

WSR 11-03-021**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed January 7, 2011, 3:37 p.m.]

Subject of Possible Rule Making: Chapter 246-296 WAC, Drinking water state revolving fund loan program (DWSRF).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.119A.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2010 federal appropriations bill under section 1452 of the Safe Drinking Water Act includes new criteria for water systems to obtain a DWSRF loan. To maintain primacy with the Environmental Protection Agency and continue the DWSRF loan program, these changes are necessary to establish eligibility requirements for water systems for funding infrastructure improvements in the form of principal forgiveness, criteria for green projects, and for water systems that are restructuring which may include ownership and management changes, and consolidation of water systems. In addition, updates will also reflect current program practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Safe Drinking Water Act authorizes the United States Environmental Protection Agency to award capitalization grants to states, which in turn can provide low-cost loans and assistance to eligible water systems. RCW 70.119A.170 mandates the department of health (department) to work in cooperation with the public works board, department of commerce, to establish and maintain a program to use DWSRF funding. Both agencies are responsible for administering the DWSRF program under a memorandum of understanding between the agencies.

Process for Developing New Rule: The department will work collaboratively with the public works board and interested parties to develop a draft rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The draft rule will be available for comment upon request and made available through the office of drinking water's web page at <http://www.doh.wa.gov/ehp/dw/default.htm>, the rules listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-DRINKINGWATERRULES&A=1>, and the quarterly newsletter "Water Tap." For more information, contact Theresa Phillips, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, call (360) 236-3147, or e-mail theresa.phillips@doh.wa.gov.

January 7, 2011
Mary C. Selecky
Secretary

WSR 11-03-025**PREPROPOSAL STATEMENT OF INQUIRY
THE EVERGREEN STATE COLLEGE**

[Filed January 10, 2011, 3:28 p.m.]

Subject of Possible Rule Making: Implementation of the Public Records Act, chapter 42.56 RCW and modification of existing WAC 174-276-005 through 174-276-120.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Public Records Act, RCW 42.56.040 Duty to publish procedures.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing WACs have not been updated since 2003. The Public Records Act has been recodified since the existing WACs were promulgated.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Parties wishing to submit comments may contact Holly Joseph, Executive Associate to the Vice-president for Finance and Administration, The Evergreen State College, 2700 Evergreen Park Drive N.W., L 3200B, Olympia, WA 98505, (360) 867-6510, colberth@evergreen.edu.

January 10, 2011
J. P. Carmichael
Rules Coordinator

WSR 11-03-026**PREPROPOSAL STATEMENT OF INQUIRY
THE EVERGREEN STATE COLLEGE**

[Filed January 10, 2011, 3:28 p.m.]

Subject of Possible Rule Making: Revision of the student conduct code, chapter 174-120 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.40.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The student conduct code has not been updated since 1996. The college plans to update the student conduct code to ensure compliance with developments in the law and to reflect the evolving nature of student life at the college.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Parties wishing to submit comments may contact Wendy Edress [Endress], Executive Associate to Vice-president for Student Affairs, The Evergreen State College, 2700 Evergreen Park Drive N.W., L 3009, Olympia, WA 98505, (360) 867-6291, edressw@evergreen.edu.

January 10, 2011
J. P. Carmichael
Rules Coordinator

WSR 11-03-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 14, 2011, 11:18 a.m.]

Subject of Possible Rule Making: Changes to Washington department of fish and wildlife's (WDFW) recreational salmon sportfishing rules, Columbia River commercial salmon fishing rules, coastal commercial salmon fishing rules, and Puget Sound commercial salmon fishing rules, resulting from North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules based on North of Falcon recommendations change from year to year to reflect resource availability and achieve conservation goals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Contact John Long, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2733, fax (360) 902-2158, e-mail John.Long@dfw.wa.gov. Contact by March 1, 2011. Expected proposal filing on or after April 20, 2011.

January 11, 2011

Lori Preuss
 Rules Coordinator

WSR 11-03-061
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed January 14, 2011, 4:31 p.m.]

Subject of Possible Rule Making: Washington registered profit domestic corporations, limited liability companies, and limited partnerships that have lapsed registrations and must reinstate with the secretary of state's office.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 23B.01.220, 25.15.805, 25.10.916.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current reinstatement fee includes a twenty-five percent penalty which causes customer confusion and higher administration costs. Proposed rule changes removes the twenty-five percent penalty and charges a flat reinstatement fee (WAC 434-112-085 and 434-130-190).

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Linda Shea, Deputy Director, 801 South Capitol Way, Olympia, WA 98504, phone (360) 725-0311, fax (360) 586-4989, Linda.shea@sos.wa.gov.

January 14, 2011

Steve Excell

Assistant Secretary of State

WSR 11-03-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 18, 2011, 9:13 a.m.]

