

WSR 11-15-055
RULES OF COURT
STATE SUPREME COURT
[July 13, 2011]

IN THE MATTER OF THE ADOPTION) ORDER
OF STANDARDS 3.2, 5.2, 6.1, 13 AND 14) NO. 25700-A-983
OF THE WASHINGTON STATE BAR)
ASSOCIATION 2011 STANDARDS FOR)
INDIGENT DEFENSE SERVICES; AND)
STANDARDS 3.3 AND 3.4 OF THE)
WASHINGTON STATE BAR ASSOCIA-)
TION 2011 STANDARDS FOR INDI-)
GENT DEFENSE SERVICES)

The Washington State Bar Association having recom-
mended the adoption of the Standards 3.2, 5.2, 6.1, 13, and 14
of the Washington State Bar Association 2011 Standards for
Indigent Defense Services with a January 1, 2012 effective
date; Standards 3.3 and 3.4 of the Washington State Bar
Association 2011 Standards for Indigent Defense Services
with a January 1, 2013, effective date, and the Court having
approved the Standards for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the pro-
posed standards as shown below hereto are to be published
for comment in the Washington Reports, Washington Regis-
ter, Washington State Bar Association and Administrative
Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is
published solely for the information of the Bench, Bar and
other interested parties.

(c) Comments are to be submitted to the Clerk of the
Supreme Court by either U.S. Mail or Internet E-Mail by no
later than October 31, 2011. Comments may be sent to the
following addresses: P.O. Box 40929, Olympia, Washington
98504-0929, or Camilla.Faulk@courts.wa.gov. Comments
submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 13th day of July,
2011.

For the Court

Madsen, C. J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Standards

Submitted to Court for Approval Pursuant to CrR 3.1,
CrRLJ 3.1, and JuCR 9.2

Purpose: On July 8, 2010, the Court adopted amend-
ments to CrR 3.1, CrRLJ 3.1, and JuCR 9.2. The amend-
ments require appointed counsel to certify compliance with
Standards for Indigent Defense Services to be approved by
the Supreme Court, and are to become effective January 1,
2012. The WSBA Council for Public Defense considered the
views of numerous stakeholders and interested parties while
developing Standards for certification regarding caseloads,
administrative costs, investigators, limitations on private
practice, and qualifications of attorneys, with a proposed

effective date of January 1, 2012. Standards for caseload lim-
its were also developed, with a proposed effective date of
January 1, 2013.

SUGGESTED STANDARDS FOR INDIGENT DEFENSE

The following Standards for Indigent Defense are
adopted pursuant to CrR 3.1, CrRLJ 3.1, and JuCR 9.2 and
shall have an effective date concurrent with the effectiveness
of amendments to those rules approved by the Court July 8,
2010 (effective January 1, 2012):

Standard 3.2 - Caseload Limits and Types of Cases: The
caseload of public defense attorneys shall allow each lawyer
to give each client the time and effort necessary to ensure
effective representation. Neither defender organizations,
county offices, contract attorneys nor assigned counsel
should accept workloads that, by reason of their excessive
size, interfere with the rendering of quality representation.
As used in this Standard, "quality representation" is intended
to describe the minimum level of attention, care, and skill that
Washington citizens would expect of their state's criminal
justice system.

Standard 5.2 - Administrative Costs: Public defense
attorneys shall have an office that accommodates confidential
meetings with clients and receipt of mail, and adequate tele-
phone services to ensure prompt response to client contact.

Standard 6.1 - Investigators: Public defense attorneys
shall use investigation services as appropriate.

Standard 13 - Limitations on Private Practice: Private
attorneys who provide public defense representation shall set
limits on the amount of privately retained work which can be
accepted. These limits shall be based on the percentage of a
full-time caseload which the public defense cases represent.

Standard 14 - Qualifications of Attorneys:

Standard:

1. In order to assure that indigent accused receive the
effective assistance of counsel to which they are constitution-
ally entitled, attorneys providing defense services shall meet
the following minimum professional qualifications:

A. Satisfy the minimum requirements for practicing law
in Washington as determined by the Washington Supreme
Court; and

B. Be familiar with the statutes, court rules, constitu-
tional provisions, and case law relevant to their practice area;
and

C. Be familiar with the Washington Rules of Profes-
sional Conduct; and

D. Be familiar with the Performance Guidelines for
Criminal Defense Representation approved by the Washing-
ton State Bar Association; and

E. Be familiar with the consequences of a conviction or
adjudication, including possible immigration consequences
and the possibility of civil commitment proceedings based on
a criminal conviction; and

F. Be familiar with mental health issues and be able to
identify the need to obtain expert services; and

G. Complete seven hours of continuing legal education
within each calendar year in courses relating to their public
defense practice.

2. Trial attorneys' qualifications according to severity or type of case¹:

A. Death Penalty Representation. Each attorney acting as lead counsel in a death penalty case or an aggravated homicide case in which the decision to seek the death penalty has not yet been made shall meet the following requirements:

- i. The minimum requirements set forth in Section 1; and
- ii. At least five years criminal trial experience; and
- iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and
- iv. Have served as lead or co-counsel in at least one jury trial in which the death penalty was sought; and
- v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases; and
- vi. Have completed at least one death penalty defense seminar within the previous two years; and
- vii. Meet the requirements of SPRC 2.²

The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation specialist and an investigator. Psychiatrists, psychologists and other experts and support personnel should be added as needed.

B. Adult Felony Cases - Class A. Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:

- i. The minimum requirements set forth in Section 1; and
- ii. Either:
 - a. has served two years as a prosecutor; or
 - b. has served two years as a public defender; or two years in a private criminal practice, and
- iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.

C. Adult Felony Cases - Class B Violent Offense. Each attorney representing a defendant accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following requirements:

- i. The minimum requirements set forth in Section 1; and
- ii. Either:
 - a. has served one year as prosecutor; or
 - b. has served one year as public defender; or one year in a private criminal practice; and
- iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.

D. Adult Sex Offense Cases. Each attorney representing a client in an adult sex offense case shall meet the following requirements:

- i. The minimum requirements set forth in Section 1 and Section 2(C); and
- ii. Been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

E. Adult Felony Cases - All other Class B Felonies, Class C Felonies, Probation or Parole Revocation. Each attorney representing a defendant accused of a Class B felony not defined in Section 2 (C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or

parole revocation hearing shall meet the following requirements:

- i. The minimum requirements set forth in Section 1, and
- ii. Either:
 - a. has served one year as a prosecutor; or
 - b. has served one year as a public defender; or one year in a private criminal practice; and
- iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and
- iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.

F. Persistent Offender (Life Without Possibility of Release) Representation. Each attorney acting as lead counsel in a "two-strikes" or "three strikes" case in which a conviction will result in a mandatory sentence of life in prison without parole shall meet the following requirements:

- i. The minimum requirements set forth in Section 1;³ and
- ii. Have at least:
 - a. four years criminal trial experience; and
 - b. one year experience as a felony defense attorney; and
 - c. experience as lead counsel in at least one Class A felony trial; and
 - d. experience as counsel in cases involving each of the following:

1. Mental health issues; and
2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases resulting in the possibility of life in prison without parole is a sex offense; and
3. Expert witnesses; and
4. One year of appellate experience or demonstrated legal writing ability.

