;

- (b) Failure to stay in control of the skateboard;
- (c) Failure to comply with speed limits on campus;
- (d) Failure to dismount in walk zone areas;
- (e) Failure to responsibly store the skateboard;
- (f) Riding in a restricted area; and
- (g) Failure to use due care and caution.

(2) Penalties(†). The penalties for violating any part of this ~~((section))~~ chapter shall be progressive ~~((, with the monetary penalty increasing for each subsequent offense. The first violation shall have a monetary penalty of ten dollars. A second violation shall have a monetary penalty of fifty dollars)).~~ The penalty schedule will be published in the university *Fees and Rates Listings* and is available at parking services.

Any person who violates any portion of this section and as a result is involved in a collision with a pedestrian or an object shall have the monetary penalty for the offense doubled.

Any person using a skateboard, ~~((coaster, in-line))~~ skates, ~~((toy vehicle,))~~ or similar device who attempts to elude a uniformed police officer attempting to enforce these regulations shall have the monetary penalty for the offense doubled.

A rider who refuses to cooperate with a police officer will be subject to arrest for obstructing a law enforcement officer under the provisions of chapter 9A.76 RCW and/or criminal trespass under the provisions of chapter 9A.52 RCW.

(3) Appeal procedure. A university notice of infraction (NOI) may be appealed by filing a completed appeal form at ~~((the))~~ parking services ~~((office))~~ or appeal on-line at www.ps.wvu.edu within seven days of receipt of the notice of infraction; otherwise, the right to a hearing is forfeited.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 516-15-030 Authority.
- WAC 516-15-040 Regulation.

**WSR 09-07-033
PROPOSED RULES
WESTERN WASHINGTON UNIVERSITY**

[Filed March 10, 2009, 11:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 06-12-024.

Title of Rule and Other Identifying Information: Chapter 516-13 WAC, Bicycle traffic and parking regulations.

Hearing Location(s): Western Washington University, Main Campus, Board Room, Old Main 340, 516 High Street, Bellingham, WA 98225, on April 22, 2009, at 3:30 p.m.

Date of Intended Adoption: June 1, 2009.

Submit Written Comments to: Suzanne Baker, Rules Coordinator, 516 High Street, Old Main 335, Bellingham,

WA 98225-9015, e-mail Suzanne.Baker@wwu.edu, fax (360) 650-6197, by April 21, 2009.

Assistance for Persons with Disabilities: Contact Suzanne Baker by April 22, 2009, (360) 650-3117.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Western Washington University proposes amendments to bicycle rules to provide updated and clear guidance for students, faculty, staff, and guests. The amended rules provide clear guidelines for operation on campus and allowable speeds on campus. The rules also provide for walk zones where riders are required to dismount from their bicycles.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Western Washington University, governmental.

Name of Agency Personnel Responsible for Drafting: Gayle Shipley, Director, Environmental Health and Safety, and Public Safety Personnel, 516 High Street, Bellingham, WA, (360) 650-6512; Implementation: Randy Stegmeier, Chief of WWU Police and Director of Public Safety, 516 High Street, Bellingham, WA, (360) 650-3555; and Enforcement: Kathy Wetherell, Interim Vice-President for Business and Financial Affairs, 516 High Street, Bellingham, WA, (360) 650-3180.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 516-13 WAC does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 516-13 WAC is not considered a significant legislative rule by Western Washington University.

March 10, 2009

Suzanne M. Baker
Rules Coordinator

Chapter 516-13 WAC

BICYCLES ~~((TRAFFIC AND PARKING REGULATIONS)), MOPEDS, AND OTHER POWERED DEVICES~~

NEW SECTION

WAC 516-13-005 Definitions. As used in this chapter, the following words mean:

(1) "Bicycle." A vehicle with two wheels in tandem usually propelled by pedals connected to the rear wheel by a chain and having handlebars for steering. The term bicycle is intended to include other pedal-powered cycles.

(2) "Electric personal assistive mobility device (EPAMD)." A self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour. This

term is intended to include other similar devices as defined in RCW 46.04.304 as now or hereafter amended.

(3) "Moped." A motorized device designed to travel with not more than three sixteen-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and an electric or a liquid fuel motor with a cylinder displacement not exceeding fifty cubic centimeters that produces no more than two gross brake horsepower as defined in RCW 46.04.304 as now or hereafter amended.

(4) "Motorized foot scooter." A device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, as defined in RCW 46.04.336 as now or hereafter amended.

(5) "Other powered devices." A device that transports people powered by electric and/or combustion motors except for those licensed under state law for highway use.

(6) "Pedestrian." Any person who is afoot or who is using a wheelchair, a powered wheelchair or a powered scooter for persons with disabilities.

(7) "Walk zone." Any area designated by signs or symbols as a place where bicycles, skateboards, and other regulated devices cannot be ridden during specified periods.

AMENDATORY SECTION (Amending Order 6-02-83, Motion No. 6-02-83, filed 6/28/83, effective 9/19/83)

WAC 516-13-010 Purpose and application. ~~((The primary aim of these regulations shall be to prevent the unsafe use and/or unsafe parking of bicycles on the campus of))~~ Western Washington University acknowledges that bicycles are an essential component of a sustainable transportation system, providing safe and equitable access to and around campus by all users. This chapter does not apply to electric or manual wheelchairs or powered scooters for use by persons with disabilities. This chapter applies only to bicycles, mopeds, and other powered devices and does not apply to skateboards, foot scooters, skates and other similar devices regulated under chapter 516-15 WAC.

NEW SECTION

WAC 516-13-015 Licensable motorized devices. Motorized bicycles and mini-motorcycles are, for the purpose of this regulation, considered to be motorcycles and are subject to all traffic rules and regulations controlling motorcycles. See chapter 516-12 WAC, Parking and traffic regulations.

AMENDATORY SECTION (Amending WSR 96-24-016, filed 11/22/96, effective 1/1/97)

WAC 516-13-020 Parking regulations. (1) ~~((All state of Washington bicycle regulations are applicable on the campus-))~~ Parking a bicycle, moped, or other powered devices in public areas of buildings, on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance creates a safety hazard and impedes pedestrians.

~~(2) ((All city of Bellingham bicycle regulations are applicable on the campus-))~~ Bicycles, mopeds, and other powered devices are not to be chained to trees, light posts, or designated works of art.

(3) Bicycles, mopeds, and other powered devices are to be parked only in bicycle racks ((where provided)) or in ((parking areas)) specifically designated ((or marked as a)) bicycle parking areas. ((No person shall park a bicycle in the public areas of buildings, on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance-))

~~(4) ((Bicycles are not to be chained to a designated work of art-))~~ Vehicles containing combustible fuel may not be parked inside any university building, except in a garage, research facility, or automotive shop designated for parking such vehicles by the vice-president for business and financial affairs.

(5) Improperly parked bicycles, mopeds, and other powered devices are subject to impoundment.

AMENDATORY SECTION (Amending WSR 02-07-045, filed 3/14/02, effective 4/14/02)

WAC 516-13-030 Impounding of bicycles, mopeds, and other powered devices. (1) Bicycles, mopeds, and other powered devices may be impounded for illegal parking.

(2) ~~((Bicycles))~~ They will be released upon presentation of proof of ownership and payment of a (((\$3-00)) fee if claimed within seven days. ((Bicycles)) If unclaimed after seven days, they will be ((released to the university public safety department)) subject to disposal as abandoned property. If the owner of an impounded bicycle, mopeds, or other powered device can be identified, ((they)) the owner will be notified immediately after impound.

AMENDATORY SECTION (Amending WSR 02-07-045, filed 3/14/02, effective 4/14/02)

WAC 516-13-080 Operation. (1) ~~((Pedestrians have the))~~ All state of Washington bicycle regulations are applicable on the campus.

(2) All city of Bellingham bicycle regulations are applicable on the campus.

(3) Riders must yield the right of way ((on all sidewalks, pathways, and plaza areas)) to pedestrians on campus. ((Bicyclists)) Riders will use due caution when riding ((bicycles)) on campus and are encouraged to wear helmets, use lights, and avoid distractions such as cell phones, ear buds, and other devices that inhibit hearing.

~~((2-It is))~~ (4) Riders are prohibited ((for bicycles to be ridden)) from riding in areas specifically designated as permanent and/or temporary ((dismount)) walk zones. ((Bicyclists)) Riders must dismount and walk their bicycles, mopeds, and other powered devices in designated ((dismount)) walk zones ((during the fifteen minutes prior to and fifteen minutes after each hour)) from ((7-45)) 9 a.m. to ((5-15)) 4 p.m. during regular class days, including finals week, during the regular academic year. Designated walk zones are as follows:

(a) In Red Square;

(b) In the congested, narrow walk area from the north side of Engineering Technology to the north side of Carver Gym;

(c) At Viking Union Vendor's Row; and

(d) Such other areas as may be designated by the vice-president of business and financial affairs.

(5) Riders are permitted to ride in the east-west intertie between Carver Gym, the Art Annex, Bond Hall, and Miller Hall but must yield right of way to pedestrians.

~~((3))~~ (6) Bicyclists are responsible for following the Bicycle Responsibility Code adopted May 21, 1996, by the student bicycle advisory coalition as amended by the central health and safety committee on June 3, 1996, and February 10, 2009:

(a) Pedestrians have right of way, always.

(b) Stay in control.

(c) Avoid congested areas and use back roads when possible.

(d) Obey the ~~((dismount policy))~~ walk zone signs, bicycle speed limits, and obey all traffic laws.

(e) ~~((Dismount and))~~ Walk your bike ~~((when))~~ in walk zones and ride slowly in crowded areas.

