

WSR 12-01-045
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed December 14, 2011, 8:34 a.m.]

Pursuant to RCW 34.05.314, below is the department of labor and industries' semi-annual rules development agenda for January 1 through June 30, 2012.

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

Please contact Tamara Jones at (360) 902-6805 or Tamara.Jones@lni.wa.gov if you have any questions.

Semi-Annual Rules Development Agenda
January 1 - June 30, 2012

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: ADMINISTRATIVE SERVICES						
296-06	Public records.	Angela Wharton Public Records (360) 902-5542	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	This rule making will update the public record WACs with the current agency organizational information, statutory references, web links, and records request information.
DIVISION: CRIME VICTIMS COMPENSATION						
296-31 296-33	Crime victims compensation rules and fees and attendant services.	Maty Brimmer Crime Victims (360) 902-6707	Spring 2012	Late Summer 2012	Fall 2012	This rule making is to update the mental health and attendant services rules to ensure consistency [with] SSB 5691 (chapter 346, Laws of 2011).
DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)						
All DOSH WACs	DOSH rules overhaul.	Devin Proctor DOSH (360) 902-5541	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	This rule making will consist of reorganization, renumbering, and plain language changes. The Washington Industrial Safety and Health Act (WISHA) advisory committee is urging DOSH to proceed with this work.
296-24 296-37 296-62 296-304 296-800 296-849	Standards improvement project.	Cathy Julian DOSH 9360 [(360) 902-5401	N/A	3/6/12 (CR-105)	6/5/12	This rule making is being proposed to comply with a federal Occupational Safety and Health Administration (OSHA) requirement to adopt rule changes consistent with the final rule of their standards improvement project. It is the third in the OSHA Standards Improvement Projects initiative, which periodically reviews OSHA regulations with the goal of improving and eliminating those that are confusing, outdated, duplicative, or inconsistent.
296-24	General safety and health standards—Electrical rules.	Kimberly Johnson DOSH (360) 902-5008	N/A	1/31/12 (CR-105)	4/3/12	DOSH is required to have rules at-least-as-effective-as the federal OSHA. DOSH was notified that there are areas in our electrical section of chapter 296-24 WAC that are considered to be "not-at-least-as-effective-as" OSHA.

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296-32	Telecommunications.	Beverly Clark DOSH (360) 902-5516	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	In 2009, DOSH began working with a telecommunications stakeholder group to develop draft language to update our current telecommunications standard and bring it up to date with industry standards.
296-36 296-155, Part Q	Compressed atmospheres.	Cindy Ireland DOSH (360) 902-5522	TBD	TBD	TBD	This rule making will address requirements relating to compressed atmospheres. The current requirements have not been amended since 1962 resulting in multiple variances that have had to be [be] issued to deal with these outdated requirements. Stakeholders have requested that this rule proceed.
296-45	Electrical.	Cindy Ireland DOSH (360) 902-5522	TBD	TBD	TBD	The department is reviewing chapter 296-45 WAC, Safety standards for electrical workers, to determine areas where we may be "not-at-least-as-effective-as" the federal standard. While updating another rule, there were areas of concern identified in chapter 296-45 WAC that need to be looked at.
296-54	Safety standards for logging.	Kimberly Johnson DOSH (360) 902-5008	11/16/10 WSR 10-23-096	TBD	TBD	The department received several petitions for rule making for the logging standard. The department has accepted the petitions and will begin formal rule making.
296-62	Hazardous drugs.	Beverly Clark DOSH (360) 902-5516	7/19/11 WSR 11-15-064	10/18/11 WSR 11-21-080	1/3/12	The 2011 legislature passed ESSB 5594 which requires the department to adopt rules implementing the 2004 National Institute for Occupational Safety and Health (NIOSH) alert on safe handling of hazardous drugs. The legislation requires the rules be consistent with the recommendations set forth in NIOSH's alert and states that the rules may not exceed these recommendations. The department may incorporate Centers for Disease Control and Prevention (CDC) updates and changes to the alert.
196-155	Fall protection.	Cindy Ireland DOSH (360) 902-5522	4/4/06 WSR 06-08-085	TBD	TBD	DOSH has been working with a fall protection ad hoc committee to consolidate the fall protection requirements of the construction safety rules into one coherent set of requirements. In addition, DOSH asked the committee to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection would be addressed and rectified by the rule update.

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296-304	Shipyards.	Kimberly Johnson DOSH (360) 902-5008	N/A	12/6/11 (CR-105) WSR 11-24-062	2/21/12	OSHA changed their rules on working conditions in shipyards, which updates existing requirements to reflect advances in industry practices and technology and provides new protections from hazards that were not previously addressed, including the control of hazardous energy. DOSH is required to modify our rules to ensure they are "at-least-as-effective-as" OSHA's rules.
296-305	Firefighting.	Kimberly Johnson DOSH (360) 902-5008	11/4/08 WSR 08-22-082	TBD	TBD	OSHA advised the department of a couple areas in the firefighter standards where we are not as-effective-as the federal rules. Stakeholders asked us to look at our firefighter standards and bring them up to date with current consensus standards and practices.
296-307	Safety standards in agriculture—REDON fit testing.	Devin Proctor DOSH (360) 902-5541	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	The department will put respirator requirements for the controlled negative pressure REDON fit testing protocol into the agriculture rule.
296-900	Abatement.	Devin Proctor DOSH (360) 902-5541	7/19/11 WSR 11-15-063	10/18/11 WSR 11-21-079	1/3/12	The legislature passed ESSB 5068 relating to abatement of violations of the Washington Industrial Safety and Health Act during an appeal, which amends RCW 49.17.140. An appeal of any violations classified and cited as serious, willful, repeat serious, or failure to abate serious violations does not stay abatement dates and requirements, except under certain circumstances. The department will not grant a stay when it can determine that the preliminary evidence shows a substantial probability of death or serious harm to workers.
296-900	Monetary penalties.	Kimberly Johnson DOSH (360) 902-5008	11/16/10 WSR 10-23-095	Suspended per Executive Orders 10-06 and 11-03	TBD	OSHA is changing their policies and procedures for how they assess penalties. The department will be required to modify its rules to ensure they are "at-least-as-effective-as" OSHA's new policies.
296-900	Safety and health investment project (SHIP) grants.	Kimberly Johnson DOSH (360) 902-5008	N/A	11/1/11 (CR-105) WSR 11-22-080	1/18/12	This rule making will address the criteria for the distribution of SHIP grants fund awards required by EHB 2123, which was passed by the 2011 legislature.

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DIVISION: INSURANCE SERVICES						
296-14	Confidentiality of workers' compensation claim files.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	11/16/04 WSR 04-23-080	Suspended per Executive Orders 10-06 and 11-03	TBD	This rule making will define the responsibility of employers, workers, and other parties who have access to workers' compensation claim files for confidentiality and release of claim information.
296-14	Industrial insurance definitions.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	5/3/05 WSR 05-10-073	Suspended per Executive Orders 10-06 and 11-03	TBD	This rule making will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability.
296-14	Pension discount rates and mortality assumptions.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	6/20/01 WSR 01-13-096	Suspended per Executive Orders 10-06 and 11-03	TBD	This rule making will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
296-14	Wages.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	4/22/08 WSR 08-09-115	Suspended per Executive Orders 10-06 and 11-03	TBD	This rule making will amend existing rules for consistency with RCW 51.08.178 (2007 SHB 1244). In addition, a new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
296-14 296-15	Suppressing workers' compensation claims.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	6/5/07 WSR 07-12-079	Suspended per Executive Orders 10-06 and 11-03	TBD	Pursuant to RCW 51.28.010 and RCW 51.28.025 (2007 SSB 5443), rules are needed to define "bona fide workplace safety," "accident prevention program" and "first aid," and establish the penalty structure for employers when there is a finding of claim suppression. Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression. In addition, the rule making may address additional issues identified in the rule-development process.
296-14A (New)	Claim resolution structured settlement agreements.	Sandi Haerling Integrated Claims Services—Policies and Rules (360) 902-5006	An emergency CR-103 is scheduled to be filed and effective on 1/3/12 for one hundred twenty days			This rule making is necessary pursuant to RCW 51.04.062, 51.04.063, and 51.04.065 (EHB 2123, chapter 37, Laws of 2011), for the implementation of allowing claim resolution structured settlements for injured workers age fifty-five and older effective January 1, 2012, fifty-three and older effective January 1, 2015, and fifty and older effective January 1, 2016.
			7/19/2011 WSR 11-15-068	TBD	TBD	
296-15	Claim filing and recordkeeping at on-site medical facilities.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	The purpose of this rule making is to clarify the requirements for what records self-insured employers must maintain for on-site medical facilities, including when a claim must be filed.