G. Juvenile Cases - Class A. Each attorney representing a juvenile accused of a Class A felony shall meet the following requirements:

- i. The minimum requirements set forth in Section 1, and
- ii. Either:
 - a. has served one year as a prosecutor; or
 - b. has served one year as a public defender; one year in a private criminal practice; and
- iii. Has been trial counsel alone of record in five Class B and C felony trials; and
- iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor, if available.

H. Juvenile Cases - Classes B and C. Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:

- i. The minimum requirements set forth in Section 1; and
- ii. Either:
 - a. has served one year as a prosecutor; or
 - b. has served one year as a public defender; or one year in a private criminal practice, and
- iii. has been trial counsel alone in five misdemeanor cases brought to a final resolution; and
- iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor if available.

I. Juvenile Sex Offense Cases. Each attorney representing a client in a juvenile sex offense case shall meet the following requirements:

i. The minimum requirements set forth in Section 1 and Section 2(H); and

ii. Been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.

J. Juvenile Status Offenses Cases. Each attorney representing a client in a "Becca" matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and

ii. Either:

a. have represented clients in at least two similar cases under the supervision of a more experienced attorney or completed at least three hours of CLE training specific to "status offense" cases; or

b. have participated in at least one consultation per case with a more experienced attorney who is qualified under this section.

K. Misdemeanor Cases. Each attorney representing a defendant involved in a matter concerning a simple misdemeanor or gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.

L. Dependency Cases. Each attorney representing a client in a dependency matter shall meet the following requirements:

i. The minimum requirements as outlined in Section 1; and

ii. Attorneys handling termination hearings shall have six months dependency experience or have significant experience in handling complex litigation.

iii. Attorneys in dependency matters should be familiar with expert services and treatment resources for substance abuse.

iv. Attorneys representing children in dependency matters should have knowledge, training, experience, and ability in communicating effectively with children, or have participated in at least one consultation per case either with a state Office of Public Defense resource attorney or other attorney qualified under this section.

M. Civil Commitment Cases. Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and

iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:

a. served one year as a prosecutor, or

b. served one year as a public defender, or one year in a private civil commitment practice, and

c. been trial counsel in five civil commitment initial hearings; and

iv. Shall not represent a respondent in a jury trial unless he or she has conducted a felony jury trial as lead counsel; or been co-counsel with a more experienced attorney in a 90 or 180 day commitment hearing.

N. Sex Offender "Predator" Commitment Cases. Generally, there should be two counsel on each sex offender commitment case. The lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Have at least:

a. Three years criminal trial experience; and

b. One year experience as a felony defense attorney or one year experience as a criminal appeals attorney; and

c. Experience as lead counsel in at least one felony trial; and

d. Experience as counsel in cases involving each of the following:

1. Mental health issues; and

2. Sexual offenses; and

3. Expert witnesses; and

e. Familiarity with the Civil Rules; and

f. One year of appellate experience or demonstrated legal writing ability.

Other counsel working on a sex offender commitment cases should meet the Minimum Requirements in Section 1 and have either one year experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.

O. Contempt of Court Cases. Each attorney representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.

P. Specialty Courts. Each attorney representing a client in a specialty court (e.g., mental health court, drug diversion court, homelessness court) shall meet the following requirements:

i. The minimum requirements set forth in Section 1; and

ii. The requirements set forth above for representation in the type of practice involved in the specialty court (e.g., felony, misdemeanor, juvenile); and

iii. Be familiar with mental health and substance abuse issues and treatment alternatives.

3. Appellate Representation.

Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:

A. The minimum requirements as outlined in Section 1; and

B. Either:

i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or

ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.

C. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions, and meet the requirements of SPRC 2.

RALJ Misdemeanor Appeals to Superior Court:

Each attorney who is counsel alone for a case on appeal to the

Superior Court from a Court of Limited Jurisdiction should meet the minimum requirements as outlined in Section 1, and have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing an RALJ appeal.

4. Legal Interns.

A. Legal interns must meet the requirements set out in APR 9.

B. Legal interns shall receive training pursuant to APR 9 and in offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held.

The following Standards for Indigent Defense are adopted pursuant to CrR 3.1, CrRLJ 3.1, and JuCR 9.2 and are effective January 1, 2013:

Standard 3.3 - Caseload Limits and Types of Cases: General Considerations: Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

The increased complexity of practice in many areas will require lower caseload ceilings. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward more serious offenses or case types that demand more investigation, legal research and writing, use of experts and/or social workers or other expenditure of time and resources. In particular, felony caseloads should be assessed by the workload required, and certain cases and types of cases should be weighted accordingly.

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

Definition of case: A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation.

Standard 3.4 - Caseload Limits and Types of Cases: Caseload Limits: The caseload of a full-time public defense attorney or assigned counsel shall not exceed the following:

150 Felonies per attorney per year; or

[Misdemeanor cases - reserved]

250 Juvenile Offender cases per attorney per year; or

80 open Juvenile Dependency cases per attorney; or

250 Civil Commitment cases per attorney per year; or

1 Active Death Penalty trial court case at a time plus a limited number of non death penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of Standard 3.2; or

36 Appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average

transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 11-15-099

AGENDA

DEPARTMENT OF HEALTH STATE BOARD OF HEALTH

[Filed July 20, 2011, 11:18 a.m.]

July 2011

Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding SBOH rule-making activities please contact Craig McLaughlin at (360) 236-4106.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Governor Gregoire signed an Executive Order (EO) 10-06 on November 17, 2010, directing agencies under her jurisdiction to suspend noncritical rule development and adoption activities. The department has reviewed the rule development projects underway to determine if any rules meet the criteria.

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

**State Board of Health
Rule Making**

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050(2)	State board of health	WAC 246-290-460 Fluoridation of drinking water, revises the fluoride concentration in Group A public water systems that choose to fluoridate under RCW 57.08.012.	11-11-046 5/13/11	Anticipate filing 12/11 Requested by regulated community to protect public health.			Ned Therien (360) 236-4103
RCW 43.20.050	State board of health	Chapter 246-272A WAC, On-site sewage systems. This rule making will explore creation of a process for the approval and state registration of drain field remediation technologies. The state board of health does not currently regulate remediation technologies.	06-12-108 6/7/06	Suspended until 2012 due to EO 10-06.			Stuart Glasoe (360) 236-3246
RCW 43.20.050	State board of health	Chapter 246-291 WAC, Group B public water supplies.	07-14-147 7/5/07	Anticipate filing 1/12 Rule necessary to assist department of health manage a budget shortfall and protect public health.			Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health	Chapter 246-390 WAC, Drinking water laboratory certification.	06-23-077 11/13/06	Suspended until 2012 due to EO 10-06.			Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Lead and copper.	09-15-040 7/8/09	11-12-033 5/25/11		Anticipate filing 9/11 Rule necessary to meet federal requirements; benefit to regulated community; protect public health.	Theresa Phillips (360) 236-3147
RCW 70.62.240	State board of health	Chapter 246-360 WAC, Transient accommodations.	07-14-148 7/5/07	Suspended until 2012 due to EO 10-06.			John Hilger (360) 236-2929
RCW 70.83.050	State board of health	Chapter 246-650 WAC, add severe combined immune deficiency to the list of mandatory newborn screenings.	Anticipate filing 10/11 Rule necessary to protect public health.				Michael Glass (206) 418-5470

