

WSR 11-06-003

**PUBLIC RECORDS OFFICER
JAIL INDUSTRIES BOARD**
[Filed February 16, 2011, 4:43 p.m.]

The designee for the public records officer on behalf of the jail industries board is Dean Mason, Executive Director, P.O. Box 41115, Olympia, WA 98504-1115, e-mail dean.mason@doc.wa.gov, phone (360) 725-9179, fax (360) 753-0219, cell (360) 239-9019.

There are no other contacts for this agency.

Dean Mason
Executive Director

WSR 11-06-004

**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**
[Filed February 16, 2011, 4:58 p.m.]

NOTICE OF SPECIAL MEETING

Chairperson, John Stephens, has called a special meeting of the board of trustees for Tuesday, February 22, 2011, 3:30 p.m., Multipurpose Room, 2405 East College Way, Mount Vernon, WA 98273. This meeting is being held as a study session. Study session topic: Core themes and core theme objectives.

WSR 11-06-005

OFFICE OF THE GOVERNOR
[Filed February 17, 2011, 9:07 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 **Thursday, February 17, 2011**, in memory of Washington State Department of Natural Resources employee Sam Gaydeski of Beaver, who was killed on the job Monday while clearing brush near Clearwater in Jefferson County.

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 Thursday, or first thing Friday morning, February 18.

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 11-06-006

**PROCLAMATION
OFFICE OF THE GOVERNOR**
[February 14, 2011]

PROCLAMATION BY THE GOVERNOR

11-03

WHEREAS, a severe winter storm produced extensive rainfall throughout Washington from January 9 through January 26, 2011, threatening citizens and property of Washington State; and

This storm produced significant flooding, high winds, and heavy precipitation, resulting in saturated soils, landslides and power outages; causing extensive damage to homes, businesses, highways, public utilities, public facilities, and infrastructure in Chelan, Clallam, Clark, Cowlitz, Grant, Grays Harbor, King, Kittitas, Klickitat, Lewis, Mason, Pacific, Skagit, Skamania, Snohomish, Wahkiakum, and Whatcom counties; and

The storm caused extensive damage to state and county road systems with the estimated cost to correct the road systems damage over \$1.1 million and growing, requiring the approval of Washington's Secretary of Transportation to commence work to repair, remove and replace the affected roadways; and emergency conditions may warrant closure of affected roadways and implementation of emergency procurement procedures; and

The Washington State Department of Transportation is coordinating resources to repair the highways and county road systems; is continuing to assess the damage caused by this incident, and is working closely with local jurisdictions to develop short and long term repairs for the roadways and detours; and

The impact of this incident to the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, is a public disaster that affects life, health, property and public peace; and

The Washington State Military Department activated the state Emergency Operations Center, implemented response procedures, and coordinated resources to support local officials in alleviating the immediate social and economic impacts to people, property, and infrastructure and is continuing to assess the magnitude of the incident.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Chelan, Clallam, Clark, Cowlitz, Grant, Grays Harbor, King, Kittitas, Klickitat, Lewis, Mason, Pacific, Skagit, Skamania, Snohomish, Wahkiakum, and Whatcom Counties in the state of Washington, and direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the incident.

Signed and sealed with the official seal of the state of Washington this 14th day of February, A.D, Two Thousand and Eleven at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Steve Excell
[Assistant] Secretary of
State

- July 14
- August 11
- September 8
- October 13
- November 10
- December 8

In accordance with RCW 42.30.075, this schedule of regular meeting dates for the board of pilotage commissioners is filed with the office of the code reviser for publication in the Washington State Register.

WSR 11-06-010
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS

[Filed February 18, 2011, 12:00 p.m.]

CHANGE OF MEETING DATES

At the last regular monthly meeting of the board of pilotage commissioners the following changes were made to the 2011 meeting schedule:

- April 14 moved to April 7, 2011, at 9:30 a.m.
- June 9 moved to June 10, 2011, at 9:30 a.m.