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296-15	Continuing education requirements for self-insurance claims administrators.	Margaret Conley Self-Insurance (360) 902-6723	12/15/09 WSR 10-01-083	11/1/11 WSR 11-22-079	1/17/12	In response to a request from the Washington Self-Insurers Association, the purpose of this rule making is to simplify the requirements for recertification of department-approved claims administrators by reducing credit types.
296-15	Definition of claim arrival.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	The purpose of this rule making is to clarify what documentation constitutes notice of a claim for self-insured employers. This date is key for determining benefit timeliness.
296-15	Definition of first aid.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	The purpose of this rule making is to define "first aid." This will clarify when a claim does not need to be filed, and when one must be filed.
296-15	Reporting option 2 vocational costs to L&I.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	The purpose of this rule making is to clarify the process by which a self-insured employer reports retraining costs for any claims upon which option 2 benefits have been granted.
296-15	Self-insurance electronic data reporting system (SIEDRS) requirements and penalties.	Margaret Conley Self-Insurance (360) 902-6723	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	The purpose of this rule making is to clarify language regarding reporting requirements and penalties as they relate to SIEDRS.
296-15	Self-insurance—Housekeeping changes.	Margaret Conley Self-Insurance (360) 902-6723	8/20/08 WSR 08-17-117	Suspended per Executive Orders 10-06 and 11-03	TBD	The purpose of this rule making is to review chapter 296-15 WAC for any corrections and to ensure consistency with statute. Affected rules will also be rewritten using "plain talk."
296-16A (New)	Stay at work program.	Richard Bredeson Employer Services (360) 902-4985	7/19/11 WSR 11-15-067	12/6/11 WSR 11-24-061	2/27/12	This rule making creates rules to accommodate requirements made by EHB 2123 (chapter 37, Laws of 2011) for a program allowing employers to be reimbursed for a portion of wages paid to injured workers on light duty.
296-17	Change of ownership—Experience modification factor.	Jo Anne Attwood Employer Services (360) 902-4777	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	This rule making is to simplify the change of ownership - experience modification factor rule. An ad hoc committee will be created to assist with the rule changes.
296-17 296-17A	Classifications for agricultural industries.	Karen Chamberlain Employer Services (360) 902-4772	TBD	TBD	TBD	This rule making will clarify language and better organize sub-classifications in the agricultural industries.
296-17 296-17A	Classifications for land surveyors.	Karen Chamberlain Employer Services (360) 902-4772	TBD	TBD	TBD	This rule making will evaluate the fairness and equality of rates in the land survey industry.
296-17 296-17A	Employer services—Housekeeping changes.	Jo Anne Attwood Employer Services (360) 902-4777	1/31/12	3/20/12	5/22/12	This rule making is to correct various rules for typographical errors, organizational flow, and clarity of language for improved application of rules.

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296-17 296-17A	Reporting for schools.	Jo Anne Attwood Employer Services (360) 902-4777	1/31/12	3/20/12	5/22/12	This rule making is intended to provide a simpler method for reporting contract teachers, easing the administrative burden of the employer.
296-17A	Classifications for entertainers.	Patti Phillips Employer Services (360) 902-4723	TBD	TBD	TBD	This rule making will change the classification for reporting dancers to the entertainer classification.
296-17 296-17B	2013 workers' compensation premium rates.	Jo Anne Attwood Employer Services (360) 902-4777	6/19/12	8/21/12	11/20/12	This rule making will set rates for 2013 workers' compensation insurance.
296-17B	Retrospective rating.	Jo Anne Attwood Employer Services (360) 902-4777 Tim Smolen Retrospective Rating (360) 902-4835 Diane Doherty (360) 902-5903	1/31/12	3/20/12	5/25/12	This rule will accommodate requirements made by EHB 2123 (chapter 37, Laws of 2011) and ESHB 1725 (chapter 290, Laws of 2011).
296-20	Clarifying medication coverage.	Leah Hole-Curry Office of the Medical Director (360) 902-4996	January or February 2012	TBD	TBD	Medication WACs need to be amended to clarify that L&I does not cover non-FDA approved medications and to add a statement about drugs regulated outside of the country.
296-20	Health technology clinical committee (HTCC) decisions.	Leah Hole-Curry Office of the Medical Director (360) 902-4996	10/4/11 WSR 11-20-082	TBD	TBD	As the HTCC makes decisions, the agency may need to make rule changes to come in line with the decisions. This rule making includes, but is not limited to, spinal injections and transcutaneous electrical nerve stimulator (TENS) devices.
296-20	Management for chronic pain.	Leah Hole-Curry Office of the Medical Director (360) 902-4996	June/July 2012	TBD	TBD	L&I may need to amend its opioid rules in response to the department of health's rules and the industrial insurance medical advisory committee's update of the L&I's opioid guidelines. Possible revisions include, but are not limited to, adding a new requirement for dosing consultations and episodic care, making sure that L&I forms are consistent with the department of health requirements, and addressing addiction treatment.
296-20 296-23	Medical aid conversion factors, physical therapy rules, and occupational therapy rules.	Erik Landaas Health Services Analysis (360) 902-4244 Tom Davis Health Services Analysis (360) 902-6687	12/20/11	2/21/12	4/24/12	This rule making is to update conversion factors used to determine payments to medical providers, and to update the maximum daily fees payable to physical and occupational therapists.

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296-20	Medical provider network and Centers for Occupational Health and Education (Phase I).	Leah Hole-Curry Office of the Medical Director (360) 902-4996	5/31/11 WSR 11-12-071	11/2/11 WSR 11-22-078	1/3/12	SSB 5801 (chapter 6, Laws of 2011) L&I to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department is creating and/or amending necessary rules in phases to ensure timely completion of all required provisions. This initial set of rules includes establishing minimum standards for credentials of medical providers and other requirements for network participation and to define "risk of harm."
296-20 296-14 296-15 296-21 296-23 296-23A 296-23B	Medical provider network and Centers for Occupational Health and Education (Phase II).	Leah Hole-Curry Office of the Medical Director (360) 902-4996	11/22/11 WSR 11-23-142	January 2012	TBD	SSB 5801 (chapter 6, Laws of 2011) directs L&I to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands COHEs. Rules are necessary to implement the changes. The department is creating and/or amending necessary rules in phases to ensure timely completion of all required provisions. This rule-making phase will create and/or amend rules that are needed to effectively launch and maintain the network and improve quality of medical care provided to injured workers.
296-20	Missed medical appointments.	Aaron Huff Health Services Analysis (360) 902-4259	12/22/09 WSR 10-01-171	11/22/11 WSR 11-23-137	2/21/12	This rule making is to clarify when and under what circumstance a provider can charge an injured worker for "no shows" or "missed appointments" related to the industrial injury on an approved claim.
296-23	Independent medical examinations (IMEs).	Kristen Baldwin-Boe Health Services Analysis 360 902-6815	March 2012	TBD	TBD	Rules may need to be updated with the new medical provider network requirements.
DIVISION: SPECIALTY COMPLIANCE SERVICES						
296-05	Apprenticeship rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	TBD	TBD	TBD	SB 5584 (chapter 308, Laws of 2011) adds a new level of review for federal purposes, director's review, to Washington state apprenticeship and training council action prior to any court appeal. The apprenticeship program needs to adopt an appeal process by rule in order to implement the law.

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296-46B	Electrical rules.	Sally Elliott Specialty Compli- ance Services (360) 902-6411	1/17/12	3/6/12	5/22/12	The purpose of this rule making is to increase the electrical fees in order to ensure the electrical program has a six month fund balance.
296-46B	Electrical rules.	Sally Elliott Specialty Compli- ance Services (360) 902-6411	TBD	TBD	TBD	The electrical program reviews the electrical rules for additions and revisions on an annual basis to ensure the rules are consistent with the national consensus standards and industry practice. Due to Executive Order 10-06, rules were not modified in 2011; therefore, the program needs to proceed with rule making in order to make sure the rules reflect industry practice.
296-96	Elevator rules.	Sally Elliott Specialty Compli- ance Services (360) 902-6411	10/18/11 WSR 11-21-082	12/20/11	3/6/12	The purpose of this rule making is to increase the elevator fees in order to cover the costs for ongoing services for the elevator program.
296-96	Elevator rules.	Sally Elliott Specialty Compli- ance Services (360) 902-6411	1/17/12	3/6/12	5/22/12	This rule making is a result of SHB 1055 (chapter 36, Laws of 2009), which made changes to RCW 70.87.230 and 70.87.250. The rule making will also review the elevator rules for additions and revisions. The elevator rules are reviewed on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice and to clarify the rules as needed.
296-104	Board of boiler rules.	Sally Elliott Specialty Compli- ance Services (360) 902-6411	11/1/11 WSR 11-22-081	1/3/12	4/17/12	The purpose of this rule making is to increase the boiler fees in order to cover the costs for ongoing services for the program.
296-104	Board of boiler rules.	Sally Elliott Specialty Compli- ance Services (360) 902-6411	7/20/10 WSR 10-15-102	10/5/10 WSR 10-20-135 <i>(Withdrawn on 4/19/11)</i> Suspended per Executive Orders 10-06 and 11-03	TBD	The rule making amends the board of boiler rules by making clarifying and technical changes. The changes will: <ul style="list-style-type: none"> • Add a definition of a "pool heater" to eliminate confusion for inspectors, owner/users, manufacturers and installers regarding what units are acceptable for service by the jurisdiction. • Adopt the current edition of the ASME Boiler and Pressure Vessel Code.