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 43.20.050 and 43.20.145	State board of health	Chapter 246-215 WAC, Food service.	10-04-068 1/29/10	Anticipate filing 3/12 Rule continuation requested by regulated community. Necessary to protect public health.			Joe Graham (360) 236-3305
RCW 69.30.030 and 43.20.030	State board of health and department of health (joint rule revision)	WAC 246-282-012 Certificates of approval—Operation licenses, harvest site certificates (shellfish license renewal date change for shellstock shippers and shucker packers) and WAC 246-282-990 Fees.		11-13-122 6/22/11		Anticipate filing 9/11 Rule necessary to manage budget shortfall; protect public health; benefit to regulated community.	Brandy Brush (360) 236-3342
RCW 43.20.050, 70.119A.080	State board of health	WAC 246-203-103 Keeping of animals.	09-17-132 8/19/09	Suspended until 2012 due to EO 10-06			Ned Therien (360) 236-4103

Department of Health

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.35.161	Board of hearing and speech	WAC 246-828-XXX Prohibiting the use of the title "Audio-prosthologist."	09-11-116 5/20/09	Suspended until 2012 due to EO 10-06			Janette Benham (360) 236-4857
HB 1181 (chapter 41, Laws of 2011) and SSB 5152 (chapter 40, Laws of 2011)	Board of naturopathy	Chapter 246-836 WAC, Naturopathic physicians, amending to create the board of naturopathy and update the scope of practice.	Anticipate filing 8/24/11 Rules are necessary to implement state law.				Sue Gragg (360) 236-4941
RCW 18.52.071	Board of nursing home administrators	WAC 246-843-010, 246-843-070, 246-843-071, 246-843-073, 246-843-090, 246-843-093, 246-843-095, 246-843-230 and 246-843-231, application for initial license and endorsement.	06-12-109 6/7/06	Suspended until 2012 due to EO 10-06			Kendra Pitzler (360) 236-4723
ESSB 5708 (chapter 366, Laws of 2011)	Board of nursing home administrators	Chapter 246-843 WAC, Nursing home administrators, amending to adopt rules defining parameters for on-site full-time administrators with small resident populations when the home has converted some of its licensed beds for assisted living.	Anticipate filing 9/21/11 Rules are necessary to implement state law.				Kendra Pitzler (360) 236-4723

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.54.070	Board of optometry	WAC 246-851-XXX Optometry multicultural education.	10-05-060 2/11/10	10-21-104 10/20/10 Hearing was cancelled on 12/3/10 Suspended until 2012 due to EO 10-06			Judy Haenke (360) 236-4947
RCW 18.64.005	Board of pharmacy	Chapter 246-886 WAC, Animal control—Legend drug sodium pentobarbital.	09-11-049 5/13/09	Anticipate filing 9/11 Rule requested by regulated entity.			Doreen Beebe (360) 236-4834
RCW 18.64.005, 18.64.165	Board of pharmacy	New chapter 246-874 WAC, Pharmaceutical services—Correctional facilities, the board of pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 7/5/07	Anticipate filing 10/11 Rule is necessary to protect public health, safety, and welfare.			Kitty Slater (360) 236-4861
HB 1353 (chapter 71, Laws of 2011)	Board of pharmacy	Chapter 246-901 WAC, Pharmacy ancillary personnel, amending to add continuing education requirements.	Anticipate filing 8/24/11 Rules are necessary to implement state law.				Kitty Slater (360) 236-4861
RCW 69.43.165	Board of pharmacy	Chapter 246-889 WAC, amending to establish a statewide real-time electronic methamphetamine precursor tracking system for retail sales of over-the-counter medications containing ephedrine, pseudoephedrine, or phenylpropanolamine.	10-13-174 9/23/10	11-14-048 6/28/11		Anticipate filing 10/11 Rules are necessary to implement state law.	Doreen Beebe (360) 236-4834
RCW 18.64.005	Board of pharmacy	WAC 246-887-100, amending to add synthetic cannabinoids and substituted cathinones to the Schedule I controlled substance list.	11-12-005 5/19/11	Anticipate filing 8/3/11 Rules are necessary to protect public health.			Kitty Slater (360) 236-4861
RCW 18.25.0171	Chiropractic quality assurance commission	WAC 246-808-180 Expired licenses.	Anticipate filing 9/11 Rule is necessary to protect public health, safety, and welfare.				Leann Yount (360) 236-4856

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.25.0171	Chiropractic quality assurance commission	WAC 246-808-150 Continuing education.	09-09-031 4/7/09	Suspended until 2012 due to EO 10-06			Leann Yount (360) 236-4856
RCW 18.25.0171, 18.130.050 (1) and (12)	Chiropractic quality assurance commission	WAC 246-808-550 Future care contracts prohibited, revising the current rule to clarify the requirements for future care contracts.	10-06-017 2/22/10	Suspended until 2012 due to EO 10-06			Leann Yount (360) 236-4856
RCW 18.32.040, 18.130.064	Dental quality assurance commission	WAC 246-817-310 and 246-817-XXX, maintenance and retention of dental records and dental treatment records.	09-13-097 6/17/09	Suspended until 2012 due to EO 10-06			Jennifer Santiago (360) 236-4893
RCW 18.36A.060	Department of health	WAC 246-836-010 and 246-836-210, amending existing sections and adding a new section to naturopathic physician rules to identify nonsurgical cosmetic procedures within scope of practice.	10-15-098 7/20/10	Suspended until 2012 due to EO 10-06			Susan Gragg (360) 236-4941
RCW 18.36A.060	Department of health	WAC 246-836-080 Continuing competency program requirements for naturopathic physicians.	08-17-041 8/14/08	Suspended until 2012 due to EO 10-06			Susan Gragg (360) 236-4941
RCW 18.84.040	Department of health	WAC 246-926-180, amending the parenteral procedures for radiologic technologists.	10-15-101 7/20/10	Suspended until 2012 due to EO 10-06			Susan Gragg (360) 236-4941
SHB 2430 (Chapter 92, Laws of 2010)	Department of health	Chapter 246-926 WAC, establishing licensure requirements for cardiovascular invasive specialists.	10-19-035 9/9/10	Anticipate filing 10/11 Rules are necessary to implement state law.			Sue Gragg (360) 236-4941
RCW 18.19.050, 18.19.020	Department of health	WAC 246-810-010, 246-810-016, tribes recognized as an agency for agency affiliated counselors.			Anticipate filing 8/11 Rule required by 2011 state law (HB 1939).	Anticipate filing 10/11	Leann Yount (360) 236-4856
RCW 18.36A.060 and 18.36A.100	Department of health	Chapter 246-836 WAC, amending accreditation requirements for naturopathic medical educational institutions.	10-15-097 7/20/10	Suspended until 2012 due to EO 10-06			Susan Gragg (360) 236-4941
RCW 43.70.040, 70.38.135	Department of health	WAC 246-310-XXX Hospital acute care bed methodology.	09-16-118 8/4/09	Suspended until 2012 due to EO 10-06			John Hilger (360) 236-2929