2901 Third Avenue
First Floor Agate Conference Room
Seattle, WA

If you are a person with a disability and need a special accommodation, please contact Shawna Erickson at (206) 515-3647.

WSR 11-06-011
NOTICE OF PUBLIC MEETINGS
BOARD OF
PILOTAGE COMMISSIONERS

[Filed February 18, 2011, 12:14 p.m.]

2011 MEETING SCHEDULE
(Revised)

The Washington state board of pilotage commissioners meets on the second Thursday of each month unless otherwise rescheduled or canceled. Meetings are held at 9:30 a.m., at 2901 Third Avenue, Seattle, WA. Following is the schedule of 2011 board meetings:

- January 13
- February 10
- March 10
- ~~April 14~~ April 7
- May 12
- ~~June 9~~ June 10

WSR 11-06-012
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed February 18, 2011, 1:31 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department issued ETA 3165.2011 *Dry Stack Boat Storage*. This ETA explains the business and occupation (B&O) tax responsibilities of businesses that offer land based boat storage in the form of stacking berths ("dry stack storage").

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 11-06-013
AGENDA
EASTERN WASHINGTON UNIVERSITY

[Filed February 22, 2011, 1:04 p.m.]

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

1. Rule making for a revision to chapter 172-09 WAC, Administration of duties and obligations required by Initiative 276—Academic transcripts of Eastern Washington State College students, is anticipated during the first half of 2011.
2. Rule making for a revision to chapter 172-132 WAC, Course materials, is anticipated during the first half of 2011.
3. Rule making concerning a revision to chapter 172-144 WAC, Special charges—Financial responsibility, is anticipated during the first half of 2011.
4. Rule making concerning a revision to chapter 172-124 WAC, Disposition of obligations owed to university by students, is anticipated during the first half of 2011.

For more information concerning the above rules under review or development contact Trent Lutey, University Policy Administrator, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, or e-mail tlutey@ewu.edu.

WSR 11-06-016
NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE

[Filed February 23, 2011, 10:39 a.m.]

The Peninsula College board of trustees approved a date change for their regularly scheduled April 2011 meeting. The board approved to move the meeting to Tuesday, April 19, 2011, at 2:00 at the Forks, Washington Extension Site, located at 71 South Forks Avenue, Forks, WA 98331.

WSR 11-06-017
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Filed February 23, 2011, 10:39 a.m.]

In compliance with RCW 42.30.075, shown below is the Seattle Community Colleges - District VI board of trustees revised meeting schedule for 2011, which was adopted by the board on February 10, 2011.

There is no change on the meeting dates, but the locations for the March and June meetings have been changed.

If you have any questions, please contact Harrietta Hanson at (206) 587-3850.

REVISED
BOARD OF TRUSTEES 2011 MEETING SCHEDULE

*Revision Approved by the Board of Trustees
 February 10, 2011*

The board of trustees meetings begin with a study session or reception at 2:00 p.m. Regular meeting agenda sessions will begin at 3:00 p.m. Dates and locations of the meetings are noted below. All meetings are on the second Thursday of the month.

DATE	LOCATION
January 13	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103
February 10	Seattle Vocational Institute (SVI) 2120 South Jackson Street Seattle, WA 98144
March 10	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103
April 14	Seattle Central Community College (SCCC) Maritime Academy 4455 Shilshole Avenue N.W. Seattle, WA 98107
May 12	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122
June 9	South Seattle Community College (SSCC) 6000 16th Avenue S.W. Seattle, WA 98106

DATE	LOCATION
July 14	Seattle Vocational Institute (SVI) 2120 South Jackson Street Seattle, WA 98144
August	No Meeting
September 8	Seattle Central Community College (SCCC) 1701 Broadway Seattle, WA 98122
October 13	South Seattle Community College (SSCC) 6000 16th Avenue S.W. Seattle, WA 98106
November 10	SCCD (Siegal Center) 1500 Harvard Avenue Seattle, WA 98122
December 8	North Seattle Community College (NSCC) 9600 College Way North Seattle, WA 98103

WSR 11-06-019
RULES COORDINATOR
DEPARTMENT OF ECOLOGY

[Filed February 23, 2011, 12:59 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of ecology is Bari Schreiner, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6998, fax (360) 407-6989, e-mail Bari.Schreiner@ecy.wa.gov.