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296-125	Employment standards—Child labor rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	2/19/08 WSR 08-05-107	TBD	TBD	The rule making reviews the child labor rules in order to incorporate current administrative policies and federal law. The rules are also being reviewed and amended for clarity and ease of use. A number of changes are necessary to update the state regulations to be compatible with federal law and to remove the jeopardy of noncompliance with federal law for Washington employers.
296-126	Employment standards—Meal and rest break rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	5/19/10 WSR 10-11-121	Suspended per Executive Orders 10-06 and 11-03	TBD	The rule making is to clarify the meal and rest break rules as a result of existing law such as <i>Wingert v. Yellow Freight</i> , 146 Wn.2d 841 (2002) and <i>Alvarez v. IBP</i> , 339 F.3d 894 (9th Cir. 2003).
296-127	Prevailing wage.	Sally Elliott Specialty Compliance Services (360) 902-6411	6/16/09 WSR 09-13-077	5/18/10 WSR 10-11-116 (Withdrawn on 12/1/10) Suspended per Executive Orders 10-06 and 11-03	TBD	The rule making reviews prevailing wage rules, which have not gone through a comprehensive review since the early 90s. Amendments will be made to: <ul style="list-style-type: none"> • Reflect court decisions; • Integrate administrative policies; • Streamline current processes; • Create consistency with the statute; and • Make housekeeping changes.
296-127	Prevailing wage—Scope of work descriptions for dredge workers, truck drivers, and ready mix truck drivers.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/20/10 WSR 10-15-107	11/2/10 WSR 10-22-104 (Withdrawn on 12/2/10) Suspended per Executive Orders 10-06 and 11-03	TBD	L&I has wage rates for dredge workers, truck drivers, and ready mix drivers, but no corresponding scope of work descriptions. The rule making will adopt scope of work descriptions for those worker classifications.
296-127	Prevailing wage—Scope of work description for fabricated precast concrete products.	Sally Elliott Specialty Compliance Services (360) 902-6411	Suspended per Executive Orders 10-06 and 11-03	TBD	TBD	L&I is currently working with the prevailing wage advisory committee on the scope of work definition for fabricated precast concrete products.
296-127	Prevailing wage—Scope of work descriptions for utilities construction and laborers in utilities construction.	Sally Elliott Specialty Compliance Services (360) 902-6411	8/16/10 WSR 10-17-087	Suspended per Executive Orders 10-06 and 11-03	TBD	The department received rule-making petitions to repeal the scope of work definitions for utilities construction and laborers in utilities construction. The petitions state the repeal of these scopes of work would eliminate confusion for wage survey respondents, would allow the department to calculate a more accurate wage rate, and would be consistent with references from the federal Davis Bacon Act.

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296-150C 296-150F 296-150M 296-150P 296-150R 296-150T 296-150V	Factory assembled structures.	Sally Elliott Specialty Compliance Services (360) 902-6411	10/18/11 WSR 11-21-081	12/20/11	3/6/12	The purpose of this rule making is to increase the factory assembled structure fees in order to cover the costs for ongoing services for the program.
296-150C 296-150F 296-150I 296-150M 296-150P 296-150R 296-150T 296-150V	Factory assembled structures.	Sally Elliott Specialty Compliance Services (360) 902-6411	9/22/09 WSR 09-19-121	3/6/12	5/22/12	The rule making reviews the factory assembled structure rules on a regular basis to ensure the rules are consistent with industry practice, for clarification, and for possible housekeeping changes. The rules need to be amended to reflect current code references and in response to internal audit findings.
296-200A	Contractor certificate of registration.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/6/10 WSR 10-14-103	Suspended per Executive Orders 10-06 and 11-03	TBD	The rule making reviews the contractor registration rules to ensure consistency with industry practice and clarity of language. The rule making will make housekeeping changes and update language for clarity and consistency with industry practices.
296-400A	Plumber certification.	Sally Elliott Specialty Compliance Services (360) 902-6411	TBD	TBD	TBD	This rule making is a result of SSB 5067 (chapter 301, Laws of 2011). The bill allows the program to use alternative methods for mailing certified and registered mail.

Tamara Jones
Assistant Director for Legislative and
Government Affairs/Rules Coordinator

WSR 12-01-079

AGENDA

DEPARTMENT OF HEALTH STATE BOARD OF HEALTH

[Filed December 19, 2011, 3:20 p.m.]

January 2012 Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) (department) and the state board of health (SBOH). If you have any questions about this report or DOH rule-making activities, please contact Tami Thompson, regulatory affairs manager at (360) 236-4044 or tami.thompson@doh.wa.gov. If you have any questions about SBOH rule-making activities please contact Michelle Davis, executive director for SBOH at (360) 236-4105 or michelle.davis@doh.wa.gov.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Governor Gregoire signed an Executive Order (EO) 11-03 on October 11, 2011, directing agencies under her jurisdiction to continue to suspend noncritical rule development and adoption activities until the end of 2012.

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 rule-making activities that cannot be forecasted as DOH or SBOH may initiate 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 28A.210.140	SBOH	Chapter 246-105 WAC, Immunizations of child care and school children against certain vaccine-preventable diseases.	Anticipate filing before 6/2012. Rule necessary to protect public health.				Jeff Wise (360) 236-3494
RCW 43.20.050(2)	SBOH	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 4/2012. Requested by regulated community to protect public health. Filing date pending federal action.			Ned Therien (360) 236-4103
RCW 43.20.050	SBOH	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 SBOH does not currently regulate remediation technologies.	06-12-108 6/7/06	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			Stuart Glasoe (360) 236-3246
RCW 43.20.050	SBOH	Chapter 246-291 WAC, Group B public water supplies.	07-14-147 7/5/07	Anticipate filing 4/2012. Rule necessary to assist DOH manage a budget shortfall and protect public health.			Theresa Phillips (360) 236-3147
RCW 43.20.050	SBOH	Chapter 246-390 WAC, Drinking water laboratory certification.	06-23-077 11/13/06	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			Theresa Phillips (360) 236-3147
RCW 70.62.240	SBOH	Chapter 246-360 WAC, Transient accommodations.	07-14-148 7/5/07	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			John Hilger (360) 236-2929
RCW 43.20.050 and 43.20.145	SBOH	Chapter 246-215 WAC, Food service.	10-04-068 1/29/10	Anticipate filing 5/2012. Rule continuation requested by regulated community. Necessary to protect public health.			Joe Graham (360) 236-3305

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 70.119A.080	SBOH	WAC 246-203-103 Keeping of animals.	09-17-132 8/19/09	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			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 "audioprosthologist."	09-11-116 5/20/09	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			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.	11-23-108 11/18/11 Rules are necessary to implement state law.	Anticipate filing 3/2012.			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. Continuing suspension until 2013 due to EO 11-03.			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.	11-19-012 9/7/11 Rules are necessary to implement state law.	Anticipate filing 2/2012.			Kendra Pitzler (360) 236-4723
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. Continuing suspension until 2013 due to EO 11-03.			Judy Haenke (360) 236-4947

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 18.64.005	Board of pharmacy	Chapter 246-886 WAC, Animal control—Legend drug sodium pentobarbital.	09-11-049 5/13/09	Anticipate filing 4/2012. 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 4/2012. 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.	11-17-10 [11-17-101] 8/22/11 Rules are necessary to implement state law.	Anticipate filing 2/2012.			Kitty Slater (360) 236-4861
RCW 18.25.0171	Chiropractic quality assurance commission	WAC 246-808-180 Expired licenses.	Anticipate filing 12/2011 Rule is necessary to protect public health, safety, and welfare.				Leann Yount (360) 236-4856
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. Continuing suspension until 2013 due to EO 11-03.			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. Continuing suspension until 2013 due to EO 11-03.			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. Continuing suspension until 2013 due to EO 11-03.			Jennifer Santiago (360) 236-4893