(f) Minimize impact—Stay off the lawns.

(g) Park and lock bikes only at bike racks.

(h) Know the code!

(7) Riders have speed limits as follows:

(a) Share pedestrian spaces and walkways only at pedestrian walking speeds of three miles per hour, within ten feet of any pedestrian or areas congested with pedestrians.

(b) Otherwise, speeds are limited to pedestrian jogging speeds of seven miles per hour maximum.

AMENDATORY SECTION (Amending WSR 02-07-045, filed 3/14/02, effective 4/14/02)

WAC 516-13-090 Enforcement. ~~(1) A ((bicycle)) rider who refuses to abide by these regulations set forth under chapter 516-13 WAC may be issued a university notice of infraction (NOI) ((for one or more of the following infractions:~~

~~(1) Failure to yield right of way to pedestrian;~~

~~(2) Failure to stay in control of bicycle;~~

~~(3) Failure to obey dismount policy;~~

~~(4) Riding on lawn or other restricted area;~~

~~(5) Failure to use due care and caution)).~~

(2) Penalties((:)). The penalties for violating any part of this ~~((section))~~ chapter shall be progressive((, with the monetary penalty increasing for each subsequent offense regardless of the nature of the previous offense(s)). ~~The first violation shall have a monetary penalty of ten dollars. A second violation shall have a monetary penalty of twenty-five dollars. A third and each subsequent violation shall have a monetary penalty of fifty dollars)).~~ The penalty schedule will be published in the university *Fees and Rates Listings* and is available at parking services.

Any ~~((bicycle))~~ rider who violates any portion of this section and as a result is involved in a collision with a pedestrian or an object shall have the monetary penalty for the offense(s) doubled.

Any ~~((bicycle))~~ rider who attempts to elude a uniformed police officer attempting to enforce these regulations shall have the monetary penalty for the offense(s) doubled.

Chapter 516-13 WAC notwithstanding, ~~((bicycle))~~ riders remain subject to enforcement of applicable city and state traffic laws while riding upon public roadways or sidewalks.

A ~~((bicycle))~~ rider who refuses to cooperate with a police officer ~~((or to present proof of identification))~~ will be subject to arrest for obstructing a law enforcement officer under the provisions of chapter 9A.76 RCW and/or criminal trespass under the provisions of chapter 9A.52 RCW.

(3) Appeal procedure. A university notice of infraction (NOI) may be appealed by filing a completed appeal form at ~~((the))~~ parking services ~~((office))~~ or appeal on-line at ~~((www.park.wvu.edu))~~ www.ps.wvu.edu within seven days of receipt of the notice of infraction; otherwise, the right to a hearing is forfeited.

~~((Distribution of funds collected from monetary penalties. Moneys collected for violations of chapter 516-13 WAC shall be applied towards the cost of enforcing this section. Moneys received in excess of these costs shall be applied towards bicycle-related projects, including bicycle parking, bicycle pathways and safe bicycling education.))~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 516-13-060

Motorized bicycles.

WSR 09-07-034

PROPOSED RULES

WESTERN WASHINGTON UNIVERSITY

[Filed March 10, 2009, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-05-094.

Title of Rule and Other Identifying Information: Chapter 516-56 WAC, University housing and dining.

Hearing Location(s): Western Washington University, Main Campus, Board Room, Old Main 340, 516 High Street, Bellingham, WA 98225, on April 22, 2009, at 4 p.m.

Date of Intended Adoption: June 12, 2009.

Submit Written Comments to: Suzanne Baker, Rules Coordinator, 516 High Street, Old Main 335, Bellingham, WA 98225-9015, e-mail Suzanne.Baker@wwu.edu, fax (360) 650-6197, by April 21, 2009.

Assistance for Persons with Disabilities: Contact Suzanne Baker by April 22, 2009, (360) 650-3117.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Western Washington University proposes amendments to the housing and

dining rules to be consistent with the department's revised mission statement.

Statutory Authority for Adoption: RCW 28B.35.120 (12).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Western Washington University, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Willy Hart, Director, University Residences, 516 High Street, Bellingham, WA, (360) 650-2953; and Enforcement: Eileen Coughlin, Vice-President for Student Affairs, 516 High Street, Bellingham, WA, (360) 650-3839.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 516-56 WAC does not impose a disproportionate impact on small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Chapter 516-56 WAC is not considered a significant legislative rule by Western Washington University.

March 10, 2009
Suzanne M. Baker
Rules Coordinator

AMENDATORY SECTION (Amending WSR 98-14-051, filed 6/26/98, effective 7/27/98)

WAC 516-56-001 Housing and dining—General. ~~((The objectives of the housing and dining areas maintained by))~~ Students in university residences enhance their Western ~~((Washington University are to provide comfortable, democratic, living conditions conducive to successful academic achievement and to participation in the activities of))~~ experience in diverse and inclusive communities that foster active learning, leadership, social responsibility, civic engagement, and effective citizenship, supported by a high quality, attractive, and sustainable campus ((life)) environment.

Western is committed to engaged excellence in fulfilling its tripartite mission of teaching, scholarship, and community service in a student-centered environment, with a liberal arts foundation and opportunities to develop professional skills. Western provides students with a personalized teaching and learning environment of the highest quality.

~~((All))~~ Rules, regulations, policies, procedures and general information are found in the ((~~WWU Office of University Residences~~) On-Campus Housing Agreement, Guide to University Residences, ((Room and Board Agreement, Birnam Wood Apartment Agreement,)) and((~~to~~)) the Residential Community Handbook, subject to periodic review and revisions. ((Please contact the Office of)) Up-to-date information is available on Western's web site at www.housing.wvu.edu, via e-mail at infodesk@wwu.edu, or by writing to University Residences, Edens Hall 101, ((~~WWU~~) Western Washington University, Bellingham, Washington, ((for the most up-to-date information)) 98225-9195.

WSR 09-07-052

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed March 11, 2009, 11:58 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: WAC 246-491-149, amending the section to add a form for filing dissolutions of domestic partnership.

Hearing Location(s): Department of Health, Point Plaza East, Room 152, 310 Israel Road S.E., Tumwater, WA 98501, on April 30, 2009, at 9:00 a.m.

Date of Intended Adoption: May 4, 2009.

Submit Written Comments to: Philip Freeman, P.O. Box 47814, Olympia, WA 98504-7814, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 753-4135, by April 30, 2009.

Assistance for Persons with Disabilities: Contact Philip Freeman by April 16, 2009, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed change would add a form for the courts to file a record of a judicial dissolution of a domestic partnership. The proposed rule would add the details of the new form to the existing rule concerning vital records. This would make it consistent with the documentation of details [in] all other vital records forms.

Reasons Supporting Proposal: SSHB [2SHB] 3104, chapter 6, Laws of 2008, mandates that in some circumstances the termination of domestic partnerships must go through the same judicial process as the dissolution of marriages. The courts are mandated to file a record of the dissolution of domestic partnerships with the department, requiring a new form.

Statutory Authority for Adoption: RCW 26.09.150.

Statute Being Implemented: RCW 26.09.150.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Philip Freeman, 101 Israel Road S.E., Tumwater, WA 98501, (360) 236-4330.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 (5)(b)(iii) exempts rules adopting or incorporating by reference without material change the rules of other Washington state agencies.

March 11, 2009
Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 02-20-092, filed 10/1/02, effective 11/1/02)

WAC 246-491-149 Information collected on the legal or public section of certificates; modifications to the

United States standard certificates and report forms. (1) Effective January 1, 2003, the department shall use the 2003 revisions of the United States standard forms for live birth and fetal death.

(2) Effective January 1, 2004, the department shall use the 2003 standard form for death.

(3) Effective January 1, 1992, the department shall use the 1988 revisions of the United States standard forms for marriage and certificate of divorce, dissolution of marriage or annulment.

(4) These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. Copies of these forms may be obtained by contacting the department's center for vital statistics.

(5) With the exception of the confidential section, the department may modify any part of these forms.

(a) Table((s)) 3((, 4, and 5 identify)) identifies the modifications to the United States standard form((s)) for live birth((, fetal death, and death)).

(b) Table 4 identifies the modifications to the United States standard form for fetal death.

(c) Table 5 identifies the modifications to the United States standard form for death.

(d) Table((s)) 6 ((and 7 identify)) identifies modifications to the United States standard form for marriage((, and certificate of divorce, dissolution of marriage, or annulment)).

(e) Table 7 identifies modifications to the United States standard form for certificate of divorce, dissolution of marriage, or annulment.

(6) Table 8 lists items to be collected on the certificate of dissolution of Washington state domestic partnership. This is a Washington state form not addressed in the United States standard forms.