February 18, 2011
 Ted Sturdevant
 Director

WSR 11-06-024
NOTICE OF PUBLIC MEETINGS
CENTER FOR CHILDHOOD
DEAFNESS AND HEARING LOSS

[Filed February 24, 2011, 9:56 a.m.]

The April and June board meetings have changed. The corrected information is listed below:

April 15, 2011: The meeting will be held 9:30 a.m. - 3 p.m. in Clarke Hall 150 on the WSD campus.

June 8, 2011: The meeting date has changed to June 8, 2011, and will be held 11 a.m. - 4:30 p.m. in Clarke Hall 150 on the WSD campus.

WSR 11-06-025**NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE**

[Filed February 24, 2011, 12:13 p.m.]

The Skagit Valley College (Community College District No. 4) board of trustees has changed the date of their regular March 2011 meeting from March 22 to March 15; time and location remains the same.

If you need further information, please contact Lisa Radeleff, President's Office, 2405 East College Way, Mount Vernon, WA 98273, office (360) 416-7995, fax (360) 416-7773, lisa.radeleff@skagit.edu, www.skagit.edu.

WSR 11-06-026**AGENDA****DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed February 24, 2011, 1:15 p.m.]

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 11-07 issue of the Register.

WSR 11-06-028**NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION**

[Filed February 25, 2011, 11:14 a.m.]

As required by RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publishing in the Washington State Register.

The Washington state parks and recreation commission will be holding its March 24, 2011, commission [meeting] at the state parks headquarters, in Olympia, Washington. Washington state parks headquarters office is located at 1111 Israel Road S.W., Olympia, WA.

The public is welcome to attend all state park[s] and recreation commission meetings. Regular meetings run from 8 a.m. to 5 p.m. and include an opportunity for public comment. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

Agendas are posted on the agency web site <http://www.parks.wa.gov/agency/commissionmeetings> at least one week in advance of meetings, and commission action posted. If you have questions or concerns, please submit written correspondence to the Director, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-2650, or by calling (360) 902-8505.

WSR 11-06-033**NOTICE OF PUBLIC MEETINGS
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed February 25, 2011, 1:25 p.m.]

The board of registration for professional engineers and land surveyors will hold their annual board meeting at the Criminal Justice Training Center, 19010 1st Avenue South, Burien, WA 98148, on June 16, 2011. Call to order is 8 a.m.

WSR 11-06-035**NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE**

[Filed February 28, 2011, 9:11 a.m.]

This notice is in accordance with RCW 42.30.075 that the board of trustees for Big Bend Community College, District No. 18, meet Tuesdays per the schedule posted below, in the Grant County ATEC Building 1800, Room 1837, Hardin Community Room, on the campus of Big Bend Community College. The beginning time of 1:30 p.m. is being changed, please see list.

March 15, 2011, 8:30 a.m.
April 12, 2011, 8:30 a.m.
May 31, 2011, 8:30 a.m.
June 21, 2011, 8:30 a.m.
August 9, 2011, 8:30 a.m.
September 6, 2011, 8:30 a.m.
October 18, 2011, 8:30 a.m.
November 29, 2011, 8:30 a.m.
No December 2011 meeting

If you have questions, please feel free to call.

WSR 11-06-036**NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE**

[Filed February 28, 2011, 9:11 a.m.]

In compliance with the Open Public Meetings Act, the Shoreline Community College board of trustees will hold a special meeting, beginning at 1:00 p.m. on Friday, February 25, 2011, for the purpose of taking action on the college calendars for academic years 2012 - 2013 and 2013 - 2014.