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 43.70.040	Department of health	Chapter 246-824 WAC, Dispensing opticians, to allow for military training and experience towards licensure. (SSB 5307, 2011)	Anticipate filing 8/11 Rule required by state law.				Judy Haenke (360) 236-4947
RCW 43.70.120 and 7 C.F.R. 246	Department of health	WAC 246-790-010 through 246-790-130, women, infant, and children's nutrition program authorized retailers.	10-14-093 7/6/10	Anticipate filing 8/11 Rule beneficial to or requested or supported by the regulated entities.			Peter Gayton (360) 236-3788
RCW 43.70.235	Department of health	Chapter 246-306 WAC, Certification of independent review organizations.	11-15-004 7/6/11 Rule making is required by federal law.	Anticipate filing 8/11		Anticipate filing 11/11	Sherry Thomas (360) 236-4612
Chapter 70.185 RCW	Department of health	Chapter 246-562 WAC, J-1 physician visa waiver regulations.	08-14-077 6/26/08		Anticipate filing 9/11 Rule required by federal law; benefits regulated entities.		HSQA - Jennell Prentice (360) 236-2814
Chapter 70.225 RCW	Department of health	Title 246 WAC, adding new chapter for prescription monitoring program (PMP).	08-15-085 7/16/08	11-11-097 5/18/11		Anticipate filing 8/11 Rule required by state law.	Chris Baumgartner (360) 236-4808
SHB 1304 (Chapter 70, Laws of 2011)	Department of health	Chapter 246-826 WAC, Health care assistants, amending to limit administration of certain drugs to category C and E.			Anticipate filing 9/7/11 Rules are necessary to implement state law.		Erin Obenland (360) 236-4945
RCW 43.70.040, 70.38.135	Department of health	WAC 246-310-XXX, revising and updating the certificate of need adjudicative proceeding rules.	Anticipate filing 2012				John Hilger (360) 236-2929
HB 1548 (chapter 31, Laws of 2011)	Department of health	Chapter 246-980 WAC, Home care aid, amending to delay registration requirements.	Anticipate filing 5/12				Kendra Pitzler (360) 236-4723
E2SSB 5073 (chapter 181, Laws of 2011)	Department of health	Chapter 246-75 WAC, repealing medical marijuana rule.			Anticipate filing 8/24/11 Rule is no longer necessary because of change in state law.		Kris Reichl (360) 236-4985
Chapter 70.54 RCW	Department of health	Chapter 246-102 WAC, Cancer registry.	09-15-186 7/22/09	Anticipate filing 8/11 Rule required by federal law.			Barbara Weatherby (360) 236-3682

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 70.119.050	Department of health	Chapter 246-292 WAC, Waterworks operator certification.	09-21-043 10/13/09	Anticipate filing 1/12 Rule necessary to implement legislation, and is a benefit to regulated community.			Theresa Phillips (360) 236-3147
RCW 70.119A.170	Department of health	Chapter 246-296 WAC, Drinking water state revolving fund loan program (DWSRF).	11-03-021 1/7/11	Anticipate filing 9/11 Rule is necessary to meet federal requirements; benefit to regulated community; replaces emergency rules.			Theresa Phillips (360) 236-3147
RCW 70.98.050	Department of health	Chapter 246-255A WAC, Dental X-ray radiation safety and diagnostic imaging quality standards.	09-16-141 8/5/09	11-12-026 5/24/11		Anticipate filing 8/11 Benefit to regulated community.	Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapter 246-247 WAC, Radiation protection—Air emission.	05-12-140 6/1/05	Suspended until 2012 due to EO 10-06			Traci Black (360) 236-3259
RCW 70.98.085	Department of health	WAC 246-254-130, Radioactive waste disposal site surveillance fee.		Anticipate filing 9/11 Rule necessary to assist department of health manage a budget shortfall.			Traci Black (360) 236-3259
RCW 18.71.017, 18.130.050, and 18.71.430	Medical quality assurance commission	WAC 246-919-430 Physicians and 246-918-XXX Physician assistants, requiring additional practice information at renewal.	09-14-114 6/30/09	10-21-098 6/30/09		Suspended until 2012 due to EO 10-06	Julie Kitten (360) 236-2757
RCW 18.59.090, 18.130.050	Occupational therapy practice board	WAC 246-847-030 Occupational therapists acting in a consulting capacity, 246-847-055 Initial application for individuals who have not practiced within the past four years, 246-847-068 Expired license, 246-847-070 Inactive credential, 246-847-125 Applicants currently licensed in other states or territories, and 246-847-XXX Renewal for those that have not practiced in four years.	08-15-088 7/17/08	Suspended until 2012 due to EO 10-06			Janette Benham (360) 236-4857

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
Chapter 18.59 RCW	Occupational therapy practice board	Chapter 246-847 WAC, Wound care treatment by occupational therapist.	Anticipate filing 9/11 Rule required by 2011 state law (SSB 5018).				Janette Benham (306) 236-4857
RCW 18.22.015, 18.130.050	Podiatric medical board	WAC 246-922-010 Definitions, adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists.	07-16-140 8/1/07	Suspended until 2012 due to EO 10-06			Erin Obenland (360) 236-4945
RCW 18.92.030	Veterinary board of governors	WAC 246-933-460 Courses approved by the veterinary board, amending the list of approved organizations.	10-13-095 6/16/10	10-21-081 10/19/10		Suspended until 2012 due to EO 10-06	Judy Haenke (360) 236-4947

KEY

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

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

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

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

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

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

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 Rule-making order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for one hundred twenty days after the filing date, and may be extended in certain circumstances.

EO is the Executive Order 10-06 of 2010.

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

TBD - To be determined is when a date is still being discussed.

RCW is the Revised Code of Washington.

WAC is the Washington Administrative Code.

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

WSR 11-16-002

AGENDA

OFFICE OF FINANCIAL MANAGEMENT

[Filed July 20, 2011, 1:26 p.m.]

In accordance with RCW 34.05.314, the office of financial management (OFM) submits this semi-annual agenda for rules under development. During the next six-month period, OFM will be engaged in the rule-making activities set forth below.

ESSB 5931 was enacted during the 2011 1st special legislative session (see chapter 43, Laws of 2011). The legislation eliminated the department of personnel (DOP) and transferred that agency's human resources policy functions to OFM under the authority of the human resources director, effective October 1, 2011.

The DOP is responsible for Title 357 WAC rules pertaining to civil service regulations and this responsibility remains with the human resources director. During the next six months, there will be rule-making activities to conform the current rules to the new agency structure. In addition, beginning in January 2011, DOP initiated a staff review of chapter 357-46 WAC. This chapter addresses layoff and separation of state employees and may require rule-making activities, based on the outcome of the review underway.

In the next six months, we also anticipate beginning rule-making activities to update chapter 82-48 WAC, Disclosure of public records.