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 18.84.040	DOH	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. Continuing suspension until 2013 due to EO 11-03.			Susan Gragg (360) 236-4941
SHB 2430 (chapter 92, Laws of 2010)	DOH	Chapter 246-926 WAC, establishing licensure requirements for cardiovascular invasive specialists.	10-19-035 9/9/10	Anticipate filing 12/2011. Rules are necessary to implement state law.			Sue Gragg (360) 236-4941
RCW 43.70.040 70.38.135	DOH	WAC 246-310-XXX Hospital acute care bed methodology.	09-16-118 8/4/09	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			John Hilger (360) 236-2929
Chapter 70.185 RCW	DOH	Chapter 246-562 WAC, J-1 Physician visa waiver regulations.	08-14-077 6/26/08		Anticipate filing 4/2012. Rule required by federal law; benefits regulated entities.		HSQA - Jennell Prentice (360) 236-2814
RCW 43.70.040 70.38.135	DOH	WAC 246-310-XXX Revising and updating the certificate of need adjudicative proceeding rules.	Anticipate filing 2013. Continuing suspension until 2013 due to EO 11-03.				John Hilger (360) 236-2929
Chapter 18.88B RCW Initiative 1163	DOH	Chapter 246-980 WAC, Home care aid, amending certification dates and the requirements for home care aides.		Anticipate filing 1/2012. Rules are necessary to implement state law.			Kendra Pitzler (360) 236-4723
E2SSB 5073 (chapter 181, Laws of 2011)	DOH	Chapter 246-75 WAC, repealing medical marijuana rule.			11-22-088 11/1/11 Rule is no longer necessary because of change in state law.	Anticipate filing 2012.	Kris Reichl (360) 236-4985
RCW 70.119.050	DOH	Chapter 246-292 WAC, Waterworks operator certification.	09-21-043 10/13/09	Anticipate filing 8/2012. Rule necessary to implement legislation, and is a benefit to regulated community.			Theresa Phillips (360) 236-3147

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 70.119A.170	DOH	Chapter 246-296 WAC, Drinking water state revolving fund loan program (DWSRF).	11-03-021 1/7/11	11-19-094 1/7/11		Anticipate filing by 12/2011. Rule is necessary to meet federal requirements; benefit to regulated community; replaces emergency rules.	Theresa Phillips (360) 236-3147
RCW 70.98.050	DOH	Chapter 246-247 WAC, Radiation protection—Air emission.	05-12-140 6/1/05	Suspended until 2012 due to EO 10-06. Continuing suspension until 2013 due to EO 11-03.			Michelle Austin (360) 236-3250
RCW 70.98.085	DOH	WAC 246-254-130 Radioactive waste disposal site surveillance fee. Rule necessary to assist department of health manage a budget shortfall.		Anticipate filing 1/2012.			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 6/30/2009. Anticipate filing new CR-102 4/2012 as a result of SB 5480 passed in 2011.			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. Continuing suspension until 2013 due to EO 11-03.			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
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. Continuing suspension until 2013 due to EO 11-03.			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. Continuing suspension until 2013 due to EO 11-03.	Judy Haenke (360) 236-4947
RCW 70.119A.110	DOH	Chapter 246-294 WAC, Drinking water operating permits and 246-290-990 Water system evaluation and project review and approval fees.		11-22-089 11/1/11 Rules are necessary to manage budget shortfall.		Anticipate filing by 2/2012.	Theresa Phillips (360) 236-3147
RCW 70.98.050 70.98.080(5)	DOH	WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions, 246-247-075 Monitoring, testing, and quality assurance, and 246-247-080 Inspections, reporting, and recordkeeping.		11-20-091 10/4/11 Rules are necessary to implement federal law.		Anticipate filing by 12/2011.	Theresa Phillips (360) 236-3147
SHB 1575 (chapter 76, Laws of 2011) 2ESHB 1087 (chapter 50, Laws of 2011)	DOH	Chapter 246-330 WAC, Definition of ambulatory surgical facilities and fees.	Anticipate filing 2/2012. Necessary to manage budget shortfalls.				Kris Reichl (360) 236-4985
RCW 71.12.670	DOH	Chapter 246-337 WAC, Residential treatment facilities.	10-17-119 8/18/10 Rules necessary to implement federal laws.				Barb Runyon (360) 236-2937
2ESHB 1087 (chapter 50, Laws of 2011)	DOH	WAC 246-314-990 Construction review services fees.	Anticipate filing 1/2012. Necessary to manage budget shortfalls.				Bart Eggen (360) 236-2960
2ESHB 1087 (chapter 50, Laws of 2011)	DOH	WAC 246-310-990 Certificate of need fees.	Anticipate filing 2/2012. Necessary to manage budget shortfalls.				Bart Eggen (360) 236-2960

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
2ESHB 1087 (chapter 50, Laws of 2011)	DOH	WAC 246-320-199, 246-322-990 and 246-324-990, hospital fees.	Anticipate filing 2/2012. Necessary to manage budget shortfalls.				Bart Eggen (360) 236-2960
2ESHB 1087 (chapter 50, Laws of 2011)	DOH	WAC 246-335-990 In-home services fees.	Anticipate filing 2/2012. Necessary to manage budget shortfalls.				Bart Eggen (360) 236-2960

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.

Department means the department of health.

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 [a] 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.

EO is the Executive Order 11-03 of 2011.

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.

SBOH means the state board of health.

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 12-02-003

NOTICE OF PUBLIC MEETINGS

GREEN RIVER

COMMUNITY COLLEGE

[Filed December 22, 2011, 9:39 a.m.]

SCHEDULE OF REGULAR MEETINGS - 2012

The board of trustees of Green River Community College will meet the third Thursday of each month in 2012 as follows:

- January 19
- February 16
- March 15
- April 19
- May 17
- June 21
- July 19
- August 16
- September 20
- October 18
- November 15
- December 20

The board of trustees of Community College District No. 10 does hereby set the regular meeting dates for the board of trustees on the third Thursday of each month, commencing at 4:00 p.m., in the board room of the Administration Building, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98092. Notice of any change from such regular meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled regular meeting date.

WSR 12-02-005
NOTICE OF PUBLIC MEETINGS
INNOVATE WASHINGTON
 [Filed December 22, 2011, 1:22 p.m.]

BOARD OF DIRECTORS
2012 REGULAR MEETING SCHEDULE
 Subject to Modification by the Board

10:00 a.m. - 1:00 p.m.
 Location to be Determined

Thursday, March 29, 2012
 Thursday, June 28, 2012
 Thursday, September 27, 2012
 Thursday, November 15, 2012

Please RSVP attendance for meetings to GERALYN GARBURG, (509) 358-2021 or geraldyn@innovatewashington.org.

WSR 12-02-006
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY
 [Filed December 22, 2011, 3:51 p.m.]

The Washington economic development finance authority (WEDFA) is an independent agency (#106) within the

executive branch of state government. The authority has four regular board meetings each year. The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority. We would like to notify you that the 2012 regular meetings of the board will be held at the locations, dates and times listed below:

January 20, 2012 10:00 a.m.	Regular Meeting	WEDFA Offices 28th Floor 1000 2nd Avenue Seattle, WA 98104
April 13, 2012 10:00 a.m.	Regular Meeting	WEDFA Offices 28th Floor 1000 2nd Avenue Seattle, WA 98104
September 14, 2012 10:00 a.m.	Regular Meeting	WEDFA Offices 28th Floor 1000 2nd Avenue Seattle, WA 98104
December 7, 2012 10:00 a.m.	Regular Meeting	WEDFA Offices 28th Floor 1000 2nd Avenue Seattle, WA 98104

Please call Rodney Wendt at (206) 587-5634 if you have any questions.

WSR 12-02-007
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 [Filed December 23, 2011, 8:44 a.m.]

2012 PUBLIC MEETINGS NOTICE

Per WAC 135-04-020, the Washington state conservation commission shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. The regular business conservation commission meetings are held on the third Thursday of every other month with the exception of the November/December meeting.

Please note that the dates are set and the times listed below are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines. Please check our web site for any changes or additions that may affect this schedule: www.scc.wa.gov.

If you are a person with a disability and need special accommodations, please contact the conservation commission at (360) 407-6200.