This special meeting will take place in the Board Room (#1010M), Administration Building (#1000), Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133.

Please call (206) 546-4552 or e-mail [Lori Y. Yonemitsu](mailto:Lori.Yonemitsu@shoreline.edu) if you need further information.

WSR 11-06-039
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed February 28, 2011, 11:49 a.m.]

INTERPRETIVE STATEMENTS ISSUED

The department issued the following two excise tax advisories (ETA):

ETA 3016.2011 *Automobile Towing and Roadside Assistance Services*. This ETA provides information about the meaning and taxability of "automobile towing and similar automotive transportation services." It also provides information about the taxability of roadside assistance services that may be performed by towing companies. The information in this ETA has been updated and reformatted.

ETA 3084.2011 *Retail Sales Tax—Charges for Towing Damaged or Inoperable Vehicles for Repair*. This ETA explains the limited circumstances under which the department allowed towing companies to accept resale certificates or reseller permits from service stations or repair shops. A header was added to this ETA to explain that it applies to periods prior to July 1, 2010. Effective July 1, 2010, service stations or automotive repair shops may provide a towing company with a reseller permit when purchasing a towing service for resale.

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 11-06-043
AGENDA
DEPARTMENT OF
EARLY LEARNING
 [Filed February 28, 2011, 4:29 p.m.]

Semi-Annual Rule-Making Agenda Under RCW 34.05.314
January 1 through June 30, 2011

The department of early learning (DEL) prepares a semi-annual rule making agenda in January and July each year to let the public know about DEL rule changes underway or planned. The current agenda also: (1) Reports rule making suspended, eliminated or proceeding under the Governor's Executive Order (EO) 10-06 suspending noncritical rule making;* and (2) updates the 2007 child care provider rule review plan prepared under RCW 43.215.502. DEL rules are part of the Washington Administrative Code (WAC), and permanent DEL rules can be found on-line at Title 170 WAC. This agenda includes links to rule-making notices that DEL has filed with the office of the code reviser for publication in the Washington State Register. Find current information about department rule-making activity on-line at DEL Rules Under Development. See additional notes following the table.

Subject Matter and RCW Authority	WAC Chapter or Sections	Description	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Common terms, definitions and standards RCW 43.215.060, 43.215.070, and chapter 43.215 RCW	New WAC chapter, and possible revisions of other DEL rules in Title 170 WAC	Visit DEL Rules Under Development on the DEL web site for current information on these rules. Adopting a new DEL WAC chapter to include terms, definitions or standards that apply to more than one DEL WAC chapter or program. Other DEL WAC chapters may be revised to eliminate duplication. EO 10-06 impact: Rule development suspended.	None	Filed 12/24/08 as WSR 09-01-185	Suspended	Suspended
Public records, DEL organization RCW 42.56.070 and 42.56.100	New chapter 170-01 WAC	Adopting a new DEL WAC chapter on public records requests, and adopting DEL organization and index rules required by law. EO 10-06 impact: Rules are required by chapter 42.56 RCW. DEL plans to proceed with rule development.	None	Filed 8/27/09 as WSR 09-18-055	Anticipated filing in this period	To be determined