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

**Table 3:
Legal or Public Birth Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Child's name	
2	Child's date of birth	
3	Time of birth	
4	Type of birthplace	Add "En route," Add "Planned birthplace if different"
5	Child's sex	
6	Name of facility	
7	City, town or location of birth	

Item Number	Item Name	Difference from U.S. Standard, if any
8	County of birth	
9	Mother's name before first marriage	
10	Mother's date of birth	
11	Mother's birthplace	
12	Mother's Social Security number	
13	Mother's current legal last name	
14	Social Security number requested for child?	
16a	Mother's residence - number, street, and Apt. No.	
16b	Mother's residence - city or town	
16c	Mother's residence - county	
16d	Tribal reservation name (if applicable)	Added
16e	Mother's residence - state or foreign country	
16f	Mother's residence - zip code + 4	
16g	Mother's residence - inside city limits?	
17	Telephone number	Added
18	How long at current residence?	Added
19	Mother's mailing address, if different	
25	Father's current legal name	
26	Father's date of birth	
27	Father's birthplace	
28	Father's Social Security number	
66	Certifier name and title	Delete check boxes
67	Date certified	
68	Attendant name and title	Delete check boxes
69	NPI of person delivering the baby	
—	Date filed by registrar	Deleted

U.S. STANDARD REPORT OF FETAL DEATH

**Table 4:
Legal or Public Fetal Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Name of fetus	
2	Sex	
3	Date of delivery	
4	Time of delivery	
5	Type of birthplace	Add "En route," Add "Planned birthplace if different"
6	Name of facility	
7	Facility ID (NPI)	
8	City, town or location of birth	
9	Zip code of delivery	
10	County of birth	
11	Mother's name before first marriage	
12	Mother's date of birth	
13	Mother's current legal last name	
14	Mother's birthplace	
15a	Mother's residence - number, street, and Apt. No.	
15b	Mother's residence - city or town	
15c	Mother's residence - county	
15d	Tribal reservation name (if applicable)	Added
15e	Mother's residence - state or foreign country	
15f	Mother's residence - zip code + 4	
15g	Mother's residence - inside city limits?	
16	How long at current residence?	Added
17	Father's current legal name	
18	Father's date of birth	
19	Father's birthplace	
20	Name and title of person completing the report	
21	Date report completed	

Item Number	Item Name	Difference from U.S. Standard, if any
22	Attendant name and title	Delete check boxes
23	NPI of person delivering the baby	
24	Method of disposition	
25	Date of disposition	
26	Place of disposition	Added
27	Location of disposition - city/town and state	Added
28	Name and complete address of funeral facility	Added
29	Funeral director signature	Added
30	Initiating cause/condition (cause of death)	
31	Other significant causes or conditions	
32	Estimated time of fetal death	
33	Was an autopsy performed?	
34	Was a histological placental examination performed?	
35	Were autopsy or histological placental examination results used in determining the cause of death?	
36	Registrar signature	Added
37	Date received	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
1	Legal name (include a.k.a.'s if any)	
2	Death date	
3	Sex	
4a	Age - years	
4b	Age - under 1 year	
4c	Age - under 1 day	
5	Social Security number	
6	County of death	
7	Birth date	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
8a	Birth place - city, town or county	
8b	Birth place - state or foreign country	
9	Decedent's education	Add "Specify": next to box for "8th Grade or less"
10	Decedent's Hispanic origin	
11	Decedent's race	
12	Was decedent ever in U.S. Armed Forces?	
13a	Residence - number and street	
13b	Residence - city or town	
13c	Residence - county	
13d	Tribal reservation name (if applicable)	Added
13e	Residence - state or foreign country	
13f	Residence - zip code	
13g	Inside city limits?	
14	Estimated length of time at residence	Added
15	Marital status at time of death	
16	Surviving spouse's name	
17	Occupation	
18	Kind of business/industry	
19	Father's name	
20	Mother's name before first marriage	
21	Informant - name	
22	Informant - relationship to decedent	
23	Informant - address	
24	Place of death	
25	Facility name (if not a facility, give number and street)	
26a	City, town, or location of death	
26b	State of death	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
27	Zip code of death	
28	Method of disposition	
29	Place of disposition (name of cemetery, crematory, other place)	
30	Disposition - city/town, and state	
31	Name and complete address of funeral facility	
32	Date of disposition	Added
33	Funeral director signature	
34	Causes of death and intervals between onset and death	
35	Other significant conditions contributing to death	
36	Autopsy?	
37	Were autopsy findings available to complete the cause of death?	
38	Manner of death	
39	Pregnancy status	
40	Did tobacco use contribute to death?	
41	Date of injury	
42	Hour of injury	
43	Place of injury	
44	Injury at work?	
45	Injury location - street, city, county, state, zip	County Added
46	Describe how injury occurred	
47	Transport injury type	
48a	Certifying physician signature	
48b	Medical examiner/coroner signature	
49	Name and address of certifier	
50	Hour of death	
51	Name and title of attending physician if other than certifier	Added
52	Date certified	

U.S. STANDARD CERTIFICATE OF DEATH

**Table 5:
Death Certificate Items**

Item Number	Item Name	Difference from U.S. Standard, if any
53	Title of certifier	
54	License number of certifier	
55	ME/coroner file number	Added
56	Was case referred to medical examiner?	
57	County registrar signature	Added
58	County date received	Added
59	Record amendment	Added
—	License number of funeral director	Deleted
—	Date pronounced dead	Deleted
—	Time pronounced dead	Deleted
—	Signature of person pronouncing death	Deleted
—	License number of person pronouncing death	Deleted
—	Date person pronouncing death signed	Deleted

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE

**Table 6:
Certificate of Marriage**

Item Number	Item Name	Difference from U.S. Standard, if any
—	Certificate name	Changed name of form to "Certificate of Marriage"
—	County of license	
—	Date valid	
—	Not valid after (date)	
1	Date of marriage	
2	County of ceremony	
3	Type of ceremony	Added
4	Date signed (by officiant)	Added
5	Officiant's name	
6	Officiant's signature	
7	Officiant's address	
8	Groom's name	
9	Groom's address (street)	
10	Groom's date of birth	

Item Number	Item Name	Difference from U.S. Standard, if any
11	Groom's place of birth (state or country)	
12	Groom's address (city)	
13	Groom's address (inside city limits)	Added
14	Groom's address (county)	
15	Groom's address (state)	
16	Groom's father - name	
17	Groom's father - place of birth	
18	Groom's mother - maiden name	
19	Groom's mother - place of birth	
20	Groom's signature	
21	Date signed (by groom)	
22	Bride's name	
23	Bride's maiden last name	
24	Bride's residence - (street)	
25	Bride's date of birth	
26	Bride's place of birth (state or country)	
27	Bride's residence (city)	
28	Bride's residence (inside city limits)	Added
29	Bride's residence (county)	
30	Bride's residence (state)	
31	Bride's father - name	
32	Bride's father - place of birth	
33	Bride's mother - maiden name	
34	Bride's mother - place of birth	
35	Bride's signature	
36	Date signed (by bride)	
37	Witness #1 signature	
38	Witness #2 signature	
39	County auditor signature	
40	Date received (by county auditor)	
Reverse side		Groom's Social Security number
Reverse side		Bride's Social Security number
	Groom's age last birthday	Deleted

Item Number	Item Name	Difference from U.S. Standard, if any
	Bride's age last birthday	Deleted
	License to marry section	Deleted
	Expiration date of license	Deleted
	Title of issuing official	Deleted
	Confidential information	Deleted

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT

TABLE 7:

Certification of Dissolution, Declaration of Invalidity of Marriage, or Legal Separation

Item Number	Item Name	Difference from U.S. Standard, if any
	Certificate name	Changed form name to certificate of dissolution, declaration of invalidity of marriage or legal separation
1	Court file number	
	Type of decree	Added check boxes
2	Date of filing	
3	County where decree filed	
4	Signature of superior court clerk	
5	Husband's name	
6	Husband's date of birth	
7	Husband's place of birth	
8	Husband's residence - street	
9	Husband's residence - city	
10	Husband's residence - inside city limits	Added
11	Husband's residence - county	
12	Husband's residence - state	
13	Wife's name	
14	Wife's maiden name	
15	Wife's date of birth	
16	Wife's place of birth	
17	Wife's residence - street	
18	Wife's residence - city	

Item Number	Item Name	Difference from U.S. Standard, if any
19	Wife's residence - inside city limits	Added
20	Wife's residence - county	
21	Wife's residence - state	
22	Place of marriage - county	
23	Place of marriage - state	
24	Date of marriage	
25	Number of children of this marriage	Name change
26	Petitioner	Delete check boxes
27	Name of petitioner's attorney/pro se	
28	Petitioner's address	
29	Husband's Social Security number	
30	Wife's Social Security number	
	Date couple last resided in same household	Delete
	Number of children under 18 whose physical custody was awarded to	Delete
	Title of court	Delete
	Title of certifying official	Delete
	Date signed	Delete
	Confidential information	Delete

TABLE 8:

Certification of Dissolution of Washington State Domestic Partnership

<u>Item Number</u>	<u>Item Name</u>
	<u>Certificate name</u>
	<u>Court file number</u>
<u>1</u>	<u>Type of decree</u>
<u>2</u>	<u>Date of decree</u>
<u>3</u>	<u>County where decree filed</u>
<u>4</u>	<u>Signature of superior court clerk</u>
<u>5a</u>	<u>First partner's name</u>
<u>5b</u>	<u>First partner's name at birth</u>
<u>6</u>	<u>First partner's date of birth</u>
<u>7</u>	<u>First partner's place of birth</u>

- 8 First partner's residence - street
- 9 First partner's residence - city

<u>Item Number</u>	<u>Item Name</u>
10	<u>First partner's residence - inside city limits</u>
11	<u>First partner's residence - county</u>
12	<u>First partner's residence - state</u>
13a	<u>Second partner's name</u>
13b	<u>Second partner's name at birth</u>
14	<u>Second partner's date of birth</u>
15	<u>Second partner's place of birth</u>
16	<u>Second partner's residence - street</u>
17	<u>Second partner's residence - city</u>
18	<u>Second partner's residence - inside city limits</u>
19	<u>Second partner's residence - county</u>
20	<u>Second partner's residence - state</u>
21	<u>Date of this partnership</u>
22	<u>Domestic partnership certificate number</u>
23	<u>Petitioner</u>
24	<u>Name of petitioner's attorney/pro se</u>
25	<u>Petitioner's address</u>

WSR 09-07-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed March 11, 2009, 12:48 p.m.]

Continuance of WSR 09-06-026 and 09-05-098.
 Preproposal statement of inquiry was filed as WSR 09-01-140.