January 18, 2012 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Skagit Conservation District Dinner Location: Skagit Valley Resort Ballroom A 5984 North Darrk Lane Bow, WA 98232
January 19, 2012 Regular Meeting	8:30 a.m. - 4:30 p.m. WSSC Business Meeting	Location: Skagit Valley Resort Ballroom B 5984 North Darrk Lane Bow, WA 98232

March 14, 2012 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Lewis County Conservation District Dinner Location: The Rib Eye Restaurant 1336 Rush Road Napavine, WA 98532
March 15, 2012 Regular Meeting	8:30 a.m. - 4:30 p.m. WSCC Business Meeting	Location: Centralia Community College 600 Centralia College Boulevard Centralia, WA 98531
May 15, 2012 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Asotin County Conservation District Dinner Location: TBD
May 16, 2012 Planning Meeting	9:00 a.m. - 4:00 p.m. WSCC Planning Meeting	Location: Quality Inn & Suites 700 Port Drive Clarkston, WA 99403
May 17, 2012 Regular Meeting	8:30 a.m. - 4:00 p.m. WSCC Business Meeting	Location: Quality Inn & Suites 700 Port Drive Clarkston, WA 99403
July 18, 2012 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Pacific Conservation District Dinner Location: TBD
July 19, 2012 Regular Meeting	8:30 a.m. - 4:30 p.m. WSCC Business Meeting	Location: WSU Extension Long Beach 2907 Pioneer Road Long Beach, WA 98631
September 19, 2012 Special Meeting	1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner	Coordinated by: Foster Creek Conservation District Dinner Location: TBD
September 20, 2012 Regular Meeting	8:30 a.m. - 4:30 p.m. WSCC Business Meeting	Location: Grandview on the Lake 322 West Woodin Avenue Chelan, WA 98816
November 29, 2012 Regular Meeting	10:00 - 3:00 p.m. WSCC Business Meeting	Location: Suncadia Resort 3600 Suncadia Trail Cle Elum, WA 98922

WSR 12-02-010

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)**

[Filed December 23, 2011, 10:26 a.m.]

The March 28, 2012, meeting will be held in the Olympia area (specific location TBD).

The June 26, 2012, meeting will be held in the Olympia area (specific location TBD).

The September 25, 2012, meeting will be held in the Yakima area (specific location TBD).

The December 4, 2012, meeting will be held in the Olympia area (specific location TBD).

WSR 12-02-012

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Podiatric Medical Board)**

[Filed December 23, 2011, 1:50 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, podiatric medical board, for the year 2012. The podiatric medical board meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the podiatric medical board reserves the right to change or amend agendas at the meeting.

Date	Time	Location
Meeting cancelled January 12, 2012	Meeting cancelled 9:00 a.m.	Blackriver Training Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057
April 12, 2012	9:00 a.m.	Blackriver Training Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057
July 12, 2012	9:00 a.m.	Teleconference
October 11, 2012	9:00 a.m.	Blackriver Training Conference Center 800 Oakesdale Avenue S.W. Renton, WA 98057

If you need further information, please contact Erin Obenland, Health Service Consultant 3, Washington Department of Health, Podiatric Medical Board, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2901, e-mail erin.obenland@doh.wa.gov, web www.doh.wa.gov.

Please be advised the podiatric medical board is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 12-02-013

AGENDA

WASHINGTON STATE PATROL

[Filed December 27, 2011, 9:46 a.m.]

**Semi-Annual Rule-Making Agenda
January through June 2012**

The following is the Washington state patrol's (WSP) semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

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

If you have any questions about this rule-making agenda, please contact Melissa Van Gorkom, Rules Coordinator, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPrules@wsp.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 204-10-022	Body requirements. Changes include but are not limited to updating this language with the passage of ESSB 5585 in the 2011 session.	WSR 11-19-052 filed September 14, 2011	WSR 11-23-130 filed November 21, 2011	January 2012
WAC 204-21-190 and 204-21-210	School bus lamps. Changes include but are not limited to updating this language to reference current standards for lamps.	WSR 11-19-053 filed September 14, 2011	WSR 11-23-132 filed November 21, 2011	January 2012
Chapter 204-53 WAC	Helmet exemption. Changes include but are not limited to updating this language with the passage of HB 1328 in the 2011 session.	WSR 11-19-056 filed September 14, 2011	WSR 11-23-134 filed November 21, 2011	January 2012
Chapter 204-95 WAC	Limousine businesses. Changes include but are not limited to updating this language with the passage of SSB 5502 in the 2011 session.	WSR 11-19-055 filed September 14, 2011	WSR 11-23-131 filed November 21, 2011	January 2012

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 204-96 WAC	Vehicle impounds. Changes include but are not limited to updating this language with the passage of E2SSB 5000 in the 2011 session.	WSR 11-19-054 filed September 14, 2011	WSR 11-23-133 filed November 21, 2011	January 2012
WAC 446-65-010	Commercial vehicle regulations. Changes include but may not be limited to adopting new sections of the C.F.R. pertaining to commercial vehicles.	WSR 11-19-057 filed September 14, 2011	WSR 11-23-135 filed November 21, 2011	January 2012
Chapter 446-75 WAC	DNA identification. The agency anticipates a need to update this language if proposed legislation passes in the 2012 session.	2012 - 2013	2012 - 2013	2012 - 2013

Melissa Van Gorkom
Rules Coordinator

WSR 12-02-014

ATTORNEY GENERAL'S OFFICE

[Filed December 27, 2011, 10:36 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by January 25, 2012. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions list-serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 11-12-02

Request by Suzan DelBene, Revenue Director

1. Does a lien filed pursuant to RCW 84.38.100 remain in effect after property is acquired by a county by tax deed?
2. If the deferral lien remains in effect, should it be paid before excess proceeds are distributed under RCW 36.35.110?

WSR 12-02-015

**NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed December 27, 2011, 10:41 a.m.]

Below are the 2012 meeting dates for the Washington state criminal justice training commission (WSCJTC). All of the meetings will be held at the WSCJTC located at 19010 1st Avenue South, Burien, WA 98148.

Date	Time	Location
Wednesday, March 14, 2012	10 a.m.	Room E-154

Date	Time	Location
Wednesday, June 13, 2012	10 a.m.	Room E-154
Wednesday, September 12, 2012	10 a.m.	Room E-154
Wednesday, December 12, 2012	10 a.m.	Room E-154

If you have questions, please call Sonja Hirsch at (206) 835-7372.

WSR 12-02-016

ATTORNEY GENERAL'S OFFICE

[Filed December 27, 2011, 10:44 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION WASHINGTON ATTORNEY GENERAL

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by January 25, 2011. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 586-0728, or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeffrey T. Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions list-serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 11-12-03

Request by Brian Sonntag, State Auditor

1. With RCW 28A.310.200 as the context, does the term "instruments" include bonds? If the answer is no, does the term "notes" include bonds?
2. Does RCW 28A.310.200 require an educational service district to pledge the property (real or personal) as collateral when borrowing under this statute?

3. Does RCW 39.46 apply to an educational service contract?
4. If the answer to question 3 is yes, is an education service district required to comply with both RCW 28A.310.200 and RCW 39.46 when issuing bonds, and therefore harmonize the two statutory schemes?
5. If an educational service district has authority to issue bonds, are there applicable constitutional or statutory debt limitations?

WSR 12-02-019

NOTICE OF PUBLIC MEETINGS GUARANTEED EDUCATION TUITION PROGRAM

[Filed December 27, 2011, 2:04 p.m.]

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

Location Change Thursday, January 5, 2012
2:00 p.m. - 4:00 p.m.
GET Office - physical location
(conference call meeting)
919 Lakeridge Way S.W.
Olympia, WA 98502

Please contact Betsy Hagen, if you need additional information.

WSR 12-02-023

NOTICE OF PUBLIC MEETINGS PUGET SOUND PARTNERSHIP

[Filed December 28, 2011, 11:27 a.m.]