Subject Matter and RCW Authority	WAC Chapter or Sections	Description	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Del hearing rules RCW 34.05.220, 43.215.070, and chapter 43.215 RCW	Chapter 170-03 WAC	Visit DEL Rules Under Development on the DEL web site for current information on these rules. Adopting technical changes needed to make the rules consistent with other DEL WAC chapters and to revise hearing procedures. EO 10-06 impact: Rule development suspended this period, but DEL may review rules for potential budget-related revisions.	None			
DEL background checks rules RCW 43.215.060, 43.215.070, 43.215.200, 43.215.205, 43.215.215, 43.43.832(6), and chapter 43.215 RCW	Chapter 170-06 WAC	Revising the list of crimes that may disqualify a person from working in child care, and procedures for disqualification, reconsideration and due process. Reviewing the rules for consistency with current law and considering whether to apply DEL background check rules to other early learning programs. EO 10-06 impact: Rules are necessary to protect public health, safety and welfare. Rule development may proceed in 2011.	None	Filed 12/24/08 as WSR 09-01-184	To be determined	To be determined
Syrup of ipecac use in DEL-licensed child care facilities RCW 43.215.060, 43.215.070, 43.215.200, and chapter 43.215 RCW	Chapters 170-151, 170-295, and 170-296 WAC	Revising requirements on keeping syrup of Ipecac available in a licensed child care facility for emergency treatment of children suspected of swallowing a poison. Changes will be based on current research and advice from the state department of health and Washington Poison Center. EO 10-06 impact: Rules are beneficial to and likely supported by regulated entities. Rule development to continue in 2011.	None	Anticipated filing this period	To be determined	To be determined
School-age child care center programs RCW 43.215.060, 43.215.070, 43.43.832(6), and chapter 43.215 RCW	Chapter 170-151 WAC	School-age program rules have not been updated since 1997 and are seriously out of date. School's Out Washington (SOWA), a nonprofit group, has gathered stakeholder input and recommended comprehensive WAC changes. EO 10-06 impact: Rules are necessary to protect public health, safety and welfare, and are requested regulated entities. Rule development will proceed in 2011.	None	Filed 4/23/09 as WSR 09-10-009	To be determined	To be determined
Working connections child care (WCCC) and seasonal child care (SCC) subsidy programs RCW 43.215.060, 43.215.070, chapter 273, Laws of 2010 and section 501, chapter 265, Laws of 2006 (uncodified)	Chapter 170-290 WAC	Continued implementation of HB 3141 (chapter 273, Laws of 2010), revising what types of income changes and other changes a consumers must report to the department of social and health services (DSHS) during the consumer's WCCC eligibility period. EO 10-06 impact: Rules developed were beneficial to, requested by and supported by the regulated entities. Adopted final rules are effective in this period.	None	Filed 7/21/10 as WSR 10-15-116	Filed 9/21/10 as WSR 10-19-119 Hearings 10/27/10 and 10/30/10	Filed 12/14/10 as WSR 11-01-090 Effective 1/14/11

Subject Matter and RCW Authority	WAC Chapter or Sections	Description Visit DEL Rules Under Development on the DEL web site for current information on these rules.	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Working connections child care (WCCC) and seasonal child care (SCC) subsidy programs RCW 43.215.060, 43.215.070, and section 501, chapter 265, Laws of 2006 (uncodified)	Chapter 170-290 WAC	Revising the eligibility requirements to qualify for WCCC and SCC. Rules are required to reduce Work-First expenditures and help balance the state budget during the state fiscal year ending June 30, 2011. EO 10-06 impact: Rules are necessary to manage budget shortfalls, and were initially adopted by emergency rule. Rule development will continue in 2011.	Filed 1/31/11 as WSR 11-04-078 and 2/15/11 as WSR 11-05-088 Emergency rules WSR 11-04-078 Superseded WSR 11-01-114	Filed 1/12/10 as WSR 10-03-033 and 7/21/10 as WSR 10-15-116	Proposal filed 8/30/10 as WSR 10-18-064 Hearings 10/7/10 and 10/9/10 Supplemental or new proposal possible - date to be determined	To be determined
Seasonal child care (SCC) subsidy programs RCW 43.215.060, 43.215.070, and section 501, chapter 265, Laws of 2006 (uncodified)	Chapter 170-290 WAC	Amending SCC rules to shift application processing and eligibility determinations from contracted entities to DSHS, and to make SCC requirements consistent with WCCC which is already administered by DSHS. EO 10-06 impact: Rules are necessary to manage budget shortfalls. Rule development will continue this period.	None	Filed 7/21/10 as WSR 10-15-116	Proposed rule anticipated in this period	Permanent rules anticipated by mid-2011
Exclusion of ill children or staff in child care centers RCW 43.215.070, chapter 43.215 RCW	WAC 170-295-3030	Anticipated rule making due to a public petition, under RCW 34.05.330, to amend WAC 170-295-3030 When is a child or staff member too ill to be at child care. EO 10-06 impact: Rules are necessary to protect public health, safety and welfare. Rule development to proceed in 2011.	None	Filed 8/18/10 as WSR 10-18-006	To be determined	To be determined
Child care centers and family home child care RCW 43.215.070, and chapter 43.215 RCW	Chapters 170-295 and 170-296 or 170-296A WAC	Revising DEL rules on infant and toddler cribs and other sleeping equipment, consistent with new rules of the United States Consumer Product Safety Commission. By December 2012, cribs used in child care homes and centers must meet 2010 national safety standards. EO 10-06 impact: Rules are necessary to protect public health, safety and welfare. Rule development to proceed in 2011.	None	Anticipated filing this period	To be determined	To be determined
Child care centers—Rule review RCW 43.215.060, 43.215.070, 43.43.832(6), and chapter 43.215 RCW	Chapter 170-295 WAC	Comprehensive review of this chapter was planned to start in 2011. The last major revision was completed in 2003. EO 10-06 impact: Rule development may proceed in 2011 on selected WAC sections necessary to protect the public health, safety and welfare.	None	Filed 8/18/10 as WSR 10-18-006	To be determined	To be determined