Title of Rule and Other Identifying Information: Amending and repealing sections in chapter 388-71 WAC, Home and community services and programs and chapter 388-106 WAC, Long-term care services.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on May 5, 2009, at 10:00 a.m.

Date of Intended Adoption: Not earlier than May 6, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on May 5, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by April 21, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DSHS is repealing and removing references to adult day health in chapters 388-71 and 388-106 WAC. The department is preparing for the elimination of adult day health, which will no longer be offered as a medicaid service due to budget restrictions.

DSHS is filing this continuance to change the hearing date to May 5, 2009. The original proposal was filed as WSR 09-05-098 on February 18, 2009.

Reasons Supporting Proposal: See above.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Anne Vanderbeek, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2558; and Enforcement: Chris Imhoff, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2272.

March 11, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-07-056
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)
 [Filed March 11, 2009, 12:51 p.m.]

Continuance of WSR 09-05-099 and 09-06-027.
 Preproposal statement of inquiry was filed as WSR 09-01-136.

Title of Rule and Other Identifying Information: WAC 388-825-068 What medicaid state plan services can DDD authorize?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on May 5, 2009, at 10:00 a.m.

Date of Intended Adoption: Not earlier than May 6, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHSRPAU RulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on May 5, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by April 21, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is filing this continuance to change the hearing date to May 5, 2009. The original proposal was filed as WSR 09-05-099 on February 18, 2009.

Reasons Supporting Proposal: See above.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Debbie Roberts, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail roberdx@dshs.wa.gov, (360) 725-3400, fax (360) 404-0955; Implementation: Shannon Manion, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail maniosk@dshs.wa.gov, (360) 725-3454, fax (360) 404-0955; and Enforcement: Don Clintsman, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail clintdl@dshs.wa.gov, (360) 725-3421, fax (360) 404-0955.

March 11, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-07-069

PROPOSED RULES

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed March 13, 2009, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-05-119.

Title of Rule and Other Identifying Information: WAC 246-935-010 Definitions, 246-935-040 Responsibilities of veterinarian supervising a veterinary technician or an unregistered assistant, and 246-935-050 Animal health care tasks.

Hearing Location(s): Department of Health, Conference Room One, 20435 72nd South, Kent, WA 98032, on June 1, 2009, at 10:00 a.m.

Date of Intended Adoption: June 1, 2009.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 586-4359, by May 20, 2009.

Assistance for Persons with Disabilities: Contact Judy Haenke by June 1, 2009, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rules simplify and clarify both the tasks that may be performed by licensed veterinary technicians and unregistered assistants and under what level of supervision the tasks may be performed. The proposed rules also more effectively describe the roles and responsibilities of the supervising veterinarian, the licensed veterinary technician and the unregistered assistant. The supervising veterinarian is responsible for the health, safety and welfare of the animal patient and must examine the animal patient prior to delegation of any animal health care task. The supervising veterinarian may delegate an animal health care task only if the licensed veterinary technician or unregistered assistant is qualified to perform the task. The licensed veterinary technician or unregistered assistant are responsible for refusing to perform duties they are not legally or technically able to perform.

Reasons Supporting Proposal: The current rules are vague and not in a format that is easily understood. By clarifying the tasks that may be performed by either a licensed veterinary technician or an unregistered assistant, and the required level of supervision, the supervising veterinarian has a clear guideline to follow when delegating tasks for the care of the animal patient. The proposed amendment will allow the supervising veterinarian to limit the number of unregistered assistants under his/her supervision to that which is appropriate for the circumstances.

Statutory Authority for Adoption: RCW 18.92.030, 18.92.125.

Statute Being Implemented: RCW 18.92.030.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, veterinary board of governors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 310 Israel Road S.E., Tumwater, WA 98501, (360) 236-4947.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule would not impose more than minor costs on businesses in an industry. A copy of the statement may be obtained by contacting Judy Haenke, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 236-4947, fax (360) 586-4359, e-mail judy.haenke@doh.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Judy Haenke, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 236-4947, fax 3586-4359 [(360) 586-4359], e-mail judy.haenke@doh.wa.gov.

Harmon A. Rogers, DVM, Chair
Veterinary Board of Governors

AMENDATORY SECTION (Amending WSR 08-11-099, filed 5/20/08, effective 6/20/08)

WAC 246-935-010 Definitions. (1) (~~"Veterinary technician" means any person who has met the requirements of RCW 18.92.015 and who is licensed as required by chapter 18.92 RCW.~~

~~(2))~~ "Anesthesia maintenance" means maintaining adequate depth of anesthesia through control of the amount and type of drug(s) delivered to the animal patient.

~~(2)~~ "Anesthesia monitoring" means measuring, reporting, and recording vital signs.

~~(3)~~ "Direct supervision" means the veterinary supervisor is on the premises, is quickly and easily available and the animal patient has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task.

~~((3))~~ ~~(4)~~ "Emergency" means that the animal patient has ~~(been placed in)~~ a life-threatening condition where immediate treatment is necessary to sustain life or avoid significant injury and morbidity.

~~((4))~~ ~~(5)~~ "Immediate supervision" means the supervisor is in audible and visual range of the animal patient and the person treating the patient.

~~((5))~~ ~~(6)~~ "Indirect supervision" means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the animal patient and the animal patient has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal patient is not anesthetized.

~~((6))~~ ~~(7)~~ "Licensed veterinary technician" means any person who has met the requirements of RCW 18.92.015 and who is licensed as required by chapter 18.92 RCW.

~~(8)~~ "Supervisor" means a veterinarian or ~~(, if a task so provides,)~~ a licensed veterinary technician.

~~((7))~~ ~~(9)~~ "Unregistered assistant" means any individual who is not a veterinary technician or veterinarian.

~~((8))~~ ~~(10)~~ "Veterinarian" means a person authorized by chapter 18.92 RCW to practice veterinary medicine in the state of Washington.

~~((9))~~ ~~(11)~~ "Veterinary medical facility" is ~~(as defined by WAC 246-933-310)~~ any premises, unit, structure or vehicle where any animal patient is received and/or confined, in order to provide veterinary medicine, surgery, or dentistry as defined in RCW 18.92.010.

AMENDATORY SECTION (Amending WSR 02-02-046, filed 12/27/01, effective 1/27/02)

WAC 246-935-040 Responsibilities of a veterinarian supervising a licensed veterinary technician or an unregistered assistant. (1) A veterinarian must not delegate:

(a) ~~(Permit)~~ To any licensed veterinary technician ~~(in his/her employ to perform)~~ the performance of any animal health care services not authorized by WAC 246-935-040 or 246-935-050.

(b) ~~(Permit)~~ To any unregistered assistant ~~(to perform)~~ the performance of any animal health care services not authorized by WAC 246-935-040 or 246-935-050.

(2) The supervising veterinarian shall:

(a) Have legal responsibility for the health, safety and welfare of the animal patient which the licensed veterinary technician or unregistered assistant serves.

(b) Delegate animal health care tasks only if the licensed veterinary technician or unregistered assistant is qualified to

perform the task, and the task is not precluded by the medical condition of the animal patient.

(c) Use the level of supervision required for a specific task.

(d) Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient.

(e) Limit the number of unregistered assistants under indirect supervision to ~~((two at any single time))~~ that which is appropriate for the circumstances.

(f) Allow licensed veterinary technicians and unregistered assistants the right and responsibility to refuse to perform duties they are not legally or technically able to perform.

(3) A supervising veterinarian shall examine the animal patient prior to the delegation of any animal health care task to either a licensed veterinary technician or unregistered assistant. The examination of the animal patient must be conducted at the times and in the manner consistent with veterinary medicine practice, and the particular delegated animal health care task.

(4) If a licensed veterinary technician is authorized ~~(to)~~ to provide supervision for an unregistered assistant performing a specified health care task, the licensed veterinary technician shall be under the same degree of supervision by the veterinarian, as if the licensed veterinary technician were performing the task.

~~((5) Unless specifically allowed by regulation, a veterinarian shall not authorize a veterinary technician or an unregistered assistant to perform the following functions:~~

~~(a) Surgery, other than outlined in WAC 246-935-050~~

~~(1)(a);~~

~~(b) Diagnosis and prognosis of animal disease;~~

~~(c) Prescribing of drugs, medicines and appliances.))~~

AMENDATORY SECTION (Amending WSR 08-11-099, filed 5/20/08, effective 6/20/08)

WAC 246-935-050 Animal health care tasks. ~~((+) Veterinary technicians.))~~

No individual, other than a licensed veterinary technician, may advertise or offer her/his services in a manner calculated to lead others to believe that she/he is a trained or licensed veterinary technician.

(1) Licensed veterinary technicians and unregistered assistants are prohibited from performing the following activities:

(a) Surgery except as outlined below;

(b) Diagnosis and prognosis;

(c) Prescribing drugs, medication or appliances;

(d) Initiation of treatment without prior instruction by a veterinarian except as outlined under emergency animal care.

