

WSR 11-04-001

**NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**
[Filed January 20, 2011, 10:09 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board has cancelled the January 26, 2011, board meeting.

The next regularly scheduled meeting is **Wednesday, February 23**, at 9:30 a.m. located in the Washington state investment board room.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or by e-mail at jessica.burkhart@leoff.wa.gov should you have any questions.

WSR 11-04-002

OFFICE OF THE GOVERNOR
[Filed January 20, 2011, 10:10 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff **Wednesday, January 19, 2011**, in memory of Washington State Department of Transportation employee Billy Rhynalds of North Bend, who died Sunday after being struck by a wind toppled tree while directing traffic around water flooding a roadway.

Please notify your staff and all of your field offices and facilities around the state.

Flags should remain at half-staff until close of business Wednesday, or first thing Thursday morning, January 20.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire
Governor

WSR 11-04-003

**AGENDA
HEALTH CARE AUTHORITY**
[Filed January 20, 2011, 10:26 a.m.]

**Semi-Annual Rule-Making Agenda
January through June 2011**

The following is the Washington health care authority's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Jason B. Siems, Rules Coordinator, P.O. Box 42700, Olympia, WA 98504, phone (360) 923-2720, e-mail Jason.Siems@hca.wa.gov.

WAC Citation	Subject Matter	Anticipated Timeline		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
182-08, 182-12 and 182-16	Annual updates to public employees benefits board eligibility rules to reflect changes in state and federal law.	May 2011	September 2011	November 2011

Jason Siems
Rule[s] Coordinator

WSR 11-04-008

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**
[Filed January 20, 2011, 3:54 p.m.]

Following is a revision to the 2011 regular meeting schedule of the Edmonds Community College board of trustees.

A special meeting has been scheduled on Saturday, January 22, 9:00 a.m.

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

WSR 11-04-009

**AGENDA
EMPLOYMENT SECURITY DEPARTMENT**
[Filed January 20, 2011, 4:24 p.m.]

**Semi-Annual Rule-Making Agenda
(January 31 - July 31, 2011)**

The following is employment security department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as the department is responsible for initiating rule-making to implement new state laws, meet federal requirements, or meet unforeseen circumstances.

If you have any questions, please contact Pamela Ames, employment security department rules coordinator at (360) 902-9387, or e-mail pames@esd.wa.gov.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-XX	Accessible communities	Toby Olson (360) 485-5890	CR-101 - 9/15/10 Suspended until 2012 due to EO 10-06	Implement ESSB 5902 and establish rules for the criteria and procedures for county accessible community advisory committees to receive reimbursement of travel and per diem expenses. Also establish rules for the evaluation, selection, and oversight of grants for local accessible communities' projects.

WSR 11-04-011
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed January 21, 2011, 8:42 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department issued ETA 3076.2011 *Deductibility of Interest Received on Investments or Loans Primarily Secured by First Mortgages or Trust Deeds on Nontransient Residential Properties*. ETA 3076 previously cited to *Lacey Nursing v. Department of Revenue*, 128 Wn.2d 40, 53, 905 P.2d 338 (2000). The department updated the ETA to correct this citation to *Lacey Nursing v. Department of Revenue*, 103 Wn.App. 169, 11 P.3d 839 (2000).

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Alan R. Lynn
 Rules Coordinator

WSR 11-04-012
NOTICE OF PUBLIC MEETINGS
ALFALFA SEED COMMISSION
 [Filed January 21, 2011, 8:59 a.m.]

The Washington alfalfa seed commission [will] be holding the following regular meetings in 2011:

Monday, January 31 11:00 a.m. Annual Meeting	Magill's Restaurant Pasco, Washington
Wednesday, March 2 12:00 noon	Florentyna's Restaurant Pasco, Washington
Wednesday, October 19 12:00 noon	Florentyna's Restaurant Pasco, Washington
Wednesday, December 14 12:00 noon	Florentyna's Restaurant Pasco, Washington

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, (509) 585-5460, (509) 585-2671, shanej@agmgt.com.

WSR 11-04-013
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed January 21, 2011, 10:05 a.m.]

**Board of Regents Meeting and
 Special Meeting of the Trustees/Shareholders of
 the Students Book Corporation**

The Washington State University board of regents will hold its next official meetings on Thursday and Friday, January 27-28, 2011, in Richland, Washington.

There will also be a special meeting of the trustees/shareholders of the Students Book Corporation on Thursday, January 27, 2011, in Richland Washington.

All meetings will take place at the Consolidated Information Center at WSU Tri-Cities, as outlined in the schedule below, unless noted otherwise.

The meetings will begin at noon on Thursday. Unless otherwise indicated, committee meetings also are board of regents meetings and will run consecutively throughout the afternoon; starting times following the first committee meeting are estimates only. If a session ends earlier than expected, the next scheduled session may convene immediately. Committee meetings may be attended by all members of the board of regents and all members may participate.

Thursday, January 27		Location
Noon	Board of regents lunch	Consolidated Information Center Room 223
1:00 p.m.*	Executive committee	Consolidated Information Center Room 212-214
1:15 p.m.*	Finance and audit committee	Consolidated Information Center Room 212-214
2:30 p.m.*	External affairs committee	Consolidated Information Center Room 212-214
3:00 p.m.*	Academic and student affairs committee	Consolidated Information Center Room 212-214
3:45 p.m.*	Special meeting of the trustees/shareholders of the Students Book Corporation	Consolidated Information Center Room 212-214
4:15 p.m.*	Executive session, if needed	Consolidated Information Center Room 212-214
7:00 p.m.	Board of regents dinner	Anthony's Event Center Board Room

**or upon conclusion of previous session*

Friday, January 28	Location
7:30 a.m. Board of regents break-fast	Consolidated Information Center Room 223
8:30 a.m. Board of regents meeting	Consolidated Information Center Room 212-214

In addition to the above meetings, the regents will attend a community reception that will begin at 5:30 p.m. on Thursday.

Questions about the board of regents meeting and schedule may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-4200.

WSR 11-04-014
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed January 21, 2011, 2:31 p.m.]