2012 Puget Sound Partnership Boards Meeting Schedules

At a regular meeting on December 6, 2011, the Puget Sound partnership leadership council adopted the following 2012 meeting schedule (see http://www.psp.wa.gov/LC_meetings.php for details):

Date	Days	Location
February 29 - March 1, 2012	Wednesday - Thursday	Olympia area
April 26-27, 2012	Thursday - Friday	TBD
June 14-15, 2012	Thursday - Friday	TBD
August 23-24, 2012	Thursday - Friday	TBD
October 25-26, 2012	Thursday - Friday	TBD
December 6-7, 2012	Monday - Tuesday	TBD

At a regular meeting on November 18, 2011, the Puget Sound partnership ecosystem coordination board adopted the following 2012 meeting schedule (see http://www.psp.wa.gov/EB_meetings.php for details):

Date	Days	Location
February 16, 2012	Thursday	GA Auditorium Olympia
May 17, 2012	Thursday	Action Area TBD
August 16, 2012	Thursday	Action Area TBD
October 18, 2012	Thursday	Action Area TBD

At a regular meeting on December 13, 2011, the Puget Sound partnership science panel adopted the following 2012 meeting schedule (see http://www.psp.wa.gov/SP_meetings.php for details):

Date	Location
January 25, 2012	Tacoma
March 14, 2012	Tacoma
May 8, 2012	Tacoma
June 18-19, 2012	Seattle area
August 14, 2012	Tacoma
September 18-19, 2012	Bellingham area
November 13, 2012	Tacoma
December 11-12, 2012	TBD

WSR 12-02-026

AGENDA

DEPARTMENT OF FINANCIAL INSTITUTIONS

[Filed December 28, 2011, 1:01 p.m.]

Semi-Annual Agenda for Rules Under Development January 1 - June 30, 2012

DIVISION OF BANKS

- Adopt rule to provide for compliance with Section 611 of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law No. 111-203). That section deals with the requirement that after January 21, 2013, no state chartered bank may engage in any derivatives transaction unless it is subject to state lending limits laws and regulations that include the safety and soundness of derivatives transaction.

DIVISION OF CONSUMER SERVICES

- Chapter 208-660 WAC, amendments relating to the Mortgage Broker Practices Act. The advertising rules must be amended to protect consumers from financial harm, aid the regulated industries by having consistent rules within the mortgage marketplace, and to make technical changes for clarity and consistency. These rules comply with the OFM guidelines implementing the governor's executive order suspending noncritical rule making by falling under the exemption of "beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects" and "necessary to respond to current economic conditions or assist in long-term economic recovery, to

include employment assistance, consumer protection or government reform."

- Chapter 208-620 WAC, amendments relating to the Consumer Loan Act. The advertising and loan servicing rules must be amended to protect consumers from financial harm, aid the regulated industries by having consistent rules within the mortgage marketplace, and to make technical changes for clarity and consistency. These rules comply with the OFM guidelines implementing the governor's executive order suspending noncritical rule making by falling under the exemption of "beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects" and "necessary to respond to current economic conditions or assist in long-term economic recovery, to include employment assistance, consumer protection or government reform."

DIVISION OF SECURITIES

- Chapter 460-24A WAC, amendments to rules relating to investment advisers. The Dodd-Frank Wall Street Reform and Consumer Protection Act raised the threshold for federal jurisdiction from \$25 million AUM to \$100 million AUM. This will result in Washington gaining approximately three hundred new IA licensees that switch from federal to state jurisdiction, an increase of sixty percent. Rule making will be necessary to address regulatory issues presented by these new licensees. These rules comply with the OFM guidelines implementing the governor's executive order suspending noncritical rule making by falling under the exemption of "required by federal or state law."

- Chapter 460-33A WAC, amendments to rules relating to mortgage paper securities. These rules regulate mortgage broker-dealers which make "hard-money" loans and sell interests in those loans to investors. These companies have been significantly impacted by the economic downturn and two have been placed into receivership as a result of petitions by the division. As the only agency regulating these companies, it is important that the division regularly examine and update its rules to address regulatory concerns and market changes. These rules comply with the OFM guidelines implementing the governor's executive order suspending noncritical rule making by falling under the exemption of "beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects." The securities division has been working with its mortgage broker-dealer registrants for several months on revisions to the mortgage papers rules and believes that most of the amendments it proposes will be supported by registrants. Any rules that are not fully supported by industry will be necessary to protect the public welfare.

WSR 12-02-029

AGENDA

HEALTH CARE AUTHORITY

[Filed December 28, 2011, 3:12 p.m.]

Semi-Annual Rule-Making Agenda
January through June 2012

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

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

If you have questions about this rule-making agenda, please contact Kevin M. Sullivan, Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, e-mail Kevin.Sullivan@hca.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
182-501-0050, 182-501-0060, 182-501-0065, 182-501-0070, 182-502-0160	Updating healthcare services categories to reflect what is currently available to HCA medicaid clients.	WSR 10-22-121 filed November 3, 2010		
182-502-0005	Core provider agreement (CPA)—adding requirement that all ordering, prescribing, or referring providers be enrolled as participating providers under the billing providers' CPA.	WSR 11-23-089 filed November 17, 2011		
182-502-0115	Adding requirements and prohibition of payment for provider preventable conditions (PPC).	WSR 11-19-008 filed September 7, 2011		
Chapters 182-503, 182-504, 182-506, 182-507, 182-508, and 182-509	ESSB [ESHB] 2082 requires HCA to establish an incapacity-based medical care services program for adults effective November 1, 2011.	WSR 11-16-104 filed August 3, 2011	WSR 11-23-164 filed November 22, 2011	
388-517-0320	Amending payment methodology for medicare/medicaid eligible clients ("dual eligibles") to align with payment formula established in WAC 182-502-0110 regarding medicare deductible and coinsurance.	WSR 11-09-056 filed April 18, 2011	WSR 12-01-127 filed December 21, 2011	
Chapter 182-526	Medical administrative hearings. Required due to HCA being designated as the "single state medicaid agency" per HB 1738.	WSR 11-19-004 filed September 7, 2011		
Chapter 182-530	Drug formulary. To avoid elimination of the prescription drug benefit for medicaid clients due to budget cuts, HCA intends to implement a drug formulary.	WSR 12-01-081 filed December 19, 2011		
182-530-7000, 182-531-0050, and 182-531-1625	Hemophilia products and supplies. Requires treatment of hemophilia disorders to be provided by a comprehensive hemophilia treatment center.	WSR 11-19-005 filed September 7, 2011		
Chapter 182-535	Dental-related services. Elimination of adult services due to budget cuts.	WSR 10-20-160 filed October 6, 2010		

WAC Citation	Subject Matter	Current Activity		
		CR-101 Preproposal	CR-102 or CR-105	CR-103
Chapter 182-537	School-based healthcare services. To avoid elimination of the program, HCA is revising rules to allow school districts to provide the state funds to match the federal participation.	WSR 10-20-160 filed October 6, 2010		
182-543-5500, 182-543-9100, 182-543-9200, 182-543-9300, and 182-543-9400	Durable medical equipment. Reinserting policy language regarding "base year" that was inadvertently deleted under WSR 11-14-052.	WSR 11-23-088 filed November 17, 2011		
182-548-1400 182-549-1400	Federally qualified health centers and rural health clinics. New alternative payment methodology. Requires state plan amendment.	WSR 11-23-017 filed November 17 [7], 2011		
182-550-4650 and 182-550-5400	Hospital payments. Clarifying that hospitals must be "operated" (rather than "owned") by a public hospital district to qualify for certified public expenditure payments.	WSR 11-21-067 filed October 17, 2011	WSR 12-01-042 filed December 13, 2011	
Chapter 182-551	Hospice services. Clients under twenty-one years of age receiving hospice no longer have to waive treatment for the terminal illness.	WSR 11-07-092 filed March 22, 2011	WSR 11-24-060 filed December 5, 2011	
Chapter 182-552	Oxygen services. Updating policy for oxygen and respiratory therapy.	WSR 09-13-099 filed June 17, 2009		

Kevin M. Sullivan
Rule [Rules] Coordinator

WSR 12-02-032
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
SALMON COMMISSION
[Filed December 29, 2011, 10:40 a.m.]

For more information, contact the Puget Sound salmon commission at (206) 595-8734.

Here is a list of the Puget Sound salmon commission meetings for 2012.

Saturday, January 28
Teleconference
9:00 a.m.
Call in number: 1-719-387-5595
Code: 617923

Saturday, March 24
Mt. Vernon Senior Center
Mt. Vernon
9:30 p.m.

Saturday, September 29
Fishermen's Terminal
Nordby Conference Center
Seattle
9:30 p.m.

WSR 12-02-034
HEALTH CARE AUTHORITY
[Filed December 29, 2011, 2:28 p.m.]

I am requesting that the code reviser recodify the following chapter and sections of the Washington Administrative Code (WAC) from Title 388 WAC to Title 182 WAC effective January 1, 2012:

<u>Old WAC Number</u>	<u>New WAC Number</u>
388-462-0020	182-505-0120
388-466-0130	182-507-0130
388-503-0510	182-505-0510
388-503-0515	182-505-0515
388-505-0230	182-514-0230
388-505-0235	182-514-0235
388-505-0240	182-514-0240

388-505-0245	182-514-0245
388-505-0250	182-514-0250
388-505-0255	182-514-0255
388-505-0260	182-514-0260
388-505-0265	182-514-0265

December 22, 2011
Doug Porter
Director

WSR 12-02-036
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed December 29, 2011, 2:33 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3169.2011 *Sourcing Wholesale Sales of Non-Mobile Telecommunications Services.*

This ETA provides guidance regarding the sourcing, for B&O tax purposes, of gross proceeds received for wholesale telecommunications services (other than mobile telecommunications services).