~~((+))~~ (2) Immediate supervision. Unregistered assistants are not authorized to perform the tasks in this section. A licensed veterinary technician may perform the following tasks only under the immediate supervision of a veterinarian:

~~((i) Assist veterinarian in surgery by tissue handling;~~

~~(ii) Assist veterinarian in surgery by instrument handling;~~

~~(iii) Dental extractions.~~

(b) Direct supervision.—A veterinary technician may perform the following tasks under the direct supervision of a veterinarian:

- (i) Endotracheal intubation;
- (ii) Blood administration;
- (iii) Fluid aspiration, including cystocentesis;
- (iv) Intraperitoneal injections;
- (v) Monitoring of vital signs of anesthetized patient;
- (vi) Application of splints;
- (vii) Induce anesthesia by intravenous, intramuscular, or subcutaneous injection or by inhalation;
- (viii) Administration of immunological agents including rabies vaccination;
- (ix) Catheterization of the unobstructed bladder;
- (x) Ophthalmological procedure including:
 - (A) Tear production testing
 - (B) Topical anesthetic application
 - (C) Fluorescein staining of the cornea
 - (D) Tonometry;
- (xi) Teeth cleaning, provided an oral examination of the anesthetized patient has been conducted by the veterinarian;
- (xii) Microchip implantation;
- (xiii) Floating teeth;
- (xiv) Removal of partially exposed foxtails and porcupine quills;
- (xv) Provide massage;
- (xvi) Suturing. The use of a needle, cutting or tapered, and suture material, staples, wound clips or tissue glue to close a skin or gingival incision or prepared wound as directed by the attending licensed veterinarian under direct supervision. Suturing may include the use of needle holders, thumb forceps, tissue forceps, retractors and comparable instruments for gentle handling of the tissues to be repaired/closed by such suturing. Suturing does not include the use of cutting instruments such as scalpels, scissors, electro-surgical equipment or other instruments to remove skin or other tissues from the animal patient.

(c) Indirect supervision.—A veterinary technician may perform the following tasks under the indirect supervision of a veterinarian. If the animal is anesthetized, these tasks require the direct supervision of a veterinarian:

- (i) Enema;
- (ii) Electrocardiography;
- (iii) Application of bandages;
- (iv) Gavage;
- (v) Ear flush;
- (vi) Radiology;
- (A) Patient positioning;
- (B) Operation of radiograph machines;
- (C) Oral and rectal administration of radio-opaque materials;
- (vii) Placement and securing of an intravenous catheter;
- (viii) Injections of medications not otherwise prohibited:
 - (A) Intramuscular, excluding immunological agents
 - (B) Subcutaneous, excluding immunological agents
 - (C) Intravenous, including giving medication through an established intravenous catheter;
- (ix) Oral medications;
- (x) Topical medications;
- (xi) Laboratory (specimen collections):

(A) Collection of tissue during or after a veterinarian has performed a necropsy

- (B) Urine, except cystocentesis
- (C) Blood
- (D) Parasitology
- (E) Exfoliative cytology
- (F) Microbiology
- (G) Fecal material
- (xii) Laboratory (specimen testing):
 - (A) Urinalysis
 - (B) Hematology
 - (C) Serology
 - (D) Chemistries
 - (E) Endocrinology
 - (F) Parasitology
 - (G) Exfoliative cytology
 - (H) Microbiology
 - (I) Fecal analysis;
- (xiii) Administration of preanesthetic drugs;
- (xiv) Oxygen therapy;
- (xv) Euthanasia in all circumstances as otherwise allowed by law;
- (xvi) Removal of sutures;
- (xvii) Indirect blood pressure measurement;
- (xviii) Obtaining a general history from a client of a patient and the client's concerns regarding that patient;
- (xix) Preliminary physical examination including temperature, pulse and respiration;
- (xx) Behavioral consultation with clients;
- (xxi) Dietary consultation with clients.

(2) Unregistered assistants.

Induction of anesthesia by any method is prohibited.

(a) Immediate supervision by veterinarian. An unregistered assistant may perform the following tasks only under the immediate supervision of a veterinarian:

- (i) Assist veterinarian in surgery by tissue handling;
- (ii) Assist veterinarian in surgery by instrument handling.

(b) Immediate supervision by veterinarian or veterinary technician. An unregistered assistant may perform the following tasks only under the immediate supervision of either a veterinarian or veterinary technician:

- (i) Blood administration;
 - (ii) Laboratory (specimen collections):
 - (A) Hematology
 - (B) Exfoliative cytology, including skin scraping
 - (C) Microbiology
 - (D) Serology;
 - (iii) Placement and securing of an intravenous catheter.
- (c) Direct supervision by veterinarian. An unregistered assistant may perform the following tasks only under the direct supervision of a veterinarian:
- (i) Monitor vital signs of anesthetized patient;
 - (ii) Euthanasia in all circumstances as otherwise allowed by law;
 - (iii) Removal of sutures;
 - (iv) Teeth cleaning, provided an oral examination of the anesthetized patient has been conducted by the veterinarian;
 - (v) Provide massage;

(vi) Administration of immunological agents including rabies vaccination;

(vii) Microchip implantation;

(viii) Enema;

(ix) Removal of partially exposed foxtails and porcupine quills from skin and feet.

(d) Direct supervision by veterinarian or veterinary technician. An unregistered assistant may perform the following tasks under direct supervision of either a veterinarian or veterinary technician. If the animal is anesthetized, these tasks require immediate supervision of a veterinarian or a veterinary technician:

(i) Application of bandages;

(ii) Ear flush;

(iii) Electrocardiography;

(iv) Intramuscular or subcutaneous injections of medications not otherwise prohibited;

(v) Laboratory (test preparation, not evaluation):

(A) Parasitology

(B) Serology

(C) Urinalysis;

(vi) Preliminary physical examination including temperature, pulse and respiration;

(vii) Radiology:

(A) Patient positioning

(B) Operation of radiograph machines

(C) Rectal and oral administration of radio-opaque materials.

(e) Indirect supervision. An unregistered assistant may perform the following tasks under the indirect supervision of a veterinarian. If the animal is anesthetized, these tasks require the direct supervision of a veterinarian:

(i) Oral medications;

(ii) Topical medications;

(iii) Laboratory (specimen collection):

Collecting of voided urine and fecal material;

(iv) Oxygen therapy;

(v) Obtaining a general history from a client of a patient and the client's concerns;

(vi) Behavioral consultation with clients;

(vii) Dietary consultation with clients.

(3) **Emergency animal care.**

(a) Under conditions of an emergency, a veterinary technician and unregistered assistant may render certain life saving aid to an animal. A veterinary technician may:

(i) Apply tourniquets and/or pressure bandages to control hemorrhage;

(ii) Administer pharmacologic agents to prevent or control shock. Placement of an intravenous catheter and administering parenteral fluids, must only be performed after direct communication with a veterinarian, and only if the veterinarian is either present or immediately en route to the location of the distressed animal;

(iii) Administer resuscitative oxygen procedures;

(iv) Establish open airways including the use of intubation appliances, but excluding surgery;

(v) Administer external cardiac resuscitation;

(vi) Apply temporary splints or bandages to prevent further injury to bones or soft tissues;

(vii) Apply appropriate wound dressings and external supportive treatment in severe burn cases;

(viii) Apply external supportive treatment to stabilize body temperature.

(b) An unregistered assistant may:

(i) Apply tourniquets and/or pressure bandages to control hemorrhage;

(ii) Administer resuscitative oxygen procedures;

(iii) Establish open airways including intubation appliances, but excluding surgery;

(iv) Apply external supportive treatment to stabilize body temperature.)) Dental extractions.

(3) Direct supervision. Unregistered assistants are not authorized to perform the tasks in this section. A licensed veterinary technician may perform the following tasks only under the direct supervision of a veterinarian:

(a) Anesthesia:

(i) Induction, including preanesthesia;

(ii) Maintenance;

(iii) Monitoring.

(b) Application of casts and splints;

(c) Floating teeth;

(d) Intraperitoneal injections;

(e) Blood administration;

(f) Closure, including suturing, of prepared skin wound or gingival incision;

(g) Arterial and central venous catheters.

(4) Indirect supervision. Unregistered assistants are not authorized to perform the tasks in this section. A licensed veterinary technician may perform the following tasks only under the indirect supervision of a veterinarian:

(a) Intravenous injections into uncatheterized vein;

(b) Centesis, including fine needle aspirates;

(c) Unobstructed bladder catheter;

(d) Diagnostic procedures:

(i) Fecal analysis;

(ii) Electrocardiograms;

(iii) Blood pressure;

(iv) Cytology analysis, including urinalysis and hematology;

(v) Microbiology.

(e) Placement and use of nasogastric and orogastric tubes for gavage, lavage, or reflux;

(f) Ophthalmological procedures:

(i) Tear production testing;

(ii) Topical anesthetic application;

(iii) Fluorescein staining of the cornea;

(iv) Tonometry.

(g) Tasks authorized to be performed under immediate or direct supervision for unregistered assistants, may be performed by licensed veterinary technicians under indirect supervision unless otherwise restricted.

(5) Immediate supervision for unregistered assistants. An unregistered assistant may perform the following tasks only under the immediate supervision of a veterinarian or licensed veterinary technician:

(a) Place and secure an intravenous catheter;

(b) Monitor vital signs of an anesthetized patient;

(c) Dental prophylaxis.

(6) Direct supervision for unregistered assistant. An unregistered assistant may perform the following tasks only under the direct supervision of a veterinarian or licensed veterinary technician:

- (a) Intravenous injection into catheterized vein;
- (b) Biologics injections (vaccines) with the veterinarian's verification signature on appropriate certificate;
- (c) Imaging procedures;
- (d) Removal of sutures, drain tubes and staples;
- (e) Bandaging;
- (f) Removal of exposed foreign bodies;
- (g) Lab sample collection and test preparation (not evaluation) to include:
 - (i) Venipuncture;
 - (ii) Skin scraping;
 - (h) Microchip implantation;
 - (i) Enema;
 - (j) Ear flush;
 - (k) Perform electrocardiogram and blood pressure measurements;

(l) Intramuscular and subcutaneous injection;
(m) Massage except where regulated.
(7) Indirect supervision for unregistered assistants. An unregistered assistant must always be under the indirect supervision of a veterinarian or licensed veterinary technician, except as listed in subsections (5) and (6) of this section. Tasks not specifically listed or otherwise restricted may be performed by a licensed veterinary technician or unregistered assistant under the indirect supervision of a veterinarian.