January 21, 2011

Descriptive Statement pursuant to RCW 34.05.230(4)

Subject: Securities Act Interpretive Statement - 23 (SAIS 23) and Franchise Act Interpretive Statement - 07 (FIS 07). Accredited Investor Definition - Indebtedness Secured by Primary Residence.

The securities administrator has adopted interpretive statements under the Securities Act of Washington, chapter 21.20 RCW, and the Franchise Investment Protection Act, chapter 19.100 RCW, interpreting the definition of "accredited investor" as it pertains to natural persons in WAC 460-44A-501 and 460-80-108 to allow the exclusion of the amount of indebtedness secured by the primary residence up to its fair market value in calculating a person's net worth. Any indebtedness secured by a natural person's primary residence that is in excess of the fair market value of the residence shall be considered a liability and deducted from the person's net worth.

To receive a copy of SAIS 23 or FIS 06, contact Cheryl Pearson, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, cpearson@dfi.wa.gov.

William M. Beatty
Director of Securities

WSR 11-04-018
OFFICE OF THE GOVERNOR
[Filed January 24, 2011, 9:04 a.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On January 13, 2011, the Governor's Office received an appeal from Mr. David Keller relating to the Board of Phar-

macy's Emergency Rule adding the chemicals JWH-018, JWH-073, JWH-200, CP-47, 497 and cannabicyclohexanol to Schedule I. The Governor has no jurisdiction to take action under RCW 34.05.350(3) and RCW 43.17.010 and therefore denied the appeal on January 20, 2011.

DATE: January 20, 2011

Narda Pierce
General Counsel to the Governor

January 20, 2011

David Keller
PO Box 452
Shelton, WA 98584

RE: Petition for Repeal of Emergency Rule

Dear Mr. Keller:

Thank you for your email of January 13, 2011, in which you request the immediate repeal of a rule pertaining to synthetic marijuana that was adopted on an emergency basis by the Washington State Board of Pharmacy.

RCW 34.05.350(1)(a) allows adoption of an emergency rule when "immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare." RCW 34.05.350(3) provides: "Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010." The Board of Pharmacy is not a department listed in RCW 43.17.010, therefore, the Governor lacks the jurisdiction to take the direct action requested in your letter.

Notwithstanding this jurisdictional issue, our review indicates the action taken by the Board of Pharmacy meets the requirements for adoption of a rule on an emergency basis. The Board found the scheduling of the substance on an emergency basis was necessary to avoid an imminent hazard to the public safety. The Drug Enforcement Administration banned the same five synthetic cannabinoids on an emergency basis, and synthetic cannabinoids poison cases reported to the Washington Poison Center have been on the rise. The Board had good cause to find that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Sincerely,
Narda Pierce
General Counsel

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 11-04-020
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:16 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-76.

Subject: Blood bank services: Fee schedule and coverage table updates.

Effective Date: January 1, 2011.

Document Description: Begin using the year 2011 current procedural terminology (CPT®) and healthcare common procedural coding system Level II and modifiers; and

Update the blood bank services fee schedule and coverage table to reflect changes discussed within this memo.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, Health and Recovery Services Administration, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-021
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:17 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-77.

Subject: Home infusion therapy/parenteral nutrition program: Fee schedule updates.

Effective Date: January 1, 2011.

Document Description: Effective for dates of service on and after January 1, 2011, DSHS will update the home infusion therapy/parenteral nutrition fee schedule using year 2011 healthcare common procedural coding system Level II code additions and deletions as discussed in this memo.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-022
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:17 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-78.

Subject: Oxygen program: Fee schedule and coverage table updates.

Effective Date: January 1, 2011.

Document Description:

- Update the oxygen program fee schedule using the year 2011 current procedural terminology (CPT®) and healthcare common procedural coding system Level II code additions and deletions as discussed in this memo; and
- Update the coverage table in the current oxygen program billing instructions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-023
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:18 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-79.

Subject: Family planning provider billing instructions: Coverage table changes.

Effective Date: January 1, 2011.

Document Description:

- Begin using the year 2011 current procedural terminology (CPT®) and healthcare common procedural coding system Level II code and modifier additions and deletions discussed in this memorandum; and
- Update the coverage table in the family planning providers billing instructions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone

(360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-024
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:19 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-80.

Subject: Kidney center services: Coverage table and fee schedule changes.

Effective Date: January 1, 2011.

Document Description: Effective for dates of service on and after January 1, 2011, DSHS will update:

- The kidney center services fee schedule; and
- The coverage table in the kidney center services billing instructions to reflect changes discussed within this memo.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-025
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:19 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-81.

Subject: Prosthetic and orthotic devices: Fee schedule and coverage table updates.

Effective Date: January 1, 2011.

Document Description:

- Update the prosthetic and orthotic devices fee schedule using the year 2011 current procedural terminology and healthcare common procedural coding system Level II

code additions and deletions as discussed in this memo; and

- Update the coverage table in the current prosthetic and orthotic devices billing instructions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-026
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:20 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-83.

Subject: Managed care: Program changes for 2011.

Effective Date: January 1, 2011.

Document Description: Effective January 1, 2011, DSHS will make changes to the following managed care programs:

- Healthy options;
- Children's health insurance program; and
- Basic health plus and maternity programs.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-027
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:20 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-82.

Subject: Enteral nutrition: Fee schedule updates.

Effective Date: January 1, 2011.

Document Description: Effective for dates of service on and after January 1, 2011, DSHS will update the enteral nutrition fee schedule.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-028

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

[Filed January 24, 2011, 12:21 p.m.]

Notice of Interpretive or Policy Statement

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

**Medicaid Purchasing Administration (MPA)
Division of Legal Services**

Document Title: # Memo 10-84.
Subject: Outpatient hospital services.
Effective Date: January 1, 2011.
Document Description:

- Incorporate the year 2011 current procedural terminology (CPT®) and healthcare common procedural coding system updates into the outpatient hospital and outpatient prospective payment system fee schedules;
- Implement coverage and authorization policy changes;
- Update the department approved centers of excellence with additional information regarding hysteroscopic [hysteroscopic] sterilization;
- Implement the revised outpatient prospective payment system budget target adjuster.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-029

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

[Filed January 24, 2011, 12:22 p.m.]