Subject Matter and RCW Authority	WAC Chapter or Sections	Description	Emergency Rules (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearings or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
Family home child care—Rule review and update	Chapter 170-296 WAC New chapter 170-296A WAC	Visit DEL Rules Under Development on the DEL web site for current information on these rules. Revising the family home child care WAC chapter using a negotiated rule-making process consisting of parents, child care providers, the Service Employees International Union, advocates, Washington Child Care Resource and Referral network and DEL staff. EO 10-06 impact: Rules are permitted if developed using negotiated rule making. Rule making will proceed this period.	None	Filed 12/1/06 as WSR 06-24-051 Preliminary draft rules circulated for public input in March-April 2009.	Proposed rules anticipated in this period	To be determined
Department of early learning rules	All chapters of Title 170 WAC	As DEL Title 170 WAC or other agency rules are revised, DEL may revise its rules to update names, references or other information to keep DEL rules current. EO 10-06 impact: Rules suspended unless specific rules are deemed necessary to protect the public health, safety and welfare.	N/A	Suspended	Suspended	Suspended

Permanent rules adopted in the twelve months prior to this report:

- WSR 10-15-063 - DEL WCCC and SCC subsidy program rules. Permanent rules filed July 15, 2010, and effective August 15, 2010. Amending WAC 170-290-0082 to implement subsection 2(2) of E2SHB 3141, extending family eligibility to twelve months for families in the WCCC program who have a child enrolled in head start, early head start or the early childhood education and assistance program, and related amendments.
- WSR 10-20-059 - DEL early childhood education and assistance program (ECEAP) rules. Permanent rules filed September 27, 2010, and effective October 28, 2010. Amending WAC 170-100-0080 to implement 2SHB 2731, by changing the definition of "eligible child" to include children eligible for special education regardless of income.
- WSR 10-24-016 - DEL child care license fees. Permanent rules filed November 19, 2010, and effective December 20, 2010 (rates had been in effect by emergency rule since July 1, 2010). Amending WAC 170-151-070 and 170-295-0060 to raise annual license fees for child care centers and school-age center programs as directed by the ESSB 6444, section 614(14). Rules were necessary to manage budget shortfalls and were required by state law, and were adopted according to EO 10-06 guidance.
- WSR 10-24-015 - DEL child care licensing. Permanent rules filed November 19, 2010, and effective December 20, 2010. Amending WAC 170-151-230, 170-295-3060, and 170-296-0870 allowing the use of hand sanitizer gels with children over twelve months old with written permission from the child's parent or