(8) To be authorized to dispense pharmaceuticals, unregistered assistants must be registered as a veterinary medication clerk under chapter 246-937 WAC.

(9) Emergency animal care. Under conditions of an emergency, a licensed veterinary technician and unregistered assistant may render certain life saving aid to an animal patient.

- (a) A licensed veterinary technician may:
 - (i) Apply emergency cardiopulmonary resuscitation and first aid procedures and all tasks as listed in subsections (3), (4), (5), and (6) of this section;
 - (ii) Administer pharmacologic agents and parenteral fluids only after communication with a veterinarian.
- (b) An unregistered assistant may:
 - (i) Apply noninvasive cardiopulmonary resuscitation and basic first aid procedures;
 - (ii) Provide other aid upon the order of a licensed veterinarian as outlined in this section.

WSR 09-07-082

WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 17, 2009, 9:05 a.m.]

The aging and disability [services] administration requests the withdrawal of the following proposed rule-making notices: WSR 09-05-097 filed on February 18, 2009

(chapters 388-71 and 388-106 WAC); and WSR 09-05-096 filed on February 18, 2009 (WAC 388-106-0010, 388-106-0042, and 388-106-0043).

Stephanie E. Schiller
Rules Coordinator

WSR 09-07-083 PROPOSED RULES CRIMINAL JUSTICE TRAINING COMMISSION

[Filed March 17, 2009, 9:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-15-147, 08-15-148, 08-15-150, 08-15-151, 08-15-152, 08-15-153, 08-15-154, and 08-15-155.

Title of Rule and Other Identifying Information: WAC 139-02-010 Purpose, 139-02-020 Definitions, 139-02-030 Public records available, 139-02-040 Public disclosure officer, 139-02-050 Request for public records, 139-02-060 Disclosure to client's representative, 139-02-070 Fees—Inspection and copying, 139-02-080 Protection of public records, 139-02-090 Disclosure procedure, 139-02-100 Qualifications on nondisclosure, and 139-02-110 Records index.

Hearing Location(s): Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on June 10, 2009, at 10:00 a.m.

Date of Intended Adoption: June 10, 2009.

Submit Written Comments to: Cheryl A. Price, 19010 1st Avenue South, Burien, WA 98148, e-mail cprice@cjtc.state.wa.us, fax (206) 835-7924, by May 22, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes to these rules updates RCW references; updates the name of the commission to reflect our identity specifically with online searches; consolidates rules; repeals rules that were incorporated into the updated rules; updates the cost of copies, costs for electronic records, and payment information; use plain language; makes clear who to contact for public records and the process.

Reasons Supporting Proposal: The changes will bring the agency's rules in line with the attorney general's model rules.

Statutory Authority for Adoption: RCW 42.56.040.

Statute Being Implemented: RCW 42.56.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state criminal justice training commission staff, governmental.

Name of Agency Personnel Responsible for Drafting and Enforcement: Cheryl Price, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7358; and Implementation: Michael Parsons, 19010 1st Avenue South, Burien, WA 98148, (206) 835-7347.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore a small business economic impact statement is not required.

A cost-benefit analysis is not required under RCW 34.05.328. Proposal is exempt under RCW 34.05.328 (5)(b) (iii).

March 17, 2009
Cheryl A. Price
Public Records Officer

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-02-010 Authority and purpose. ((The purpose of this chapter shall be to ensure compliance by the criminal justice training commission with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340-)) (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act (the act), that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the Washington state criminal justice training commission shall follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the Washington state criminal justice training commission and establish processes for both requestors and Washington state criminal justice training commission staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. In carrying out its responsibilities under the act, the Washington state criminal justice training commission shall be guided by the provisions of the act describing its purposes and interpretation.

AMENDATORY SECTION (Amending WSR 05-01-109, filed 12/15/04, effective 1/15/05)

WAC 139-02-040 Public ((disclosure)) records officer. ((The commission shall designate a public disclosure officer who shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements-)) (1) The Washington state criminal justice training commission is the state training academy for law enforcement and corrections professionals. The Washington state criminal justice training commission's campus is located in Burien, WA at 19010 1st Avenue South. The Washington state criminal justice training commission has a fiscal office in Lacey, WA located at 3060 Willamette Drive N.E.

(2) Any person wishing to request access to public records of the Washington state criminal justice training

commission, or seeking assistance in making such a request, should contact the public records officer of the Washington state criminal justice training commission:

Public Records Officer
Washington State Criminal Justice Training Commission

MS: TB-35

19010 1st Avenue South

Burien, WA 98148

Phone: 206-835-7358

Fax: 206-835-7924

E-mail: publicrecords@cjtc.state.wa.us

Information is also available at the Washington state criminal justice training commission's web site at <http://www.cjtc.state.wa.us>.

(3) The public records officer will oversee compliance with the act, but another Washington state criminal justice training commission staff member may process the request. Therefore, these rules will refer to the public records officer or designee. The public records officer or designee and the Washington state criminal justice training commission will provide the fullest assistance to requestors; create and maintain for use by the public and Washington state criminal justice training commission officials an index to public records of the Washington state criminal justice training commission; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the Washington state criminal justice training commission.

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-02-050 ((Request for)) Availability of public records. ((1) Unless waived by a public disclosure officer, all requests for the disclosure of a public record must be in writing identifying the record sought with reasonable certainty. The written request may include:

(a) The name of the person requesting the record;

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

(c) The nature of the request.

(2) An in-person request for disclosure shall be made during customary business hours.

(3) If the public record contains material exempt from disclosure pursuant to law, the commission must provide the person requesting disclosure with a written explanation for the nondisclosure, pursuant to WAC 137-08-130.

(4) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

(5) Nothing in this section or elsewhere in this chapter shall be construed to require the commission to compile statistics or other information from material contained in public records, where doing so would unduly interfere with other essential functions of the commission and is not required for litigation by rules of pretrial discovery-)) (1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the Washington state criminal justice training commission; 8:00

a.m. to noon, and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. Records must be inspected at the offices of the Washington state criminal justice training commission.

(2) **Records index.** An index of public records is available for use by members of the public. The index includes a list of current manuals of the Washington state criminal justice training commission, a current list of laws, other than those listed in chapter 42.56 RCW, that exempts or prohibits disclosure of specific information or records, and current Washington Administrative Code agency rules. The index may be accessed on-line at www.cjtc.state.wa.gov or at the Washington state criminal justice training commission in Burien.

(3) **Organization of records.** The Washington state criminal justice training commission maintains its records in a reasonably organized manner. The Washington state criminal justice training commission takes reasonable actions to protect records from damage and disorganization. A requestor shall not take Washington state criminal justice training commission records from Washington state criminal justice training commission offices without the permission of the public records officer or designee. Records may be available on the Washington state criminal justice training commission web site at www.cjtc.state.wa.us/. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or obtain copies of public records of the Washington state criminal justice training commission shall make the request in writing using the Washington state criminal justice training commission request form, or by letter, fax, or e-mail addressed to the public records officer. Each request should include the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and/or any e-mail address; and
- Identification of the public records adequate for the public records officer or designee to locate the records.

(b) If requestors wish to inspect rather than obtain copies of records, they must indicate this preference in their requests. Pursuant to WAC 139-02-070, standard photocopies are provided at fifteen cents per page, plus postage.

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-02-070 ((Fees — Inspection and copying.))
Costs for providing copies of public records. ((1) No fee shall be charged for the inspection of public records.

(2) The commission shall collect a fee of twenty cents per page plus postage as reimbursement for the cost of providing copies of public records.

(3) Nothing contained in this section shall preclude the commission from agreeing to exchange or provide copies of manuals or other public records with other state or federal agencies, whenever doing so is in the best interest of the commission.

(4) The director of the commission or his or her designee is authorized to waive any of the foregoing copying costs:))

(1) **Costs for paper copies.** There is no fee charged for inspecting public records. A requestor may obtain standard black and white photocopies for fifteen cents per page. Before beginning to make copies, the public records officer or designee may estimate costs of copying the records, and may require a deposit of up to ten percent of all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Washington state criminal justice training commission will not charge sales tax when it makes copies of public records.

(2) **Costs for electronic records.** The cost of electronic copies of records shall be the actual cost of the CD, DVD, audio or video tape, or disc.

(3) **Costs of mailing.** The Washington state criminal justice training commission may also charge actual costs of mailing, including the cost of the shipping container.

(4) **Payment.** Payment may be made by check or money order only, payable to the Washington state criminal justice training commission.

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-02-090 ((Disclosure procedure.)) **Processing requests for public records.** ((1) The public disclosure officer shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public disclosure officer shall ensure full disclosure.

(3) If the file does contain materials exempt from disclosure, the public disclosure officer shall deny disclosure of those exempt portions of the file, and shall, at the time of the denial, in writing, clearly specify the reasons for the denial of disclosure, including a statement of the specific exemptions or reasons authorizing the withholding of the record and a brief explanation of how the exemption or reason applies. The remaining, nonexempt materials shall be fully disclosed.)

(1) **Providing fullest assistance.** The Washington state criminal justice training commission is charged by statute with adopting rules which provide for how it shall "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee shall process requests in the order they are received and allowing for the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection;

(b) Provide the requested records (or provide a bill for the records if applicable) to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) Deny the request, and provide a statutory explanation as to the reason for the denial.