Notice of Interpretive or Policy Statement

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

**Medicaid Purchasing Administration (MPA)
Division of Legal Services**

Document Title: # Memo 10-85.

Subject: Ambulatory surgery centers (ASC): 2011 fee schedule and policy updates.

Effective Date: January 1, 2011.

Document Description: Revise the definition for ASC; update the ASC fee schedule with procedure code revisions; add year 2011 current procedural terminology (CPT®) codes and year 2011 healthcare common procedural coding system codes to the ASC fee schedule; update the ASC fee schedule with new authorization codes with budget reduction related changes; make changes to the dental program for clients twenty-one and older that affect ASCs; and implement new authorization codes.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-030

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

[Filed January 24, 2011, 12:23 p.m.]

Notice of Interpretive or Policy Statement

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

**Medicaid Purchasing Administration (MPA)
Division of Legal Services**

Document Title: # Memo 10-86.

Subject: Dental services: Year 2011 benefit changes as a result of budget reductions coverage changes and hospital visit policy changes.

Effective Date: January 1, 2011.

Document Description:

- Eliminate the adult dental program;
- Implement the adult emergency oral health program; and
- Implement new policy regarding billing of hospital visits by oral surgeons (formerly hospital calls). This new policy applies to clients of all ages when services are covered.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-031
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:23 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-87.

Subject: Physician-related services: Year 2011 changes and additions to CPT® and HCPCS codes, policies and fee schedules.

Effective Date: January 1, 2011.

Document Description:

- Update the physician-related services fee schedule to include the new year 2011 codes, fees, and anesthesia base units;
- Update and clarify various policies and payment rates; and
- Update the physician-related services/healthcare professional services billing instructions with the changes discussed in this memo.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-032
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:24 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-88.

Subject: Psychologists: Updated instructions for requesting a limitation extension for additional mental health services.

Effective Date: January 1, 2011.

Document Description: DSHS will update the instructions for requesting a limitation extension for additional outpatient mental health services provided to fee-for-service clients.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone

(360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-033
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:24 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-76.

Subject: Blood bank services: Fee schedule and coverage table updates.

Effective Date: January 1, 2011.

Document Description: Begin using the year 2011 current procedural terminology (CPT®) and healthcare common procedural coding system Level II and modifiers; and

Update the blood bank services fee schedule and coverage table to reflect changes discussed within this memo.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-034
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:25 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-90.

Subject: Hearing aids and services: Billing for hearing aids for clients twenty-one years of age and older.

Effective Date: January 1, 2011.

Document Description: Effective for dates of service on and after January 1, 2011, DSHS has excluded hearing aids, replacement parts, and repairs from all the benefit packages for clients twenty-one years of age and older.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone

(360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-035
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:25 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 10-91.

Subject: Vision care: Billing for vision aids for clients twenty-one years of age and older.

Effective Date: January 1, 2011.

Document Description: Effective for dates of service on and after January 1, 2011, DSHS has excluded vision hardware. This includes eyeglasses (frames and lenses), contact lenses, and low vision aids (e.g., magnifiers and telescopic eyeglass lenses), and repairs from all the benefit packages for clients twenty-one years of age and older.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, MPA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 11-04-036
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 24, 2011, 12:26 p.m.]

Notice of Interpretive or Policy Statement

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

Medicaid Purchasing Administration (MPA)
Division of Legal Services

Document Title: # Memo 11-02.

Subject: Early and periodic screening, diagnosis, and treatment (EPSDT) program: Miscellaneous changes to the billing instructions.

Effective Date: January 19, 2011.

Document Description: Retroactive to dates of service on or after December 1, 2010, DSHS will update the EPSDT program billing instructions with the changes outlined in this memo.

WSR 11-04-037
NOTICE OF PUBLIC MEETINGS
APPLE COMMISSION

[Filed January 24, 2011, 1:16 p.m.]

Following are the regular meetings of the Washington apple commission:

March 17, 2010 [2011]	Washington Apple Commission Building Wenatchee	9:00 a.m.
July 21, 2010 [2011]	Hansen Building Yakima	9:00 a.m.
December 7, 2010 [2011]	Washington Apple Commission Building Wenatchee	9:00 a.m.

WSR 11-04-042
AGENDA
DEPARTMENT OF AGRICULTURE

[Filed January 25, 2011, 10:16 a.m.]

Following is the department of agriculture's semi-annual rules development agenda for the period of January 1 through June 30, 2011. This document is being sent in compliance with RCW 34.05.314.

The department may undertake additional rule-making activity as conditions warrant. If you have any questions, please call Teresa Norman at (360) 902-2043 or e-mail tnorman@agr.wa.gov.

**Semi-Annual Rules Agenda
January 1 - June 30, 2011
P.O. Box 42560
Olympia, WA 98504-2560**

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
Commodity Inspection Division						
16-302-385	Grass seed standards for certification.	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	CR-105, December 2010		February 2011	Modifying the format of the grass seed standards chart.
Plant Protection Division						
16-470	Quarantine—Agricultural pests.	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	May	June	August	The department is considering initiating an industry request quarantine that would place restrictions on the importation of hazelnut plants into Washington state in response to eastern filbert blight.
16-662	Weights and measures—National handbooks.	Jerry Buendel Weights and Measures Program Manager Phone (360) 902-1856	May	June	August	The department is considering adopting the most current National Institute of Standards and Technology (NIST) handbooks for technical standards for weights and measures.

Teresa Norman
Rules Coordinator

**WSR 11-04-049
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 25, 2011, 12:40 p.m.]

Prevailing Rate of Wage

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on February 1, 2011, the industrial statistician and director of labor and industries will determine and publish on the internet the statewide prevailing rates of wage. These rates of wage are effective for public works projects on or after March 3, 2011.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our web site at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335.

David Soma
Prevailing Wage Manager
Industrial Statistician

**WSR 11-04-050
NOTICE OF PUBLIC MEETINGS
BOARD OF ACCOUNTANCY**

[Filed January 25, 2011, 1:39 p.m.]