If you have any questions, please feel free to contact Roselyn Marcus at (360) 902-0568.

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

WSR 11-16-003
POLICY STATEMENT
UNIVERSITY OF WASHINGTON

[Filed July 20, 2011, 2:24 p.m.]

The University of Washington has recently created or revised the following policy statements:

- "Alterations to UW Seattle Campus Buildings and Grounds," revised effective February 11, 2011 (Administrative Policy Statement 56.6).
- "Provision of Facility Alterations Services," revised effective February 11, 2011 (Administrative Policy Statement 56.1).
- "University Wide Leadership List," revised effective March 17, 2011 (Administrative Policy Statement 1.2).
- "University Organization Chart," revised effective April 1, 2011 (Administrative Policy Statement 1.1).
- "Resolution of Complaints Against University Employees," revised effective April 4, 2011 (Administrative Policy Statement 46.3).
- "Facilities and Spaces Naming Policy," revised effective April 11, 2011 (Regent Policy No. 6).
- "Personal Use of University Facilities, Computers, and Equipment by University Employees," revised effective May 2, 2011 (Administrative Policy Statement 47.2).
- "Provost's Advisory Committee for Students," new effective June 3, 2011 (*Student Governance and Policies*, Chapter 206).
- "Rules Coordination," revised effective June 16, 2011 (Administrative Policy Statement 1.4).

To view any current policy statement, see <http://www.washington.edu/admin/rules/policies/>. For more information on these policy statements contact Rebecca Goodwin Dear-dorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, e-mail rules@uw.edu, or fax (206) 685-3825.

WSR 11-16-004
NOTICE OF PUBLIC MEETINGS
**OFFICE OF
PUBLIC DEFENSE**

[Filed July 20, 2011, 4:05 p.m.]

Washington state office of public defense's (OPD) September 22, 2011, meeting date has been changed to September 15, 2011. The time remains the same from 9:30 a.m. to 11:30 a.m.

The meeting place has been changed to the Radisson Hotel SeaTac, Shaw Conference Room, 18118 International Boulevard, SeaTac, WA 98118.

Contact OPD at (360) 586-3164, extension 100 if you have questions regarding the above meeting date and time change.

WSR 11-16-011
RULES COORDINATOR
**BOARD OF INDUSTRIAL
INSURANCE APPEALS**

[Filed July 22, 2011, 11:07 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the board of industrial insurance appeal is J. Scott Timmons, P.O. Box 42401, Olympia, WA 98504-2401, phone (360) 753-6824, fax (360) 586-5611, e-mail scott.timmons@biia.wa.gov.

J. Scott Timmons
Executive Secretary

WSR 11-16-017
OFFICE OF THE GOVERNOR

[Filed July 25, 2011, 10:43 a.m.]

DIRECTIVE BY THE GOVERNOR
11-12

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 **Tuesday, July 26, 2011**, in memory of U.S. Army Staff Sergeant Wyatt A. Goldsmith, 28, of Colville, who died July 15 of injuries sustained in Afghanistan when his patrol received rocket-propelled grenade fire.

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 Tuesday, or first thing Wednesday morning, July 27.

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 11-16-019
AGENDA
EMPLOYMENT SECURITY DEPARTMENT

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

**Semi-Annual Rule-Making Agenda
(July 31, 2011 - January 31, 2012)**

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, (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.
WAC 192-310-010	Reports required of employers.	Juanita Myers (360) 902-9665	CR-105 - 6/27/11 CR-103 - 9/14/11	Technical amendment changing reference from department of licensing to department of revenue consistent with SHB 2017.
Chapter 192-270	Training benefits for dislocated workers.	Juanita Myers (360) 902-9665	CR-101 - 8/11 CR-102 - TBD CR-103 - TBD	Modify chapter title to include eligible individuals other than dislocated workers and revise and adopt rules consistent with provisions of EHB 1091.

WSR 11-16-023
NOTICE OF PUBLIC MEETINGS
COLUMBIA RIVER
GORGE COMMISSION
 [Filed July 26, 2011, 9:51 a.m.]

The Columbia River Gorge Commission, agency # 460 is required to submit its schedule of regular meetings for each calendar year. Following is the schedule for 2012 and request that this information is sent to the appropriate department/individual.

Regular Meetings 2012
 Issued July 20, 2011

Date	Day	Location
January 10	Tuesday	White Salmon, Washington White Salmon Community Library PENDING
February 14	Tuesday	Hood River, Oregon Hood River Best Western Inn
March 13	Tuesday	Hood River, Oregon Hood River County Administration
April 10	Tuesday	Stevenson, Washington Rock Creek Recreation Center
May 8	Tuesday	Cascade Locks, Oregon Port of Cascade Locks Community Center Lock Tender House #3
June 12	Tuesday	Stevenson, Washington Rock Creek Recreation Center
July 10	Tuesday	Hood River, Oregon Hood River County Administration
August 14	Tuesday	No meeting
September 11	Tuesday	Corbett, Oregon Multnomah County Rural Fire Protection District #14

Date	Day	Location
October 9	Tuesday	Cascade Locks, Oregon Port of Cascade Locks Community Center Lock Tender House #3
November 13	Tuesday	Hood River, Oregon Hood River County Administration
December 11	Tuesday	Hood River, Oregon Hood River Best Western Inn

On occasion, the commission cancels a regular meeting or must meet in a different location. Please check prior to each meeting for updates to this calendar.

WSR 11-16-024
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM
 [Filed July 26, 2011, 9:52 a.m.]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, know as guaranteed education tuition program has made a revision to the committee meeting schedule:

Cancellation: Tuesday, July 26, 2011, 2:00 p.m. - 4:00 p.m., Office of the Insurance Commissioner, Olympia, Washington 98504.

WSR 11-16-025
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Filed July 26, 2011, 9:52 a.m.]

In compliance with the Open Public Meetings Act, the Shoreline Community College board of trustees will hold two special meetings.

Thursday, August 4, 2011, from 8:30 a.m. - 4:00 p.m.: Trends and analysis; and policy governance and accreditation and student success discussions.

Friday, August 5, 2011, from 8:30 a.m. - 4:00 p.m.: Policy governance and accreditation and student success discussions; 2011 - 2012 board of trustees goals, board of trustees self-evaluation and GISS board self-assessment; 2011 - 2012 president's goals; and board of trustees reports and calendar.

Both special meetings will take place in the North 301 Room at Shoreline City Hall, 17500 Midvale Avenue North, Shoreline, WA 98133-4905.

Please call (206) 546-4552 or e-mail Lori Y. Yonemitsu at lyonemitsu@shoreline.edu if you need further information.

WSR 11-16-027
HEALTH CARE AUTHORITY

[Filed July 26, 2011, 11:33 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment TN# 11-31.

Effective Date: July 1, 2011.

Description: The medicaid program intends to submit a state plan amendment which will restore the medicaid payment rates for licensed boarding homes to the March 31, 2011, levels. A rate enhancement to cover the medicaid share of increased training costs is removed because of the delay in implementation of increased training requirements. This program is administered by home and community programs in the division of management services in the aging and disability services administration, in cooperation with the single state medicaid agency, the Washington state health care authority.