Subject of Possible Rule Making: WAC 296-20-132 Determination of conversion factor adjustments, 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules. Medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of L&I and maintain consistency with the health care authority and health and recovery services administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-132, possibly adjust the methodology to determine conversion factor adjustments.

2. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

3. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The department is working with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration, and the Centers for Medicare and Medicaid Services to insure consistent health care

purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249.

January 18, 2011
Judy Schurke
Director

WSR 11-03-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)

[Filed January 18, 2011, 2:49 p.m.]

Subject of Possible Rule Making: Chapter 388-502 WAC, Electronic health records (EHR) incentive payment program (new).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, American Recovery and Reinvestment Act (ARRA) of 2009 (§ 495.370 and § 447.253(e)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has opted-in to the new EHR incentive program. Rules are needed to administer this new federal program. These rules will:

- Directly benefit medicaid providers by establishing an orderly procedure for addressing disagreements over issues of eligibility and meaningful use, and facilitating the orderly issuance of millions of dollars in incentive money to those in the provider community who are eligible and demonstrate meaningful use.
- Provide the department with an effective tool for encouraging discussion, engaging with providers, and managing risk.
- Reduce the number of disputes and appeals that go to superior court.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-

9727, TTY 1-800-848-5429, e-mail jason.crabbe@dshs.wa.gov.

January 18, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-03-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 18, 2011, 2:51 p.m.]

Subject of Possible Rule Making: The community services division is proposing changes and additions to WAC 388-400-0025 Who is eligible for disability lifeline benefits?, and any other related rules, in order to comply with RCW 74.04.005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments and additions to WAC 388-400-0025, and any other related rules, in order to comply with RCW 74.04.005 which requires the department to provide disability lifeline benefits to eligible pregnant women who are not eligible for federal assistance programs.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting M. Shane Riddle, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4352, fax (360) 725-4905, e-mail riddlms@dshs.wa.gov.

January 13, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-03-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)
[Filed January 18, 2011, 2:52 p.m.]

Subject of Possible Rule Making: WAC 388-478-0065 Income and resource standards for family medical programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is not a policy change. Currently, the rule cross references to WAC 388-478-0020 because the income standards for both family medical programs and the TANF grant program is the same. However, beginning February 1, 2011, the TANF income standard is being reduced so the family medical programs income standard must be called out in WAC 388-478-0065.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

January 13, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-03-080

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)**

[Filed January 18, 2011, 2:54 p.m.]

Subject of Possible Rule Making: WAC 388-424-0001 Citizenship and alien status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0010 Citizenship and alien status—Eligibility for TANF, medicaid, and CHIP, 388-450-0156 When am I exempt from deeming?, and possibly other related WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring citizenship/alien status rules into compliance with the federal Center for Medicare and Medicaid (CMS) guidelines. It expands the eligibility group of legally residing individuals which will allow: (1) Some children who are currently in a state-funded medical program to qualify for federally-funded medical coverage, and (2) some pregnant women to have their post partum period covered by federally-funded medical.

There may be other changes to these WAC sections related to proposed 2011 legislation affecting the food assistance program, disability lifeline program, and state-funded children's medical programs, among others.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

January 13, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-03-081

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed January 18, 2011, 2:57 p.m.]

Subject of Possible Rule Making: Chapter 388-71 WAC, Home and community services and programs and chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending rules in chapters 388-71 and 388-106 WAC to implement Governor's Executive Order 10-04 to reduce current year spending by 6.287 percent. Amendments may include rate reductions, personal care hour reductions, and changes in eligibility for agency managed personal care.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2538, fax (360) 407-

7582, TTY (360) 493-2637, e-mail tiffany.sevruk@dshs.wa.gov.

January 18, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-03-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medicaid Purchasing Administration)

[Filed January 19, 2011, 8:08 a.m.]

Subject of Possible Rule Making: New section in chapter 388-531 WAC, Physician-related services; amend possible other sections in chapter 388-531 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.500, and Patient Protection and Affordable Care Act of 2010 (Public Law 111-148).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Incorporate into rule definition of "serious reportable events" (commonly referred to as "never events"); and add language regarding the rules for denying and/or paying claims if these events occur.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating the rule development with the Centers for Medicare and Medicaid Services (CMS) and Washington state department of health.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail boediwl@dshs.wa.gov.

January 18, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-03-086
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 19, 2011, 8:46 a.m.]

Subject of Possible Rule Making: House-banked card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Rob Saucier, representing Galaxy Gaming. The petitioner is seeking rule making to allow house-banked card room operators the ability to offer linked progressive jackpot prizes aggregated and administered by approved gaming manufacturers.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] February 10 or 11, 2011 (tentative date), at the State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA 98504; on March 10, 2011 (tentative date) and April 14 or 15, 2011 (tentative date), at the Lacey Community Center, 6729 Pacific Avenue S.E., Lacey, WA 98503.

January 19, 2011
Susan Arland
Rules Coordinator