2011 BOARD MEETING SCHEDULE

Please publish in the state register as required by RCW 42.30.075 the following schedule of regular meetings the board plans to hold during 2011:

Date	Day	Meeting	Location
January 27, 2011	Thursday	Regular	Burien, Washington

Date	Day	Meeting	Location
April 25, 2011	Monday	Regular	SeaTac, Washington Area
July 14, 2011	Thursday	Regular	SeaTac, Washington Area
October 13, 2011	Thursday	Annual	SeaTac, Washington Area

The exact location of each meeting has not been determined. For persons who wish to attend, please visit the board's web site at www.cpaboard.wa.gov or contact Cheryl Sexton at the board office (360) 664-9194 or fax (360) 664-9190 for the meeting location. Meetings usually begin at 9:00 a.m. The board of accountancy schedules all public meetings at barrier free sites. Persons who need special assistance, such as enlarged type materials, please contact Cheryl Sexton at the board office (TDD (800) 833-6384, voice (360) 664-9194, or fax (360) 664-9190).

**WSR 11-04-051
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 25, 2011, 1:52 p.m.]

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on January 24, 2011, the industrial statistician and director of labor and industries made an emergency correction to the prevailing rates of wage. Pursuant to WAC 296-127-011, the corrected rates will become effective immediately upon publication.

This wage rate correction affects the trade glaziers in Clark County.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing

wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our web site at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335.

Following are details to this correction.

David Soma
Prevailing Wage Manager
Industrial Statistician

State of Washington
Department of Labor and Industries
Prevailing Wage Section
Telephone 360-902-5335
P.O. Box 44540
Olympia, WA 98504-4540

Washington State Prevailing Wage

The PREVAILING WAGES listed here include both the hourly wage rate and the hourly rate of fringe benefits. On public works projects, worker's wage and benefit rates must add to not less than this total. A brief description of overtime calculation requirements are provided on the benefit code key.

This is a correction to the glaziers rate in Clark County. An error was identified and corrected, in a survey response submitted during the wage-and-hour survey process.

Changes to the journey level wages also impact apprentice wages. Use the apprentice wage rates lookup page.

Publish Date: January 24, 2011.

Effective Date: January 24, 2011.

County	Trade	Corrected Job Classification	Corrected Wage	Incorrect Job Classification	Incorrect Wage
Clark	Glaziers	Journey Level	\$46.69	Journey Level	\$25.26

**WSR 11-04-053
OFFICE OF THE GOVERNOR**

[Filed January 26, 2011, 9:10 a.m.]

**NOTICE OF APPEAL
RCW 34.05.330(3)**

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On December 15, 2010, the Governor's Office received an appeal from Dr. William Osmunson relating to the Board of Health's denial of a petition to repeal or amend WAC 246-290-460. The Governor denied the appeal on January 21, 2011.

DATE: January 25, 2011

Narda Pierce
General Counsel to the Governor

January 21, 2011

Bill Osmunson, DDS, MPH
President, Washington Action for Safe Water
1418 112th Avenue, #200
Bellevue, WA 98004
Via email: bill@teachingsmiles.com

RE: Administrative Rule Appeal - WAC 246-290-460

Dear Dr. Osmunson:

The Board of Health (Board) has denied your "Petition for Rule Making" submitted to the Board on October 28, 2010. Your petition asked the Board to amend WAC 246-290-460 to require water suppliers with systems with average flouride concentrations above 10 parts per billion (ppb) to provide a notice with each customer's bill stating: "The Washington State Board of Health finds the flouride level in this water

may contribute to lower IQ and an increase in mental retardation." You appealed the Board's denial of your petition to me on December 15, 2010. After careful review, I have determined to deny your appeal of the Board's decision.

The Board has advised you that it believes the language and the rule change you have suggested are not consistent with the majority of scientific opinion. In particular, the Board noted that it looks to the U.S. Environmental Protection Agency (EPA) for standards and recommendations regarding the safety of drinking water. The EPA regards 10 ppb as well within the flouride concentration that is safe for consumers.

After review, I agree with the Board that the rule language you propose is not supported by the majority scientific opinion, including the EPA standards and the report of the National Research Council, *Fluoride in Drinking Water: A scientific Review of EPA's Standards* (2006). For these reasons, I am denying your appeal and declining to recommend that the Board initiate rule-making proceedings.

Sincerely,

Christine O. Gregoire
Governor

WSR 11-04-054
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Appraiser Commission)
[Filed January 26, 2011, 10:50 a.m.]

The real estate appraiser commission meeting scheduled for February 2011 has changed to **February 25, 2011**, at Labor and Industries, 7273 Linderson Way S.E., Room S117, Tumwater, WA 98501.

WSR 11-04-055
AGENDA
BOARD OF
PILOTAGE COMMISSIONERS
[Filed January 26, 2011, 11:33 a.m.]

Semi-Annual Rule-Making Agenda
January through June 2011

Below is the board of pilotage commissioner's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda if it is necessary.

Please direct any questions about this agenda to Peggy Larson, Rules Coordinator, 2901 Third Avenue, Suite 500, Seattle, WA 98121, (206) 515-3904, fax (206) 515-3906, e-mail Larsonp@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103)
363-116-300	Puget Sound pilotage district rates	Exempt	March filing for public hearing in May 2011	May filing for implementation on July 1, 2011
363-116-185	Grays Harbor pilotage district rates	Exempt	April filing for public hearing in June 2011	June filing for implementation on August 1, 2011

Peggy Larson
Rules Coordinator

WSR 11-04-057
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Filed January 26, 2011, 4:49 p.m.]

NOTICE OF PUBLIC MEETINGS FOR 2011

Following is a schedule of meetings of the Washington state human rights commission (WSHRC) for 2011.

Due to budget reductions, the commissioners of the WSHRC are scheduling meetings month to month as needed.

For more information about the commission visit the commission's web site at www.hum.wa.gov and click on The Commission tab.

Individuals can participate in commission meetings held by conference call by coming to the commission's headquarters office at 711 South Capitol Way, Suite 402, Olympia, WA.