For additional information, contact Debbie Johnson, Home and Community Programs, P.O. Box 45600, phone (360) 725-2531, TDD/TTY (360) 438-2637, fax 1-360-586-9727, e-mail debbie.johnson2@dshs.wa.gov, web site http://aasaweb.dshs.wa.gov/management/orm/All_HCS_Rates.xls.

WSR 11-16-036
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY

[Filed July 27, 2011, 11:31 a.m.]

The university's board of trustees meetings for the next academic year are listed below.

Regular meetings of the Central Washington University board of trustees will be held at 9:00 p.m. in Barge Hall,

Room 412, on the Central Washington University Ellensburg campus, except where noted, on the following dates:

October 7, 2011 (CWU-Lynnwood)
 December 2, 2011
 February 3, 2012
 March 2, 2012
 May 4, 2012
 June 8, 2012
 July 19-20, 2012 (retreat)

WSR 11-16-037
HEALTH CARE AUTHORITY

[Filed July 27, 2011, 11:33 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment.

Effective Date: July 1, 2011.

Description: The medicaid program intends to submit a state plan amendment which will request an extension to the sunset date for the current reimbursement methodology for personal care services. The requested extension is for July 1, 2011, through December 31, 2011.

This program is administered by the aging and disability services administration, in cooperation with the single state medicaid agency, the Washington state health care authority.

For additional information, contact Debbie Johnson, Home and Community Programs, P.O. Box 45600, phone (360) 725-2531, TDD/TTY (360) 438-2637, fax 1-360-586-9727, e-mail debbie.johnson2@dshs.wa.gov.

WSR 11-16-044
AGENDA
DEPARTMENT OF LICENSING

[Filed July 27, 2011, 4:48 p.m.]

Following is the rule-making agenda for the department of licensing. This agenda is sent as a requirement of RCW 34.05.314.

If I can provide any additional information regarding rule making at the department of licensing please don't hesitate to contact me via e-mail at bshomshor@dol.wa.gov or by phone at (360) 359-4019.

**RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JULY 2011**

CR-101	CR-102	PROGRAM	SUBJECT
06-22-105	10-23-023	Motorcycle	Establish basic requirements governing the operation and scope of motorcycle education courses offered by commercial businesses.
08-07-004		Engineers	Chapter 196-26A WAC, Engineer and land surveyor fees.
08-14-032		Real estate	Implement section 10, chapter 110, Laws of 2008.
08-18-066		Driver responsibility	WAC 308-104-160 Nonmoving violation defined.
08-18-068		Driver examining	WAC 308-104-018.
09-08-075		Engineering	Chapter 196-20 WAC, part of an effort to better organize existing and future rules under the existing chapter that pertain to engineers-in-training.
09-08-077		Land surveyors	Chapter 196-21 WAC, part of an effort to better organize existing and future rules under the existing chapter that pertain to land surveyors-in-training.
09-14-135		Engineers	Chapter 196-12 WAC, amending to reflect current board practices.
10-01-035		Tattoo	New rules.
10-01-136		Engineers	Chapter 196-25 WAC.
10-08-095		Title and registration	WAC 308-56A-206.
10-11-107		Real estate appraiser	Rules to implement ESHB 3040, chapter 179, Laws of 2010.
10-12-073		Cosmetology	Chapter 308-20 WAC.
10-14-037		Real estate	Director authority on conducting audits and investigations.
10-17-044	11-15-044	Appraiser	Chapter 308-125 WAC, change regulations for acceptable distant education and repeal rule allowing credit for challenged exams.
10-19-061		Drivers	WAC 308-104-014 Application for driver license or ID, updating application requirements.
10-20-121		Limousine	Update, clarify and establish rules.
10-22-077	11-15-030	Title and registration	Chapter 308-56A WAC, Motor vehicle titles; chapter 308-94 WAC, Snowmobiles.
10-24-051	11-13-117	PSD	WAC 308-96A-005 Definitions, 308-96A-355 Satisfaction of parking violations.
10-23-085		Drivers	Mailing original driver's licenses and identicards out-of-state.
10-23-086		Drivers	Chapter 308-102 WAC, Administration of the Financial Responsibility Act—Procedures.
10-23-088		Drivers	Chapter 308-103 WAC, Rules of procedure for hearings conducted under RCW 46.20.308.
10-23-097		Real estate	Examination of managing brokers.
11-13-116		PSD/vehicles	WAC 308-96A-161 Fleet registration.
11-14-070		Borpels	Chapter 196-30 WAC, On-site designers' fees.
11-14-122		PSD	Certificates of ownership.
11-15-088		Collection agencies	July 20, 2011, filed CR-105, July 7, 2011, DOL approval.
11-15-059		Drivers	WAC 308-104-075, admin sanctions re: ID application; DOL approval on file.

Ben Shomshor
Rules Coordinator

WSR 11-16-045
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 28, 2011, 8:27 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.

Economic Services Administration
Division of Child Support

Document Title: Policy Clarification Memo 11-007: Alternate Payment Options.

Subject: Alternate payment options.

Effective Date: July 21, 2011.

Document Description: This policy clarification memo explains how noncustodial parents may make child support payments with credit and debit cards.

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

WSR 11-16-049

AGENDA

DEPARTMENT OF PERSONNEL

[Filed July 28, 2011, 10:49 a.m.]

In accordance with RCW 34.05.314, the department of personnel (DOP) submits this semi-annual agenda for rules under development.

ESSB 5931, enacted in the 2011 1st special legislative session (see chapter 43, Laws of 2011), eliminates the DOP and transfers the human resources policy functions to the office of financial management under the authority of the human resources director. These changes will be effective October 1, 2011. Therefore this agenda addresses the rule-making activity for DOP for the time period of July 1 through September 30, 2011.

The DOP is responsible for Title 357 WAC, rules pertaining to civil service. This responsibility remains with the human resources director. During this time, we will begin the rule-making activities to conform the current rules to the new agency structure.

ESSB 5860 enacted in the 2011 legislative session (see chapter 39, Laws of 2011), requires a three percent temporary salary reduction for most state employees. This bill also provides qualified employees who are subject to the temporary salary reduction with an accrual of temporary salary reduction leave each month. The bill was effective July 1, 2011. DOP adopted rules on an emergency basis effective July 1, 2011, and will engage in permanent rule-making activities during this time period.

Additionally, in January 2011, DOP began a review of chapter 357-46 WAC. This chapter of the civil service rules addresses layoff and separation. We will continue to engage in rule-making activities pertaining to the review of chapter 357-46 WAC.

If you have any questions, please feel free to contact Kristie Wilson at (360) 664-6408.

Kristie Wilson
Rules Coordinator

WSR 11-16-057

DEPARTMENT OF CORRECTIONS

[Filed July 29, 2011, 9:02 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are amendments to chapter 137-65 WAC, Cost of supervision—Probation and parole. These amendments are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. The amendments to chapter 137-65 WAC, Cost of supervision—Probation and parole, are adopted as of July 29, 2011.
2. The effective date of these amendments shall be August 29, 2011.
3. The statutory authority for these amendments is RCW 72.01.090, chapters 9.94A, 9.95, and 72.04A RCW.
4. I certify pursuant to RCW 34.05.030 that the rule as stated above is excluded from the Administrative Procedure Act.