(3) Consequences of failure to respond. If the Washington state criminal justice training commission does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. This notice is given so affected persons may seek an order from a court to prevent or limit the disclosure. The notice to the affected persons may include a copy of the request.

(5) Records exempt from disclosure. Some records are exempt from disclosure, in whole or in part. If the Washington state criminal justice training commission believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) Inspection of records.

(a) Consistent with other demands, the Washington state criminal justice training commission will provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document without approval from the public records officer or designee. The requestor will indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the Washington state criminal justice training commission's notification to him or her that the records are available for inspection or copying. The Washington state criminal justice training commission will notify the requestor in writing of this requirement and inform the requestor that he or she is to contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the Washington state criminal justice training commission may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which may be processed as a new request.

(7) Providing copies of records. After inspection is complete or in lieu of inspection, the public records officer or designee will make the requested copies or arrange for copying and provide them to the requestor.

(8) Providing records in installments. When the request is for a large number of records, the public records officer or designee may provide access for inspection and copying in installments, if he or she reasonably determines that it would be more practical. If, within thirty days, the requestor fails to inspect one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the Washington state criminal justice training commission has completed the request and provided all available (nonexempt) records.

(10) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the Washington state criminal justice training commission has closed the request and refile the assembled records.

(11) Later discovered documents. If, after the Washington state criminal justice training commission has informed the requestor that it has provided all available records, the Washington state criminal justice training commission becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 139-02-020	Definitions.
WAC 139-02-030	Public records available.
WAC 139-02-060	Disclosure to client's representative.
WAC 139-02-080	Protection of public records.
WAC 139-02-100	Qualifications on nondisclosure.
WAC 139-02-110	Records index.

WSR 09-07-087
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
 [Filed March 17, 2009, 1:16 p.m.]

Original Notice.
 Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule and Other Identifying Information: Amend Regulation I, Sections 8.09 (Description of the King County No-Burn Area) and 8.13 (Land Clearing and Residential

Burning Prohibited); Repeal Regulation I, Sections 8.10 (Description of the Pierce County No-Burn Area), 8.11 (Description of the Snohomish County No-Burn Area) and 8.12 (Description of the Kitsap County No-Burn Area); and Adopt Regulation I, Section 8.10 (Residential Burning Requirements).

Hearing Location(s): Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, on April 23, 2009, at 9:15 a.m.

Date of Intended Adoption: April 23, 2009.

Submit Written Comments to: Lynn Sykes, Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, e-mail lynns@pscleanair.org, fax (206) 343-7522, by April 22, 2009.

Assistance for Persons with Disabilities: Contact agency receptionist, (206) 689-4010, by April 16, 2009, TTY (800) 833-6388 or (800) 833-6385 (braille).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal would prohibit land-clearing burning in Kitsap County beginning September 1, 2009, and establish requirements for residential burning in King, Kitsap, Pierce, and Snohomish counties beginning September 1, 2009.

Reasons Supporting Proposal: RCW 70.94.745(6) requires the agency to prohibit land-clearing and residential burning in areas outside the UGAs and nonattainment areas when the agency has determined that an alternate technology or method of disposing of the organic refuse is available, reasonably economical, and less harmful to the environment than burning. Based on evaluation, agency staff believes that under WAC 173-425-040(5), reasonable, economical, and less harmful alternatives to land-clearing burning exist in Kitsap County. Requirements for residential burning are based on the provisions of chapter 173-425 WAC.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.141.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jim Nolan, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, (206) 689-4053.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to local air agencies, per RCW 70.94.141.

March 17, 2009

Dennis J. McLerran
Executive Director

(a) As authorized by WAC 173-425-040(5), residential burning (~~and land-clearing burning are~~) is prohibited in the following areas of King, Pierce, and Snohomish Counties (~~County until the dates in Section 8.13 of this regulation~~):

~~((a))~~ (1) The King, Pierce, and Snohomish County Urban Growth Areas; and

~~((b))~~ (2) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

(b) As authorized by WAC 173-425-040(5), residential burning is prohibited in the following areas of Kitsap County as shown on the map of "Areas of Prohibited Outdoor Burning" dated December 11, 2006 prepared by the Kitsap County Department of Community Development (www.kitsapgov.com/dcd) and shown in Figure 8-1:

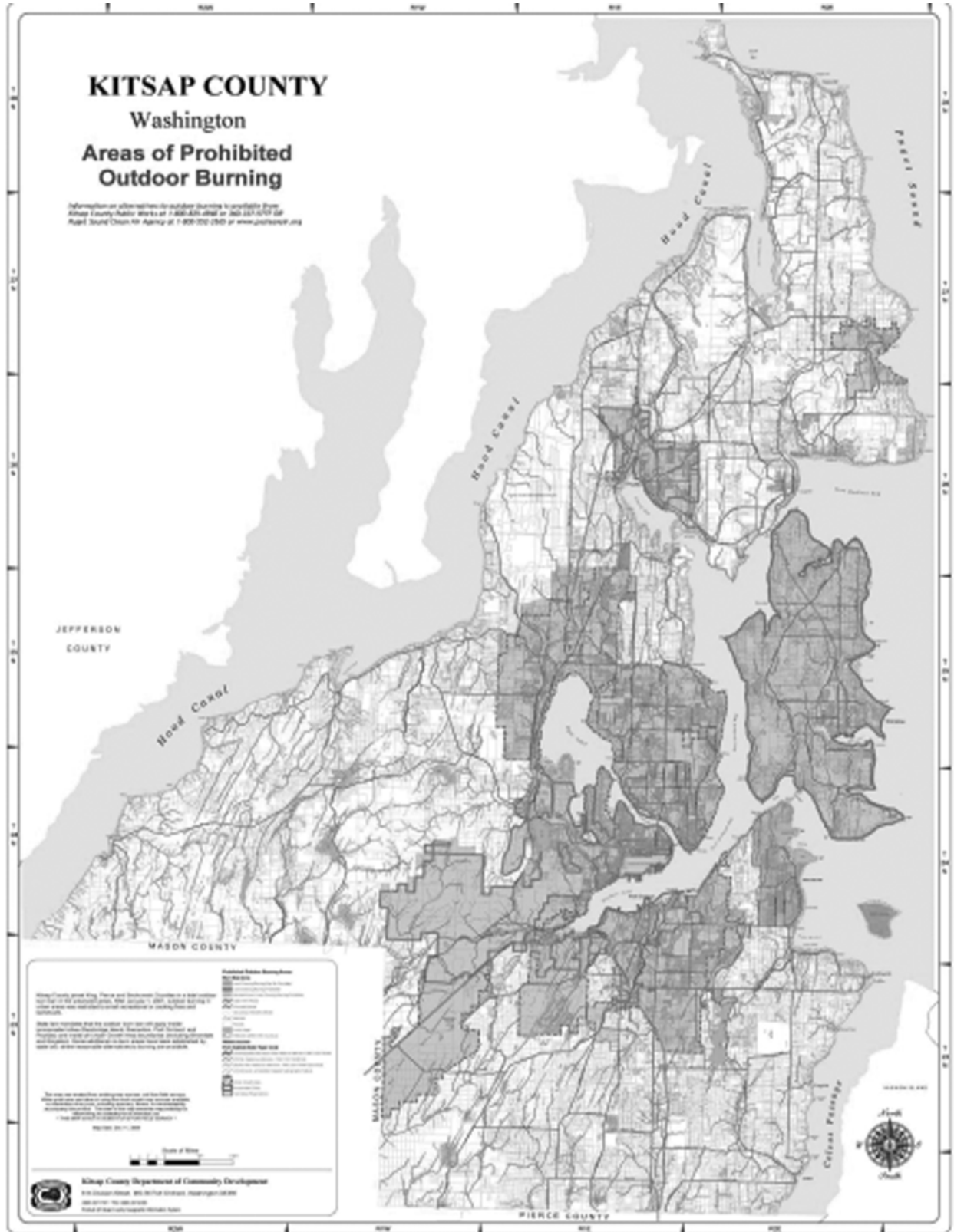
(1) The Kitsap County Urban Growth Area; and

(2) Areas determined to have reasonable alternatives to burning.

AMENDATORY SECTION

REGULATION I SECTION 8.09 (~~DESCRIPTION OF THE KING COUNTY NO-BURN AREA~~) RESIDENTIAL BURNING PROHIBITED

Figure 8-1



REPEALER**REGULATION I SECTION 8.10 DESCRIPTION OF THE PIERCE COUNTY NO-BURN AREA****REPEALER****REGULATION I SECTION 8.11 DESCRIPTION OF THE SNOHOMISH COUNTY NO-BURN AREA****REPEALER****REGULATION I SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA****NEW SECTION****REGULATION I SECTION 8.10 RESIDENTIAL BURNING REQUIREMENTS**

In areas where residential burning is allowed, it shall be unlawful for any person to cause or allow residential burning unless all the following conditions are met:

(a) General requirements

(1) The person responsible for the fire must contact the permitting agency or another designated source for information on the burning conditions for each day;

(2) A fire shall not be ignited, and must be extinguished, if an air pollution episode or impaired air quality condition is declared for the area;

(3) A fire shall not be ignited, and must be extinguished, if a fire danger burn ban that applies to the burning is declared for the area by the local fire protection agency or county fire marshal;

(4) The fire shall only include natural vegetation originating from the property where the fire is located and shall not include materials hauled from another property;

(5) If any emission from the fire is detrimental to the health, safety, or welfare of any person, if it causes damage to property or business, or if it causes a nuisance, as determined by the permitting agency, the fire shall be extinguished immediately;

(6) A person capable of extinguishing the fire shall attend it at all times equipped with a charged garden hose with a nozzle, and a long-handled tool such as a shovel, rake, hoe, or pitchfork. The fire must be extinguished before the person leaves it;

(7) Permission from the landowner, or owner's designated representative, shall be obtained before starting an outdoor fire;

(8) No fire shall occur within 50 feet of any structure;

(9) Burning is restricted to one pile at a time and each pile must be extinguished before lighting another;

(10) If the vegetation includes materials greater than 4 inches in diameter, the fire shall be constructed using heavy equipment (such as a track hoe or excavator) with an operator on-site at all times and must employ fans to increase combustion; and

(11) Burning is restricted to daylight hours only, meaning burning shall not commence prior to sunrise and all debris piles must be extinguished one hour prior to sunset.