If you have questions or need an accommodation for a disability, please contact Tanya Calahan at (360) 753-4876 or tcalahan@hum.wa.gov.

DATES	LOCATION
Wednesday February 23 9 a.m.	Evergreen Plaza Building 711 South Capitol Way Suite 402 Conference Room Olympia, WA

WSR 11-04-058
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD
 [Filed January 27, 2011, 8:17 a.m.]

Amended Notice of the March 2011 Quarterly Hearing

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for March 4, 2011, at 10:00 a.m., in Senate Hearing Room 4, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board¹:

Petitioner:	Relief Requested:
Neil Allen	Pardon
Michael Barnes	Pardon
Robert Richards	Pardon
Dustin Benke	Pardon
Robert Stanley	Pardon
Paul Sterley	Pardon

¹ At the board's discretion, the order of the petitions to be called for hearing is subject to change.

WSR 11-04-059
NOTICE OF PUBLIC MEETINGS
LIFE SCIENCES
DISCOVERY FUND AUTHORITY
 [Filed January 27, 2011, 9:01 a.m.]

Please note the updated or new information struck through or underlined below for the life sciences discovery fund authority (agency #3560) 2011 board meetings. Note as well that we will post our public meeting agenda and any call-in information as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

2011 Public Board Meeting Dates
(times are approximate and subject to change)

Tuesday, February 1	8:30 a.m. - 9:15 a.m.	Washington Research Founda- tion Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, February 8	10:30 a.m. - 11:00 a.m. <u>approximately</u> <u>12:30 p.m. - 1:00</u> <u>p.m. PST</u>	(via telecon) (888) 272-2618 no <u>pass code required</u>

Tuesday, April 26	8:30 a.m. - 5 p.m.	Washington Research Founda- tion Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, May 3	10:30 a.m. - 11:00 a.m.	(via telecon) (888) 272-2618 no <u>pass code required</u>
Tuesday, July 12	8:30 a.m. - 5:00 p.m.	Washington Research Founda- tion Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, September 13	8:30 a.m. - 5:00 p.m.	Washington Research Founda- tion Office 2815 Eastlake Avenue East Suite 300 Seattle, WA
Tuesday, September 20	10:30 a.m. - 11:00 a.m.	(via telecon) (888) 272-2618 no <u>pass code required</u>
Tuesday, November 8	8:30 a.m. - 5:00 p.m.	Washington Research Founda- tion Office 2815 Eastlake Avenue East Suite 300 Seattle, WA

WSR 11-04-060
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed January 27, 2011, 10:15 a.m.]

Pursuant to RCW 34.05.230, following are policy and interpretive statements issued by the department regarding the insurance services division policies.

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

Insurance Services Division: Office of the Medical Director.

New Provider Bulletin 09-07: Comprehensive Treatment for Chronic Noncancer Pain.

To explain the revisions the department is making to its policies concerning the treatment of injured workers with chronic pain management issues, this provider bulletin:

- Explains that injured workers may be evaluated for and enrolled in a comprehensive treatment program for chronic noncancer pain if it meets the definition of a structured intensive, multidisciplinary program (SIMP).
- Explains special conditions and requirements applying to workers considering having lumbar fusion or lumbar intervertebral artificial disc replacement due to uncomplicated degenerative disc disease.
- Explains that prior authorization is required to participate in a structured intensive, multidisciplinary program.
- Explains billing rules for structured intensive, multidisciplinary program.

Contact Bob Mayer, P.O. Box 44322, Olympia, WA 98504, (360) 902-6500, mayr235@lni.wa.gov.

Insurance Services Division: Office of the Medical Director, Claims Administration, and Self-Insurance.

New Provider Bulletin 09-08: Influenza Claims.

This provider bulletin explains when a claim for exposure to and/or contraction of influenza is considered to be an allowable workers' compensation claim. It also describes what treatment and testing may be authorized by the insurer for high-risk patients in accordance with the Centers for Disease Control and Prevention (CDC) recommendations.

Contact Jami Lifka, P.O. Box 44321, Olympia, WA 98504, (360) 902-4941, Jami.Lifka@lni.wa.gov.

Insurance Services Division: Office of the Medical Director, Claims Administration, Self-Insurance, and Crime Victims Compensation.

New Provider Bulletin 09-09: Work-Related Ulnar Neuropathy at the Elbow (UNE) Diagnosis and Treatment.

This provider bulletin explains review criteria for the diagnosis and treatment of ulnar neuropathy at the elbow. It also explains that request for surgery due to ulnar neuropathy at the elbow requires prior authorization.

Contact Simone P. Javaher, BSN, MPA, P.O. Box 44321, Olympia, WA 98504, (360) 902-5762, Simone.Javaher@lni.wa.gov.

Insurance Services Division: Office of the Medical Director, Claims Administration, Self-Insurance, and Crime Victims Compensation.

New Provider Bulletin 09-10: Quantitative Sensory Testing (QST).

This provider bulletin implements noncoverage of certain medical tests described or defined as quantitative sensory tests. It expands and further defines noncoverage of these tests. Prior policy of some quantitative sensory tests was published in Provider Bulletin 04-06, Electrodiagnostic Sensory Nerve Conduction Threshold Testing.

Contact Josh Morse, P.O. Box 44321, Olympia, WA 98504, (360) 902-5026, mojo235@lni.wa.gov.

Insurance Services Division: Office of the Medical Director, Claims Administration, Self-Insurance, and Crime Victims Compensation.

New Provider Bulletin 09-11: Bone Growth Stimulators.

Effective January 15, 2010, bone growth stimulation is a covered service for state fund, self-insured, and crime victims claims consistent with the health technology clinical committee's determination dated October 30, 2009. This policy explains covered and noncovered conditions. It also explains that all requests for bone growth stimulators require prior authorization.

Contact Josh Morse, P.O. Box 44321, Olympia, WA 98504, (360) 902-5026, mojo235@lni.wa.gov.

Insurance Services Division: Office of the Medical Director.

New Provider Bulletin 10-02: Work-Related Radial Nerve Entrapment (RNE) Diagnosis and Treatment.