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 12-02-037
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed December 29, 2011, 2:55 p.m.]

YOU ARE INVITED TO SHARE INPUT WITH
THE WASHINGTON STATE REHABILITATION COUNCIL

Join us if you wish
Thursday, January 26, 2012
3:00 p.m. - 5:00 p.m.

1104 4th Avenue
Paris Ballroom
Seattle, WA 98101

American sign language interpretation provided.

The Washington state rehabilitation council is a group of fifteen governor-appointed volunteers. The council was created by Title 1, Section 105 of the Rehabilitation Act and by Executive Order 04-04, for the purpose of increasing employment and economic advancement for eligible jobseekers with disabilities. We are systems advocates for the vocational rehabilitation service system and the customers it serves. Our mandates include gathering public input, which is why you

are being invited to share your thoughts. **You are not required to attend. This is not a regular DVR appointment with your counselor.** We will take comment for ninety minutes. The last half hour will leave time for mingling and individual follow-up.

We are interested in how the VR system is working. Some of the things we most want to know are:

- What you understand about the services DVR provides?
- If you feel you are treated with courtesy and respect by DVR staff?
- If DVR is helping you learn skills to get a job?
- If you feel like you picked the kind of job you want?
- If you have a job, are you working as much as you want to? and,
- If you have a job, do you have more money than before working with DVR?

To request reasonable accommodation or a spoken language interpreter, please contact JoAnne Lang at langjk@dshs.wa.gov or 1-866-252-2939.

If you would rather submit written comments by e-mail than join us in person, you are welcome to do that by contacting JoAnne at the e-mail listed above.

Transportation and Parking: We respectfully encourage all who can use public transportation to do so rather than driving and paying for parking. Unfortunately, we will not pay parking costs. The meeting location is .06 of a mile from the Sound Transit University Light Rail Station and is .25 miles from a Metro transit hub at 3rd Avenue and Union Street.

The Washington state rehabilitation council received approval from the office of financial management to meet in person at this facility.

WSR 12-02-038
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed December 29, 2011, 2:56 p.m.]

The Washington state rehabilitation council is a group of fifteen governor-appointed volunteers. The council was created by Title 1, Section 105 of the Rehabilitation Act and by Executive Order 04-04, for the purpose of increasing employment and economic advancement for eligible jobseekers with disabilities. We are systems advocates for the vocational rehabilitation service system and the customers it serves. Our mandates include: Gathering public input about vocational rehabilitation services, assessing program data and performance, and making policy recommendations.

We are meeting in Seattle at
1104 4th Avenue
South Athens Room
Seattle, WA 98101
Thursday, January 26, 2012
9:00 a.m. to 3:00 p.m.

*All portions of this meeting are open to the public.

**American sign language interpretation will be provided.

The objectives for the meeting are to:

- Advance work plan goals of five council committees;
- Review and discuss customer satisfaction survey findings; and
- Gather feedback about satisfaction with services during a customer forum.

For more information, or to request reasonable accommodation or a spoken language interpreter, contact JoAnne at 1-866-252-2939 or e-mail langjk@dshs.wa.gov.

Parking and Transportation: We respectfully encourage all who can use public transportation to do so rather than driving and paying for parking. Unfortunately, we will not pay parking costs. The meeting location is .06 of a mile from the Sound Transit University Light Rail Station and is .25 miles from a Metro transit hub at 3rd Avenue and Union Street.

The Washington state rehabilitation council received approval from the office of financial management to hold this meeting in person and at this facility.

WSR 12-02-039
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed December 29, 2011, 2:57 p.m.]

The Washington state rehabilitation council is a group of fifteen governor-appointed volunteers. The council was created by Title 1, Section 105 of the Rehabilitation Act and by Executive Order 04-04, for the purpose of increasing employ-

ment and economic advancement for eligible jobseekers with disabilities. We are systems advocates for the vocational rehabilitation service system and the customers it serves. Our mandates include: Gathering public input about vocational rehabilitation services, assessing program data and performance, and making policy recommendations.

We are meeting in Seattle at
 1104 4th Avenue
 South Athens Room
 Seattle, WA 98101
 Friday January 27, 2012
 9:00 a.m. to 4:00 p.m.

*All portions of this meeting are open to the public.

**American sign language interpretation will be provided.

The objectives for the meeting are to:

- Learn about the systemic challenges facing DVR customers with psychiatric disabilities; and
- Holding 2012 council elections.

For more information, or to request reasonable accommodation or a spoken language interpreter, contact JoAnne at 1-866-252-2939 or e-mail langjk@dshs.wa.gov.

Parking and Transportation: We respectfully encourage all who can use public transportation to do so rather than driving and paying for parking. Unfortunately, we will not pay parking costs. The meeting location is .06 of a mile from the Sound Transit University Light Rail Station and is .25 miles from a Metro transit hub at 3rd Avenue and Union Street.

The Washington state rehabilitation council received approval from the office of financial management to hold this meeting in person and at this facility.

WSR 12-02-041

AGENDA

GAMBLING COMMISSION

[Filed December 29, 2011, 3:31 p.m.]

Following is the Washington state gambling commission's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about this rule-making agenda, please contact Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone (360) 486-3466, fax (360) 486-3625, e-mail Susan.Arland@wsgc.wa.gov.

Rule Development Agenda
January - July 2012

WAC	Subject of Rule-Making	CR-101	CR-102	CR-103	Effective
New Sections: WAC 230-11-200 WAC 230-11-205 WAC 230-11-210 WAC 230-16-152 Amended Sections: WAC 230-11-065 WAC 230-11-067	Petition for rule change from the public: Blair Smith 50/50 Central is requesting rule making to establish operating requirements for electronic raffle systems. The petitioner is also requesting that raffles using the electronic accounting	CR-101: 8/4/2011 WSR 11-17-014 CR-102: 11/22/11 WSR 11-23-172	11/11/11: Filed for Discussion 1/13/12: Up for Discussion 2/10/12: Anticipate Final Action	If the commission chooses to adopt, we anticipate such in 2/10/12.	If the commission chooses to adopt, we anticipate an effective date of 7/1/12.

WAC	Subject of Rule-Making	CR-101	CR-102	CR-103	Effective
	<p>system have the option to use up to four discount plans for a raffle. Currently, only one discount play is allowed for traditional raffles.</p> <p>The petitioner also wants to remove the requirement that raffle licensees must get approval from the gambling commissioners to exceed \$80,000 in prizes annually.</p> <p>There was a lot of discussion about this at the November 2011 commission meeting. Based on those discussions, at the January 13, 2012, commission meeting, staff will propose increasing the yearly raffle prize limit from \$80,000 to \$300,000 before licensees need to request approval from the commissioners.</p>				
<p>Amended Section: WAC 230-15-040</p>	<p>Petition for rule change from the public: Rockland Ridge and Galaxy Gaming, gambling licensees, are requesting a rule amendment that would allow "envy" and "share the wealth" wagers to be placed on one or more tables of various approved card games, throughout a card room. As such, the "envy" or "share the wealth" wager prize could be won by anyone placing "envy" or "share the wealth" wagers at designated tables in a card room. The petitioner's proposed rule changes would also:</p> <ul style="list-style-type: none"> • Define "envy" and "share the wealth" as bonus features; • Allow other game features that do not require a separate wager to be considered bonus features; • Allow bonus features and progressive jackpots to be combined; and • Allow progressive jackpots prizes for "envy" and "share the wealth" wagers. 	<p>CR-101: 7/20/11 WSR 11-15-102 CR-102: 11/22/11 WSR 11-23-161</p>	<p>11/11/11: Filed for Discussion 1/13/12: Up for Discussion 2/10/12: Anticipate Final Action</p>	<p>If the commission chooses to adopt, we anticipate such in 2/10/12.</p>	<p>If the commission chooses to adopt, we anticipate an effective date of 7/1/12.</p>
<p>New Rule</p>	<p>As required by chapter 10.97 RCW, promulgate [promulgate] a rule regarding licensees accessing information in their gambling license file.</p>	<p>2/9/12: Study Session 3/8/12: Up for Filing 5/11/12: Anticipate Adoption</p>			<p>Anticipate effective date of 7/1/12.</p>

Susan Arland
Rules Coordinator

WSR 12-02-043
PUBLIC RECORDS OFFICER
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY

[Filed December 30, 2011, 10:02 a.m.]