(b) Piles no larger than 4 feet diameter and 3 feet high

For piles that are no larger than 4 feet in diameter and 3 feet high, it shall be unlawful for any person to cause or allow residential burning unless all the following conditions are met:

(1) The person responsible for the fire shall obtain a permit from the local fire protection agency or county fire marshal. The permitting agency may use a verbal, electronic, written, or general permit that meets the requirements of WAC 173-425-060(5); and

(2) No fire shall occur within 50 feet of any property line unless the permitting agency establishes a different site-specific setback requirement in the permit.

(c) Piles larger than 4 feet diameter and 3 feet high

Each permitting agency has the discretion to determine whether to allow fires larger than 4 feet in diameter within its jurisdiction. For piles larger than 4 feet in diameter and 3 feet high, it shall be unlawful for any person to cause or allow residential burning unless all the following conditions are met:

(1) The person responsible for the fire shall obtain a written permit from the local fire protection agency or county fire marshal;

(2) No pile shall exceed 10 feet diameter and 6 feet high; and

(3) No fire shall occur within 100 feet of a property line unless the permitting agency establishes a different site-specific setback requirement in the permit.

(d) Effective date

Section 8.10 shall take effect September 1, 2009.

AMENDATORY SECTION**REGULATION I SECTION 8.13 LAND CLEARING ~~((AND RESIDENTIAL))~~ BURNING PROHIBITED**

(a) As authorized by WAC 173-425-040(5), land clearing burning is prohibited in King, Pierce, and Snohomish Counties ~~((after June 30, 2008))~~.

(b) ~~((reserved residential burning))~~ As authorized by WAC 173-425-040(5), land clearing burning is prohibited in Kitsap County after August 31, 2009. Until August 31, 2009, land clearing burning is prohibited in the following areas of Kitsap County as shown on the map of "Areas of Prohibited Outdoor Burning" dated December 11, 2006 prepared by the Kitsap County Department of Community Development (www.kitsapgov.com/dcd) and shown in Figure 8-1 in Section 8.09 of this regulation:

(1) The Kitsap County Urban Growth Area; and

(2) Areas determined to have reasonable alternatives to burning.

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

WSR 09-07-089
PROPOSED RULES
GAMBLING COMMISSION

[Filed March 17, 2009, 4:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-22-056.

Title of Rule and Other Identifying Information: Amending WAC 230-09-131 Poker tournaments authorized.

Hearing Location(s): Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, on May 15, 2009, at 9:00 a.m.

Date of Intended Adoption: May 15, 2009.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail SusanA@wsgc.wa.gov, fax (360) 486-3625, by May 1, 2009.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by May 1, 2009, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 230-09-131, the change would allow fund-raising events (FRE) licensees to award cash prizes at poker tournaments. The rule currently states that only merchandise prizes can be given away.

The ability to award cash prizes was inadvertently removed during the rules simplification project.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

March 17, 2009

Susan Arland
 Rules Coordinator

AMENDATORY SECTION (Amending Order 604, filed 10/27/06, effective 1/1/08)

WAC 230-09-131 Poker tournaments authorized. Licensees may operate poker tournaments at fund-raising events. Licensees must:

- (1) Adopt and prominently post tournament rules; and
- (2) Count all money paid to enter a tournament or purchase chips as a wager when determining their ten thousand dollar net receipts limits; and

(3) Not allow chips used in poker tournaments to have a monetary value; and

(4) Allow chips to be redeemed for cash and/or merchandise prizes (~~(only)~~); and

(5) Maintain a record of all prizes awarded, including, at least:

(a) The amount paid for each prize; and

(b) For donated prizes, the name of the donor and a description of the prize(s) donated; and

(c) The name and complete address of each winner.

WSR 09-07-091
PROPOSED RULES
GAMBLING COMMISSION

[Filed March 17, 2009, 4:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-22-055.

Title of Rule and Other Identifying Information: Amending WAC 230-15-115 Standards for cards.

Hearing Location(s): Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, on May 15, 2009, at 9:00 a.m.

Date of Intended Adoption: May 15, 2009.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail SusanA@wsgc.wa.gov, fax (360) 486-3625, by May 1, 2009.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by May 1, 2009, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The requirement that house-banked licensees use logo cards for nonhouse-banked games was inadvertently added during the rules simplification project.

This change would no longer require house-banked licensees to use logo cards for nonhouse-banked games (i.e. poker).

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is

not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

March 17, 2009
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-115 Standards for cards. (1) Card game licensees must:

- (a) Supply cards of conventional size and design to maximize the integrity of the card games; and
- (b) Safeguard all cards; and
- (c) Not allow cards that have been modified or marked in any manner.

(2) For Class E, Class F, and house-banked games, the cards must:

- (a) Be made by a licensed manufacturer; and
- (b) Be purchased from a licensed manufacturer or distributor.

(3) ~~((House-banked licensees must use))~~ Cards with the house name or logo must be used for house-banked card games.

WSR 09-07-092

PROPOSED RULES

GAMBLING COMMISSION

[Filed March 17, 2009, 5:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-22-058.

Title of Rule and Other Identifying Information: Amending WAC 230-03-185 Applying for a manufacturer license.

Hearing Location(s): Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, on May 15, 2009, at 9:00 a.m.

Date of Intended Adoption: May 15, 2009.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail SusanA@wsgc.wa.gov, fax (360) 486-3625, by May 1, 2009.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by May 1, 2009, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: We are adding back into the rule:

Notification that staff may conduct an onsite review of a manufacturer's processes; and that manufacturers must comply with quality control restrictions for gambling equipment used in Washington state.

This rule change codifies what was previously included in our rules and current agency practice.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

March 17, 2009
Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 457, filed 3/22/06, effective 1/1/08)

WAC 230-03-185 Applying for a manufacturer license. (1) You must apply for a manufacturer license if you:

~~((+))~~ (a) Make or assemble a completed piece or pieces of gambling equipment for use in authorized gambling activities; or

~~((=))~~ (b) Convert, modify, combine, add to, or remove parts or components of any gambling equipment for use in authorized gambling activities.

(2) You must demonstrate your ability to comply with all manufacturing, quality control, and operations restrictions imposed on authorized gambling equipment that you want to manufacture or market for use in Washington state.

(3) The licensing process may include an on-site review of your manufacturing equipment and process for each separate type of authorized gambling equipment to ensure compliance capability.

WSR 09-07-093

PROPOSED RULES

GAMBLING COMMISSION

[Filed March 17, 2009, 5:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 09-01-112.

Title of Rule and Other Identifying Information: New section WAC 230-15-158 Ensuring card room employees meet license requirements.

Hearing Location(s): Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, on May 15, 2009, at 9:00 a.m.

Date of Intended Adoption: May 15, 2009.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail SusanA@wsgc.wa.gov, fax (360) 486-3625, by May 1, 2009.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by May 1, 2009, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule would clarify that card room licensees are responsible for ensuring their card room employees are properly licensed.

This rule was left out of the new rules simplification rules manual because it was felt that RCW 9.46.158 would suffice. However, it has been determined that this rule is important because it clarifies that card room operators are responsible for ensuring that their employees are properly licensed.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

March 17, 2009

Susan Arland
Rules Coordinator

NEW SECTION

WAC 230-15-158 Ensuring card room employees meet license requirements. Card game licensees must not allow any person to perform the duties of card room employee until they have met our licensing requirements.

WSR 09-07-094

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 18, 2009, 7:01 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-23-042.

Title of Rule and Other Identifying Information: The department is amending chapter 388-832 WAC, Individual and family services program.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block

north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094, on May 5, 2009, at 10:00 a.m.

Date of Intended Adoption: Not earlier than May 6, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHSRPAU RulesCoordinator[[@ds.shs.wa.gov](mailto:ds@ds.shs.wa.gov)], fax (360) 664-6185, by 5 p.m. on May 5, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by April 21, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@ds.shs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed rules clarify existing language and remove certain limitations for the receipt of services under the individual and family services program. See Reviser's note below.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.040.

Statute Being Implemented: Title 71A RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Debbie Roberts, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail roberdx@ds.shs.wa.gov, (360) 725-3400, fax (360) 404-0955; Implementation: Debbie Couch, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail couchdg@ds.shs.wa.gov, (360) 725-3515, fax (360) 404-0955; and Enforcement: Doug Washburn, 640 Woodland Square Loop S.E., Lacey, WA 98503-1045, P.O. Box 45310, Olympia, WA 98507-5310, e-mail washbdc@ds.shs.wa.gov, (360) 725-3452, fax (360) 404-0955.

No small business economic impact statement has been prepared under chapter 19.85 RCW. DDD has analyzed these rules and concluded that they do not impact small businesses or small nonprofits.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt from the preparation of a cost-benefit analysis pursuant to RCW 34.05.328 (5)(b)(ii) and (vii) as they incorporate Washington state legislation, clarify rules without changing their effect and relate only to client medical or financial eligibility.

March 9, 2009

Stephanie E. Schiller
Rules Coordinator

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 09-08 issue of the Register.