This provider bulletin provides notice of a new medical treatment guideline for work-related radial nerve entrapment. The guideline is an educational resource for providers who treat injured workers in the Washington workers' compensa-

tion system under Title 51 RCW. The complete guideline is posted at <http://www.lni.wa.gov/ClaimsIns/Files/OMD/MedTreat/RNEGuideline.pdf>.

This guideline was developed in 2010 by the Washington state industrial insurance medical advisory committee (IIMAC) and its subcommittee on upper extremity entrapment neuropathies. The subcommittee presented its work to the full IIMAC, and the IIMAC made an advisory recommendation to the Washington state department of labor and industries to adopt the guideline.

The guideline highlights the following information:

- The most recent available scientific literature was reviewed.
- A provisional diagnosis can be made based on the worker's history and physical.
- A confirmed diagnosis requires an abnormal electrodiagnostic test result.
- Surgery will not be authorized without a confirmed diagnosis.
- A summary table with review criteria is included.

Contact Simone P. Javaher, BSN, MPA, P.O. Box 44321, Olympia, WA 98504, (360) 902-5762, Simone.Javaher@lni.wa.gov.

Insurance Services Division: Office of the Medical Director.

New Provider Bulletin 10-04: Medical and Surgical Supply Coverage and Payment Policy.

This provider bulletin describes the department's new medical and surgical supply program. The new medical and surgical supply program changes the way the department pays for purchased medical and surgical supplies. This bulletin pertains to claims made against both the state fund and self-insured employers (insurers) and to the crime victims compensation program. The authority for payment of medical and surgical supplies is found in RCW 51.04.030 and WAC 296-23-165.

Effective July 1, 2010, medical and surgical supplies will be paid at maximum fee schedule.

This bulletin states:

- Policies for the purchase of all HCPCS 'A' codes between A4206-A9999.
- Which medical surgical supplies require prior authorization.
- Which HCPCS 'A' codes are noncovered.
- The billing rules.

Contact Aaron Huff, BS, CHES, P.O. Box 44322, Olympia, WA 98504, (360) 902-4259, hufa235@lni.wa.gov.

Insurance Services Division: Office of the Medical Director.

New Provider Bulletin 10-05: Work-Related Neurogenic Thoracic Outlet Syndrome Diagnosis and Treatment.

This provider bulletin provides notice of a new medical treatment guideline for neurogenic thoracic outlet syndrome. The guideline is an educational resource for providers who treat injured workers in the Washington workers' compensation system under Title 51 RCW. The complete guideline is

posted at <http://www.lni.wa.gov/ClaimsIns/Providers/Treatment/TreatGuide/default.asp>.

This guideline was developed in 2010 by the Washington state industrial insurance medical advisory committee (IIMAC) and its subcommittee on upper extremity entrapment neuropathies. The subcommittee presented its work to the full IIMAC, and the IIMAC voted with full consensus to advise that the Washington state department of labor and industries adopt the guideline. This guideline is based on the best available clinical and scientific evidence from a systematic review of the literature and a consensus of expert opinion.

The guideline highlights the following information:

- References for the most recent available scientific literature are included.
- A provisional diagnosis can be made based on the worker's history and physical.
- A confirmed diagnosis requires abnormal electrodiagnostic test results.
- Surgery will not be authorized without a confirmed diagnosis.
- A summary table with review criteria is included.

Contact Simone P. Javaher, BSN, MPA, P.O. Box 44321, Olympia, WA 98504, (360) 902-5762, Simone.Javaher@lni.wa.gov.

Insurance Services Division: Employer Services Program.

New Policy 63.06: Entity Conversions for Foreign Corporations.

This policy applies when a corporation registered in another state is allowed to convert to a different entity in that state. Conversion acts allow a registered corporation to con-

vert directly to another entity without changing their obligations to third parties.

Contact Sandra Craypo, P.O. Box 44162, Olympia, WA 98504, (360) 902-4741, rivt235@lni.wa.gov.

WSR 11-04-061

AGENDA

**DEPARTMENT OF
NATURAL RESOURCES**

[Filed January 27, 2011, 10:17 a.m.]

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

Please call (360) 902-1393, or e-mail peggy.murphy@dnr.wa.gov if you have questions.

RULES DEVELOPMENT AGENDA

January to June 30, 2011

The following WAC chapters will be updated: Chapters 332-08 and 332-18 WAC.

Purpose of the changes are to update rules related to practices and procedures in response to SHB 2935. SHB 2935 changed administrative review to the pollution control hearings board and abolished most internal agency hearings. The changes bring DNR's WACs into conformance with the RCW.

Peggy Murphy
Rules Coordinator

WSR 11-04-063

AGENDA

**NOXIOUS WEED
CONTROL BOARD**

[Filed January 27, 2011, 1:11 p.m.]

Following is the state noxious weed control board's semi-annual rules development agenda for the period of January 1 through June 30, 2011. This document is being sent in compliance with RCW 34.05.314.

The board may undertake additional rule-making activity as conditions warrant. If you have any questions, please call Alison Halpern at (360) 902-2053 or e-mail ahalpern@agr.wa.gov.

Semi-Annual Rules Agenda

January 1 - June 30, 2011

P.O. Box 42560

Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102	CR-103	
16-750	State noxious weed list and schedule of monetary penalties.	Alison Halpern Executive Secretary Phone (360) 902-2053	June	September	November	Possible changes to noxious weed list, state weed board by-laws, and addition of noxious weed listing guidelines.

Alison Halpern
Executive Secretary

WSR 11-04-064
AGENDA
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed January 27, 2011, 1:51 p.m.]