- guardian. Rules were necessary to protect the public health, safety and welfare and were originally adopted by emergency rule, with final rules adopted according to EO 10-06 guidance.
- WSR 11-01-090 - DEL WCCC and SCC subsidy program rules. Permanent rules filed December 14, 2010, and effective January 14, 2011. Amending WAC 170-290-0031 and 170-290-0032 to reduce how often a family must report income changes. This rule continued policy changes to implement HB 3141 - see related rules adopted as WSR 10-15-063. Rules were beneficial to, requested by and supported by regulated entities, and were adopted according to EO 10-06 guidance.

***Governor's Executive Order 10-06 Suspending Noncritical Rule Development and Adoption**

EO 10-06, signed November 17, 2010, directed state executive agencies to suspend or eliminate "noncritical" rule development and adoption through December 31, 2011. Under guidance prepared by the office of financial management (OFM) on implementing the governor's directive:

- Rule proceedings are noncritical unless the rule is:
 - (a) Required by federal or state law or required to maintain a federally delegated or authorized program;
 - (b) Required by court order;
 - (c) Necessary to manage budget shortfalls, maintain fund solvency, or for revenue generating activities;
 - (d) Necessary to protect health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources; or
 - (e) Beneficial or requested or supported by the regulated entities, local governments, or small businesses that (the rule) affects.

- Agencies may continue to adopt rules that have been the subject of *negotiated rule making* or *pilot rule making* that involved substantial participation by interested parties before development of the proposed rule. Agencies may also proceed to finalize permanent rule making that has previously been covered by *emergency rules*.
- Agencies may continue to adopt expedited rules under RCW 34.05.353 where proposed rules relate only to internal government operations.

Find the complete OFM guidance on implementing EO 10-06 at the governor's office of regulatory assistance web site at http://www.governor.wa.gov/news/20101116_memo_eo_10-06.pdf.

Notes: The DEL semi-annual rule-making agenda is prepared for information purposes only, and future dates or periods noted in this agenda are planning estimates that are subject to change. This agenda does not constitute a rule or rule-making action. Any errors or omissions in this agenda do not affect the actual DEL rules or rule-making notices filed with the office of the code reviser and published in the Washington State Register.

There may be additional DEL rule making that cannot be forecasted as the department adopts rules to implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. Emergency rules noted, if any, are those in effect at the time this agenda was filed with the code reviser or were the last emergency rules filed prior to this agenda on the particular subject.

For more information about DEL rule making, or to join a mailing list to receive DEL rule notices and draft materials, please e-mail Rules@del.wa.gov, or write to the DEL Rules Coordinator, P.O. Box 40972, Olympia, WA 98504-0972.

CR means "code reviser." The legislature's office of the code reviser creates the rule-making notice forms used and filed by all state agencies.

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

CR-102 may be a proposed rule-making notice filed under RCW 34.05.320; a continuance notice under RCW 34.05.325, or a supplemental proposed rule-making notice under RCW 34.05.340.

CR-103E is an emergency rule-making order filed under RCW 34.05.350.

CR-103P is a permanent rule-making order filed under RCW 34.05.360.

CR-105 is an expedited rule-making notice filed under RCW 34.05.353.

WSR means "Washington State Register." The WSR numbers noted throughout this rules agenda are the official filing numbers assigned by the office of the code reviser and entered on materials filed for legal publication in the Washington State Register.

WSR 11-06-046
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 1, 2011, 9:01 a.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
Division of Healthcare Services

Document Title: Medicaid State Plan Amendment 11-07.

Subject: Concurrent care for children under age twenty-one enrolled in hospice.

Effective Date: November 1, 2011.