Bernard Warner
Secretary

Chapter 137-65 WAC

COST OF SUPERVISION—(~~PROBATION AND PAROLE~~) SUPERVISION INTAKE FEE

AMENDATORY SECTION (Amending Order 82-16, filed 12/22/82)

WAC 137-65-010 Purpose. The purpose of this regulation is to provide administrative rules and standards pursuant to chapters 9.94A, 9.95, and 72.04A RCW(~~(, as now or hereafter amended which)~~). Those chapters require((s)) a ((cost of supervision assessment for certain felony parolees)) supervision intake fee to be assessed on offenders supervised by the department of corrections.

AMENDATORY SECTION (Amending Order 82-16, filed 12/22/82)

WAC 137-65-020 Scope. This regulation shall apply to the following individuals:

- (1) Every person convicted of a felony in the state of Washington and placed on parole effective July 1, 1982,

when such convicted person is required by the indeterminate sentence review board (~~((of prison terms and paroles))~~) or the department of corrections to pay a (~~(monthly cost of)~~) supervision intake fee (~~((assessment))~~) to the state;

(2) Every person determined to be eligible for supervision by the department of corrections who is transferred to Washington state under the interstate compact.

(3) Every person sentenced in Washington state for a felony, gross misdemeanor or misdemeanor, who is determined to be eligible for supervision by the department.

AMENDATORY SECTION (Amending Order 82-16, filed 12/22/82)

WAC 137-65-030 Fee. The following fees may be assessed by the indeterminate sentence review board (~~((of prison terms and parole))~~) or the department of corrections for individuals on supervision or parolees on active status: (~~(Fifteen dollars per month for regular, routine parole and up to fifty dollars per month for special or intensive parole supervision.)~~)

(1) For Washington state sentenced individuals or interstate compact transferred individuals whose offense date was before October 1, 2011, the monthly cost of supervision rate shall be converted to a one-time fee. The amount due shall be based upon the most recent monthly fee amount times the number of months of supervision left to serve, not to exceed six hundred dollars. The amount or dates payments are due for any balances owed by an offender for the cost of supervision prior to October 1, 2011, remain in effect.

(2) For Washington state sentenced individuals or interstate compact transferred individuals whose offense date was on or after October 1, 2011, the department of corrections shall assess a four hundred seventy-five dollar supervision intake fee for each judgment and sentence imposed by the court in which supervision by the department of corrections is required.

AMENDATORY SECTION (Amending Order 82-16, filed 12/22/82)

WAC 137-65-050 Instructions. When ordered by the (~~(board of prison terms and paroles to pay the monthly cost of)~~) department of corrections to pay the supervision (~~((assessment))~~) intake fee, the subject offender will receive written instructions specifying terms of payment.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 137-65-040	P.P.I. report.
WAC 137-65-060	Exception.
WAC 137-65-070	Violation.

WSR 11-16-058

DEPARTMENT OF CORRECTIONS

[Filed July 29, 2011, 9:05 a.m.]

Reviser's note: The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following is chapter 137-69 WAC, Adult offender supervision—Interstate compact. This new chapter is submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Chapter 137-69 WAC, Adult offender supervision—Interstate compact, is adopted as of July 29, 2011.
2. The effective date of this chapter shall be August 29, 2011.
3. The statutory authority for this rule is RCW 72.01.090 and chapter 9.94A RCW.
4. I certify pursuant to RCW 34.05.030 that the rule as stated above is excluded from the Administrative Procedure Act.

Bernard Warner
Secretary

Chapter 137-69 WAC

ADULT OFFENDER SUPERVISION—INTERSTATE COMPACT

NEW SECTION

WAC 137-69-010 Definitions. "Compact" means the interstate compact for adult offender supervision as codified in RCW 9.94A.745.

"Compact administrator" means the administrator in each compacting state responsible for the interstate compact.

"Compact commissioner" means the individual in each compacting state who is appointed under the terms of the interstate compact and who is the state's voting representative at meetings of the interstate commission of adult offender supervision.

"Deputy compact administrator" means the individual in each compacting state responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of the interstate compact.

"Offender" means an individual placed under, or made subject to, supervision as a result of the conviction of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the interstate compact.

"Receiving state" means the state to which an offender requests transfer of supervision or is transferred.

"Sending state" means the state requesting the transfer of an offender, or which transfers supervision of an offender, under the terms of the compact and its rules.

NEW SECTION

WAC 137-69-020 Interstate transfer application fee.

Unless a fee is waived by the interstate compact office of Washington state, an offender requesting to have his or her supervision transferred to another state pursuant to RCW 9.94A.745, shall pay a nonrefundable transfer application fee of one hundred dollars. The interstate compact office of Washington state will not process a transfer application until such fee has been paid.

NEW SECTION

WAC 137-69-030 Manner and degree of supervision.

(1) Offenders transferred to Washington state under the inter-

state compact shall be supervised in a manner determined by Washington state and consistent with the supervision of other similar offenders sentenced in Washington state.

(2) Washington state shall impose a supervision fee on an offender whom the state accepts for supervision under the interstate compact.

NEW SECTION

WAC 137-69-040 Closing of supervision. The receiving state may close its supervision of an offender and cease supervision as provided in the interstate compact rules.

WSR 11-16-072

AGENDA

**OFFICE OF
INSURANCE COMMISSIONER**

[Filed August 1, 2011, 10:32 a.m.]

Rule Development Agenda

July 31, 2011, through January 31, 2012

The commissioner has introduced the following rule makings. Each rule making 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, 2012. 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
	48.02.060	Standards for safeguarding customer information.		08-10-096 5/7/08		
284-66-063 and 284-66-064	48.02.060 (3)(a) and 48.66.165	Medicare supp. policy replacement		10-18-085 8/31/10		11-12-008 5/31/11
284-51-195	48.02.060 48.21.200 48.44.050 48.46.200	Standards for coordination of benefits in medical services.		11-09-028 4/14/11		11-15-081 7/20/11
Chapters 284-83 and 284-85 WAC	48.02.060 48.85.030	Long-term care partnership.		11-10-069 5/3/11		11-15-082 7/20/11
	48.02.060 48.15.040(4) 48.15.090(2)	Unauthorized insurers (surplus line).		11-11-061 5/16/11		
	48.02.060	Grievance and appeals process requirements.		11-14-113 7/6/11		
Chapter 284-17 WAC	48.02.060 48.17.005	Technical corrections to chapter 284-17 WAC.			11-14-114 7/6/11	

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 January 31, 2012, subjects that may be considered for rule making in this effort include:

- Biographical affidavits—Officer and director.
- Chiropractic fair pay.
- 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.
- Life settlement providers.
- Property and casualty insurance rates.
- Senior designation—Producers.
- Standards for temporary substitution of contracted network providers—"Locum tenens" providers.
- Statistical data reporting.
- Suitability of sales of annuities.
- Surplus line broker registration.
- Unfair practices with respect to vehicle insurance.
- Usage-based insurance program.
- WAC review: Agency administration.
- WARP board.