Semi-Annual Rule-Making Agenda
January through June 2011

Following is the Washington department of fish and wildlife's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Lori Preuss, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, or e-mail Lori.preuss@dfw.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
232-12-251	Removal of minerals, wood and artifacts from department lands.	WSR 10-02-074 filed on 1/5/10	WSR 10-21-120 filed on 10/20/10	Project is on hold. Will withdraw the CR-102 or file a CR-102 supplemental on or before 4/30/11
232-12-071	Buying or selling game unlawful—Game-farmed meat exception.	WSR 09-01-024 filed on 12/8/08	WSR 10-21-119 filed on 10/20/10; Supplemental CR-102 filed as WSR 11-01-135 on 12/21/10	CR-103 expected on or after 3/4/11
220-52-035	Commercial shellfish pot gear—Escape mechanism required.	WSR 10-22-005 filed on 10/20/10	CR-102 expected on or after 3/2/11	CR-103 expected on or after 6/3/11
220-56-350 and 220-56-380	Clams other than razor clams—Areas and seasons; and Oysters—Areas and seasons.	WSR 10-18-108 filed on 9/1/10	WSR 11-01-129 filed on 12/20/10	CR-103 expected on or after 3/4/11
220-56-330	Crab—Areas and seasons.	WSR 10-13-121 filed 6/22/10	WSR 10-21-102 filed on 10/20/10	CR-103 expected on or after 2/4/11
220-48-005 220-48-011 220-48-013 220-48-015 220-48-016 220-48-017 220-48-028 220-48-029 220-48-031 220-48-032 220-48-071 220-52-051 220-48-062	Puget Sound bottomfish—General provisions; Shrimp fishery—Puget Sound; and rules for beam trawl, otter trawl, dogfish, and other types of gear and seasons.	WSR 10-13-085 filed on 6/15/10	WSR 10-21-118 filed 10/20/10	CR-103 expected on or after 2/4/11

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
232-28-619 220-55-160 220-55-220 220-55-230 220-56-240 220-56-270	2011 sportfishing rules.	WSR 10-13-121 filed on 6/22/10	WSR 10-17-100 on 8/17/10; Supplemental CR-102 filed as WSR 10-19-144 on 9/22/10	CR-103 expected on or after 2/4/11
232-28-619	Elwha River recreational fisheries.	WSR 10-19-110 filed on 9/21/10	WSR 10-24-101 filed on 12/1/10	CR-103 expected on or after 2/4/11
232-28-619	Columbia River white sturgeon recreational fisheries.	WSR 10-13-121 filed on 6/22/10	CR-102 expected on or after 1/19/11	CR-103 expected on or after 4/8/11
232-28-619 232-28-620 232-28-621 220-36-015 220-36-020 220-36-021 220-36-023 220-36-025 220-36-03001 220-40-020 220-40-021 220-40-027 220-40-030 220-47-302 220-47-307 220-47-311 220-47-401 220-47-411 220-47-427 220-47-428	North of Falcon recreational and commercial salmon fishing rules.	WSR 11-03-058 filed on 1/14/11	CR-102 expected on or after 4/20/11	CR-103 expected on or after 6/3/11
220-52-069	Scallop fishery—Puget Sound.	WSR 10-16-046 filed on 7/27/10	WSR 10-21-122 filed on 10/20/20[10]	CR-103 expected on or after 2/4/11
220-56-235	Possession limits—Bottom-fish.	WSR 10-18-001 filed on 8/18/10	WSR 10-21-117 filed on 10/20/10	CR-103 expected on or after 2/4/11
232-12-292	Bald eagle protection rules.	WSR 10-24-088 filed on 11/30/10	WSR 11-03-088 filed on 1/19/11	CR-103 expected on or after 4/8/11
232-28-273 232-28-286 232-28-295 232-28-299 232-28-331 232-28-332 232-28-333 232-28-334 232-28-335 232-28-336 232-28-337	Game management unit boundaries; deer and elk area boundaries; deer, elk, mountain goat, bighorn sheep, moose, cougar, black bear, and turkey seasons and permit levels; special closures and fire-arm restriction areas; harvest reporting; trapping regulations; and private lands public access.	WSR 10-24-087 filed on 11/30/10	WSR 11-03-089 filed on 1/19/11	CR-103 expected on or after 4/8/11

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
232-28-351 232-28-355 232-28-356				

Lori Preuss
Rules Coordinator

WSR 11-04-065
AGENDA
UNIVERSITY OF WASHINGTON
[Filed January 27, 2011, 2:14 p.m.]

tle, WA 98195-1210, phone (206) 543-9219, fax (206) 685-3825, e-mail rules@uw.edu, web www.washington.edu/admin/rules/.

Semi-Annual Agenda for Rules Under Development
(Per RCW 34.05.314)
January 2011

Rule-making activity not now anticipated may also [need] to be added as conditions warrant between semi-annual agendas.

1. Rule making for chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle, is scheduled to continue during the first half of 2011 (CR-101 was filed as WSR 09-05-014; CR-102 was filed as WSR 10-22-102 but withdrawn for further revision, see WSR 11-03-057).

2. Rule making for chapter 478-140 WAC, Rules and regulations for the University of Washington governing student education records, is anticipated to continue during the first half of 2011 (CR-101 was filed as WSR 09-17-078).

3. Rule making for chapter 478-276 WAC, Governing access to public records, has been placed on hold during 2011 (CR-101 was filed as WSR 10-04-104).

4. Housekeeping amendments for various Title 478 WAC rules are anticipated during the first half of 2011.

For more information concerning the above rules, please contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seat-

WSR 11-04-071
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF SERVICES FOR THE BLIND
(Rehabilitation Council)
[Filed January 31, 2011, 9:04 a.m.]

2011 Meeting Schedule

All council meetings for 2011 will be held at the Seattle department of services for the blind (DSB) office located at 3411 South Alaska Street, Seattle, WA 98118. Meetings will be held from 9 a.m. to 4 p.m. in Conference Room #130 on the following dates:

- March 5, 2011
- June 4, 2011
- September 10, 2011
- December 3, 2011

For meeting information you may contact Marla Oughton at (206) 906-5513 or toll-free at 1-800-552-7103.

WSR 11-04-072
AGENDA
BUILDING CODE COUNCIL
[Filed January 31, 2011, 9:30 a.m.]

Rules Agenda
Anticipated Rule Making in 2011

This report details current and anticipated rule-making activities for the Washington state building code council (SBCC). If you have any questions regarding this report or SBCC rule-making activities, please contact Tim Nogler at (360) 902-7296.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional unforeseen rule-making activities.