Document Description: Under Section 2302 of the Patient Protection and Affordable Care Act of 2010 (P.L. 111-148), states are required to provide concurrent hospice care and treatment services for individuals under twenty-one years of age enrolled in medicaid who elect hospice care. Washington is submitting SPA 11-07 to establish that a family electing to receive hospice care for an individual under age twenty-one is no longer required to waive treatment for the terminal illness. This program is anticipated to become effective on or around November 1, 2011.

To receive a copy of the interpretive or policy statements, contact Ellen Silverman, Hospice, P.O. Box 45506, Olympia, WA 98503, phone (360) 725-1570, TDD/TTY 800-848-5429, fax (360) 725-1966, e-mail silvees@dshs.wa.gov, web site www.dshs.wa.gov.

WSR 11-06-047
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 1, 2011, 9:14 a.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 11-03.

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

Effective Date: February 1, 2011.

Document Description: Effective for dates of service on and after February 1, 2011, DSHS will discontinue paying for procedure code T1023 intake assessments for family planning and TAKE CHARGE 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://hrs.a.dshs.wa.gov>.

WSR 11-06-048
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 1, 2011, 9:15 a.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 11-01.

Subject: Tribal health program: Encounter rate match increase.

Effective Date: January 1, 2011.

Document Description: This memo informs Indian health services (IHS) and Tribal 638 health clinic providers of changes to the federal medical assistance percentages (FMAP) rate effective January 1, 2011, and April 1, 2011.

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://hrs.a.dshs.wa.gov>.

WSR 11-06-050
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL

[Filed March 1, 2011, 11:26 a.m.]

Public Announcement

One and all are welcome to attend our SILC council meeting.

Date: Friday, April 8, 2011

Time: 9 a.m. - 3 p.m.

Eastern Washington University - Cheney
120 Tawanka Hall
Room #TAW215
Cheney, WA

ASL interpreters and real time captioning will be available. For other accommodations request, please contact Barbara Hathaway by video phone (VP) 1-866-890-4539 or e-mail hathab@dshs.wa.gov or Rob Honan (360) 725-3695 (V) or 800-624-4105 (V) or e-mail honanrw@dshs.wa.gov.

Participants may access the meeting remotely by telephone (voice only): Dial-in Number: (877) 216-1555 Pass-

code: 815648 OR by CART, please use the following web site to access the CART, <http://www.streamtext.net/text.aspx?event=SILC>.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

WSR 11-06-051
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL

[Filed March 1, 2011, 11:28 a.m.]

Public Announcement

One and all are welcome to attend our SILC public forum.

Date: Thursday, April 7, 2011

Time: 6:00 p.m. - 8:00 p.m.

Washington State University - Riverpoint
600 North Riverpoint Boulevard
SAC Room #20
Spokane, WA

ASL interpreters and real time captioning will be available. For other accommodations request (close vision, tactile, etc...), please contact Barbara Hathaway by video phone (VP) 1-866-890-4539 or e-mail hathab@dshs.wa.gov or Rob Honan (360) 725-3695 (V) or 800-624-4105 (V) or e-mail honanrw@dshs.wa.gov.

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WSR 11-06-065
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed March 2, 2011, 8:44 a.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
Division of Healthcare Services

Document Title: Medicaid State Plan Amendment (SPA) 11-10.

Subject: Therapy services.

Effective Date: April 1, 2011.

Document Description: The department intends to submit SPA 11-10 to the medicaid state plan to implement changes to the physical, occupational, and speech therapy programs as mandated by the state legislature in ESHB 1086. The services will be combined into one rehabilitation benefit and the number of visits or units available will be limited for adults, twenty-one years of age and older.

To receive a copy of the interpretive or policy statements, contact Maureen Guzman, Physical Therapy, Occupational Therapy, and Speech Therapy, 626 8th Avenue S.E., Olympia, WA 98504-5506, phone (360) 725-2033, TDD/TTY 1-800-848-5429, fax (360) 586-1966, e-mail guzmam@dshs.wa.gov, web site www.dshs.wa.gov.