Mike Kreidler

WSR 11-16-074
NOTICE OF PUBLIC MEETINGS
BENTON CLEAN AIR AGENCY
 [Filed August 1, 2011, 11:13 a.m.]

Board of Directors
Meeting Schedule for Fiscal Year 2012

2011

- July 21 *(Please note, during this meeting the board took action via Resolution 2011-05 to move the board meetings to the 4th Thursday of each month)*
- August 25 *(Via motion at July 21st board meeting the August meeting has been cancelled)*
- September 22
- October 28
- November 24 Thanksgiving Holiday
- December 22

2012

- January 26
- February 23
- March 22
- April 26
- May 24
- June 28

WSR 11-16-078
OFFICE OF THE GOVERNOR
 [Filed August 1, 2011, 1:53 p.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 June 15, 2011, the Governor's Office received an appeal from Mr. Randy Boss relating to the Department of Transportation's denial of a petition to repeal or amend WAC 468-305 filed as WSR 11-07-039. The Governor's Office denied the Petition on July 28, 2011.

DATE: July 29, 2011

Narda Pierce
 General Counsel
 to the Governor

WSR 11-16-079
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed August 1, 2011, 3:53 p.m.]

Notice of Location Change
 for the Next Regularly-Scheduled Meeting
 of the Washington State University Board of Regents

The location for the September 1-2, 2011, meeting of the Washington State University board of regents has changed. The regents will meet in Tulalip, Washington, rather than Pullman, Washington.

A detailed notice and agenda will be posted on the WSU board of regents web site <http://regents.wsu.edu/meeting-dates/> during the week prior to this meeting.

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 11-16-080
NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE
 [Filed August 1, 2011, 4:16 p.m.]

AMENDED NOTICE

The board of trustees of Clark College have revised the regularly scheduled meetings as follows:

Original Date	New Date
Tuesday, August 23	Wednesday, August 24
Tuesday, September 27	Wednesday, September 28
Tuesday, October 25	Wednesday, October 26
Tuesday, November 22	Wednesday, November 30
Tuesday, December 13	Wednesday, December 14

The board meetings begin with a study session at 4:00 p.m. Regular meeting sessions will begin at 5:00 p.m. in the

Ellis Dunn Community Room, GH1 213, Gaiser Hall, Clark College.

Call 992-2101 for additional information.

DATE: August 1, 2011

Narda Pierce
General Counsel
to the Governor
by Susan M. Beatty

WSR 11-16-087
OFFICE OF THE GOVERNOR

[Filed August 2, 2011, 10:38 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 July 22, 2011, the Governor's Office received an appeal from Mr. Steve Sarich, Mr. Steve Fager, and Mr. John Worthington relating to the Washington State Board of Pharmacy's denial of a petition to repeal or amend WAC 246-887-100.

DATE: July 29, 2011

Narda Pierce
General Counsel
to the Governor

WSR 11-16-088
OFFICE OF THE GOVERNOR

[Filed August 2, 2011, 10:38 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 July 27, 2011, the Governor's Office received an appeal from Mr. John Worthington relating to the Washington State Board of Pharmacy's denial of a petition to repeal or amend WAC 246-887-100.

DATE: July 29, 2011

Narda Pierce
General Counsel
to the Governor

WSR 11-16-089
OFFICE OF THE GOVERNOR

[Filed August 2, 2011, 10:38 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 July 5, 2011, the Governor's Office received an appeal from Mr. Bill Osmunson relating to the Board of Health's denial of a petition to repeal or amend WAC 246-290-460. The Governor denied the petition on July 29, 2011.

WSR 11-16-091
DEPARTMENT OF ECOLOGY

[Filed August 2, 2011, 10:49 a.m.]

PUBLIC NOTICE
Ecology Issues the New Modified Sand and Gravel
General Permit and Antidegradation Plan

New Modified Permit: The Washington state department of ecology (ecology) will release a final modified sand and gravel NPDES and state waste discharge general permit (permit) on August 17, 2011. Ecology accepted written and oral comments on the modified parts of the draft permit and on the draft antidegradation plan from June 1 to July 8, 2011.

Permit Modification: The sand and gravel general permit controls the discharge of pollutants from sand and gravel mining operations and related facilities into waters of the state. This general permit was reissued on August 4, 2010 (effective date October 1, 2010). The permit was appealed by the Puget Soundkeeper Alliance (PSA). The Washington Aggregates and Concrete Association (WACA) intervened in support of the permit. Ecology has reached a tentative settlement with PSA which is defined in the permit. A one page summary of changes is attached to the permit. One item of appeal was the antidegradation plan to comply with WAC 173-201A-300. Ecology concurrently released the draft antidegradation plan for the sand and gravel general permit.

Ecology Contact: Gary Bailey, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504, phone (360) 407-6433, fax (360) 407-6426, e-mail gary.bailey@ecy.wa.gov.

Public Notice Process and Comments: Ecology accepted written and oral comments on the draft permit and antidegradation plan from June 1 until July 8, 2011. The public hearing and workshop on the permit was held in Lacey, Washington, on July 6, 2011, at 1 p.m. Ecology received comments from six entities. The comments and ecology's response to comments and other permit documents may be downloaded at <http://www.ecy.wa.gov/programs/wq/sand/index.html>.

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

Your Right to Appeal this Permit Modification: You have a right to appeal the modified parts of this permit to the pollution control hearing[s] board (PCHB) within thirty days of the date of receipt of this notice. 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 you must do the following within thirty days of the date of receipt of this permit issuance notice:

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

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 11-16-099
NOTICE OF PUBLIC MEETINGS
FRUIT COMMISSION
 [Filed August 3, 2011, 8:56 a.m.]

Due to the addition of presenters and change in information to be covered at the meeting, it is necessary for the Washington state fruit commission (WSFC) board to change the following meeting information during the 2011 year:

From: December 14, 2011 11:00 a.m. W. L. Hansen Building
 Yakima, Washington
 To: December 14, 2011 1:00 p.m. Suncadia
 Cle Elum, Washington

If there are any questions, please contact the WSFC offices at (509) 453-4837.

WSR 11-16-095
NOTICE OF PUBLIC MEETINGS
NOXIOUS WEED CONTROL BOARD

[Filed August 2, 2011, 3:16 p.m.]

The updated meeting information of the Washington state noxious weed control board for September 2011 is as follows: September 15, 2011, 8:30 a.m., on-line/teleconference meeting via GoToMeeting. Please contact Wendy Descamp for directions on how to join the meeting at wdescamp@agr.wa.gov or (360) 725-5764.

WSR 11-16-098
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD

[Filed August 3, 2011, 8:33 a.m.]

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for December 9, 2011, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board¹:

<u>Petitioner:</u>	<u>Relief Requested:</u>
John Stewart	Commutation
Dirk VanVelzen	Commutation
Anthony Brown	Pardon
Christopher Craig	Pardon
Helen Gebregiorgis	Pardon
Vivian Heller	Pardon
Kevin Pilo	Pardon
Timo Toristoja	Pardon

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