Subject Matter	WAC	Description	Emergency Rule	CR-101	CR-102	CR-103	Exemption Criteria
Carbon monoxide	51-50 51-51 51-54	Possible update of procedures for statewide code change submittals.	Currently in effect (WSR 11-01-067)		Anticipate filing in June 2011	Anticipate filing in December 2011	Finalizing permanent rule making previously covered by emergency rules.
Energy Code	51-11	Possible revisions to Section 101 of the Washington State Energy Code regarding duct testing for existing residential buildings.	Currently in effect (WSR 11-01-084)		Anticipate filing in June 2011	Anticipate filing in December 2011	Finalizing permanent rule making previously covered by emergency rules.
Whole house ventilation	51-51	Requested modifications to the ventilation portion of the International Residential Code to correct errors.	None expected	Anticipate filing in March 2011	Anticipate filing in June 2011	Anticipate filing in December 2011	Beneficial to or requested by regulated entity.

Kristyn Clayton
Chair

WSR 11-04-075

AGENDA

OFFICE OF INSURANCE COMMISSIONER

[Filed January 31, 2011, 11:30 a.m.]

Rule Development Agenda

January 31 through July 31, 2011

The commissioner proposed the following rule making. Each proposed rule is currently between the CR-101, CR-102, and CR-105 stage. They are currently under review and there may be further rule-making activity before January 31, 2011. If you have any questions regarding any of these rule makings, please contact Meg Jones, megj@oic.wa.gov or (360) 725-7170.

WAC	RCW Authority	Subject	Current Activity			
			CR-103E	CR-101	CR-105	CR-102
New WAC 284-17-700 through 284-17-730	48.02.060, 48.17.005, section 4 and 5, chapter 67, Laws of 2010	Crop adjusters.				10-24-096 12/1/10
WAC 284-30-393	48.02.060	How an insurer handles subrogation.		10-23-050 11/10/10		
WAC 284-43-220	48.02.060	Annual filing requirement of geographic network reports.			11-02-067 1/5/11	
WAC 284-66-063 and 284-66-064	48.02.060 (3)(a) and 48.66.165	Medicare supplemental policy replacement.		10-18-085 8/31/10		
New WAC 284-43-1005 through 284-43-1015	48.02.060, 48.18.120, 48.20.450, 48.44.050, 48.46.200	Guaranteed issue enrollment of persons under age nineteen.		11-01-138 12/21/10		

WAC	RCW Authority	Subject	Current Activity			
			CR-103E	CR-101	CR-105	CR-102
New chapter 284-199 WAC	48.02.060	Association health plan data call.				11-02-078 1/5/11

Possible Rule-makings: In addition to the rules listed above, the commissioner continues the effort to update and clarify the code. In the period before July 31, 2011, subjects that may be considered for rule making in this effort include:

- Chiropractic fair pay.
- Commissioner's standard and ordinary mortality table.
- Compensation disclosure: Producers.
- Continuing education on-line: Producers.
- Conversion plans.
- Crop adjuster: Permanent.
- Disability insurance loss ratios.
- Federal financial reform implementation.
- Federal health care reform implementation.
- Long-term care partnership.
- Mortgage guaranty line insurance.
- Property and casualty insurance rates.
- Senior designation - Producers.
- Statistical data reporting.
- Suitability of sales of annuities.
- Surplus line broker registration.
- Usage-based insurance program.
- WAC review: Agency administration.
- WARP board.

Mike Kreidler

accepted written and oral comments on the draft permit, fact sheet, and notice of intent (application) from September 1, 2010, to October 15, 2010. Ecology received comments from forty-three entities. The comments and ecology's response to comments and other permit documents may be downloaded at http://www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/aquatic_plants/aquatic_plant_permit_index.html.

You may request a copy of any of the documents from Julie Robertson at (360) 407-6575, or e-mail at Julie.Robertson@ecy.wa.gov.

Your Right to Appeal the Permit: You have a right to appeal the content of the permit to the pollution control hearings board (PCHB) within thirty days of the date of receipt of this letter. The appeal process is governed by chapters 43.21B RCW and 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, within thirty days of the date of receipt of this letter you must:

- File your appeal and a copy of the coverage letter with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and coverage letter on ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapters 43.21B RCW and 371-08 WAC.

Address and Location Information

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive S.E. Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road S.W. Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

WSR 11-04-082
DEPARTMENT OF ECOLOGY
[Filed February 1, 2011, 9:11 a.m.]

PUBLIC NOTICE
Ecology Issues the New Aquatic Plant and Algae Management General Permit

New Permit Issued: Ecology will issue the new aquatic plant and algae management general permit (permit) on February 16, 2011. This permit replaces the previous permit issued in 2006.

Purpose of the Permit: The permit is a joint national pollutant discharge elimination system (NPDES) and state waste discharge general permit. The permit covers the discharge of products used to control aquatic plants and algae in Washington lakes. The permit also allows treatment of emergent plants along roadsides and ditch banks. Control products include aquatic herbicides, algaecides, biological clarification products, aquatic dyes, adjuvants, and nutrient inactivation products such as alum.

Ecology Contact: Kathy Hamel, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6562, fax (360) 407-6426, e-mail kathy.hamel@ecy.wa.gov.

Public Notice Process and Comments: Ecology hosted two informational workshops and public hearings, and

WSR 11-04-083
NOTICE OF PUBLIC MEETINGS
GRAYS HARBOR COLLEGE
[Filed February 1, 2011, 9:32 a.m.]

There will be a special meeting of the board of trustees of Grays Harbor College on February 15, 2011, from 8:00 a.m. to noon. The regular meeting of the board of trustees will follow that meeting at 1:00 p.m. The meeting will be held in the college boardroom in the Manspeaker Instructional Building.

WSR 11-04-084
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE
[Filed February 1, 2011, 9:32 a.m.]

In accordance with RCW 42.30.075 the board of trustees for Big Bend Community College, District No. 18, has revised its regular meeting schedule as follows: A study session has been scheduled on February 22, 2011.

WSR 11-04-089
NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS
[Filed February 2, 2011, 9:15 a.m.]

The regular monthly public meeting of the board of tax appeals, scheduled for 9:30 a.m., Friday, February 11, 2011, has been cancelled.