Pursuant to RCW 42.56.580, the public records officer for Lake Washington Institute of Technology is William Thomas, 11605 132nd Avenue N.E., Kirkland, WA 98034-8506, phone (425) 739-8201, e-mail bill.thomas@lwtech.edu.

Dr. David Woodall
 President

WSR 12-02-052
AGENDA
WASHINGTON STATE UNIVERSITY

[Filed January 2, 2012, 11:19 a.m.]

Semi-Annual Agenda for Rules Under Development
January 2012

Pursuant to RCW 34.05.314, the following is Washington State University's semi-annual agenda for Washington Administrative Code (WAC) rules under development for the period of January 1, 2012, through June 30, 2011 [2012]. Additional rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

1. **Chapter 504-26 WAC, Standards of conduct for students**, rule-making amendments to WSU's standards of conduct for students WACs. Anticipate filing CR-103 at the end of January 2012.

2. **Chapter 504-19 WAC, Campus parking and traffic regulations for Washington State University Vancouver**, rule-making amendments to the WSU Vancouver campus parking and traffic WACs. Filed CR-101 in December 2011. Anticipate filing CR-102 in February 2012.

For more information regarding the semi-annual agenda, contact Ralph Jenks, Rules Coordinator, Washington State University, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2004, e-mail prf.forms@wsu.edu.

Ralph Jenks
 Rules Coordinator

WSR 12-02-057
NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION
 (Wheat Commission)

[Filed January 3, 2012, 9:56 a.m.]

The Washington wheat commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the state register. This special meeting date is submitted at least twenty days prior to the meeting date.

Special Meeting
 February 17, 2012
 8:00 a.m.

Lewis Alumni Centre
 Second Floor
 Regents Room
 Washington State University
 Pullman, Washington

WSR 12-02-062
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Real Estate Appraiser Commission)

[Filed January 3, 2012, 1:18 p.m.]

The real estate appraiser commission meetings will meet on a regular basis per WAC 308-125-225. Regular meetings are scheduled in February, May, August and November on the third Friday. Following is the schedule for the year 2012:

February 17, 2012	Vancouver Community Library Columbia Room 901 C Street Vancouver, WA 98660
May 18, 2012	Department of Labor and Industries 7273 Linderson Way S.E. Rooms S118 and S119 Tumwater, WA 98501
August 17, 2012	Howard Johnson Summit Inn 603 State Route 906 Snoqualmie Pass, WA 98068
November 16, 2012	Facilities First Street Conference Room 223 North 1st Street Yakima, WA 98901

WSR 12-02-063
NOTICE OF PUBLIC MEETINGS
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed January 3, 2012, 1:21 p.m.]

The board of registration for professional engineers and land surveyors will hold their annual board meeting on June 14, 2012, at the Radisson Hotel, 18118 International Boulevard, SeaTac, WA 98188.

Call to order is 8 a.m.

WSR 12-02-064
DEPARTMENT OF ECOLOGY
 [Filed January 3, 2012, 1:36 p.m.]

PUBLIC NOTICE
Ecology Issues the New Aquatic Noxious Weed Management General Permit

The Washington state department of ecology (ecology) issued the aquatic noxious weed management general permit (permit) January 18, 2012.

Purpose of the Permit: The permit regulates the use of pesticides and other products applied to manage Washington state-listed noxious weeds and Washington state quarantine-listed weeds where pesticides or other products may indirectly enter the state's surface waters. An indirect application occurs when there may be inadvertent and incidental overspray or dripping of a chemical from the treated plants into waters of the state.

The permit covers all marine and freshwater activities that result in a discharge of herbicides, adjuvants, and marker dyes indirectly into streams, rivers, estuaries, marine areas, wetlands, along lake shorelines, and other wet areas. The permit also covers the treatment of noxious and quarantine-listed vegetation for roadside/ditch bank management activities where chemicals may indirectly enter the water. This permit does not apply to the in-water application of chemicals directly into lakes, ponds, streams, or rivers to manage freshwater noxious and quarantine-listed weeds. The aquatic plant and algae management general permit is the appropriate permit for any in-water projects.

Copies of the Permit: You may download copies of the new permit, supplemental environmental impact statement (covers the addition of five new herbicides to the permit), and the fact sheet from the following web site www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/index.html.

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

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

Public Notice Process and Comments: Ecology accepted written comments on the draft permit, fact sheet, and supplemental environmental impact statement from October 5, 2011, until November 18, 2011. Ecology held one public hearing and workshop on the permit November 10, 2011, in Lacey, Washington. The comments and ecology's response to comments and other permit documents are available on-line at www.ecy.wa.gov/programs/wq/pesticides/final_pesticide_permits/noxious/noxious_index.html.

Your Right to Appeal the Permit: You have a right to appeal this permit to the pollution control hearing 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 12-02-066

AGENDA
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed January 3, 2012, 2:56 p.m.]

Semi-Annual Rule-Making Agenda
January through June 2012

The following is the department of retirement systems' semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant. If you have questions about this rule-making agenda, please contact Ken Goolsby, Rules Coordinator, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, e-mail Rules@drs.wa.gov.

WAC Chapter	Why rule making is needed	Anticipated rule-making action
415-108 415-110 415-112	To amend rules regarding retiree return to work for PERS, SERS, and TRS to ensure compliance with ESHB 1981 (2011).	File CR-102, hold public hearing, file CR-103
415-200 415-111 415-501	To amend rules to implement E2SHB 2617 (2010) which eliminates the employee retirement benefits board (ERBB). Agency rules will need repealing and updating for implementation.	File CR-102, hold public hearing, file CR-103
New	To create rules to implement ESHB 1981 (2011) requires department of retirement systems to collect employer contributions from each state	File CR-102, hold public hearing, file CR-103

WAC Chapter	Why rule making is needed	Anticipated rule-making action
	institution of higher education and deposit those contributions into a newly established higher education retirement plan supplemental benefit fund.	
415-02	To amend, rewrite, and ensure WAC 415-02-130 is accurate, up-to-date, and written in plain English.	File CR-102, hold public hearing, file CR-103

Ken Goolsby
Rules and Contracts
Coordinator

WSR 12-02-071
AGENDA
DEPARTMENT OF COMMERCE
[Filed January 4, 2012, 8:37 a.m.]

Following please find the department of commerce's semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please contact Nick Demerice if you have questions, nick.demerice@commerce.wa.gov or (360) 725-4010.

Semi-Annual Rule-Making Agenda
January 1 through June 30, 2012

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/ Approximate Filing Date
New rule within Title 365 WAC	Per RCW 43.325.080, the department shall define practicability, and clarify how state agencies and	Anticipated completion in summer 2012.
	local government subdivisions will be evaluated in determining whether they have met the goals set out in RCW 43.19.648.	
365-230	Update lead-based paint accreditation to be consistent with EPA due out this July around dust wipe sampling. Changes may make current rules obsolete.	Anticipated completion in Spring 2012.
365-120	Repeal chapter 365-120 WAC, State funding of local emergency shelter and transitional housing, operating and rent. These rules are no longer necessary due to the enactment of chapter 43.185C RCW that governs the operation of commerce homeless programs.	Anticipated completion in January 2012.

Nick Demerice
Rules Coordinator

WSR 12-02-074
AGENDA
DEPARTMENT OF ECOLOGY
[Filed January 4, 2012, 9:43 a.m.]

Pursuant to RCW 34.05.314, following is the department of ecology's rule agenda for January - June 2012. If you have any questions please contact Bari Schreiner at (360) 407-6998 or e-mail Bari.Schreiner@ecy.wa.gov.

Rule-Making Agenda
January 2012

Dates in bold mean the agency filed the official paperwork (CR-101, CR-102, CR-105, or CR-103). Dates not in bold are estimated dates for when ecology expects to file the official paperwork.

This agenda includes all current rule-making activities for ecology. Ecology has evaluated its current and anticipated rules in development as they relate to Governor Gregoire's executive order to suspend noncritical rule making.

For more information, please visit ecology's web site http://www.ecy.wa.gov/laws-rules/rulemaking_suspension.html.

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Program Contact
173-423 AO 11-01 3/11	AQ	Low emission vehicles.	4/12/11	February 2012	April 2012	Neil Caudill
173-455 AO 11-07 9/11	AQ	Air quality fee regulation.	12/20/11	July 2012	November 2012	Elena Guilfoil

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Program Contact
173-901 AO 10-17 12/10	HZ	Better brakes.	2/1/11	May 2012	October 2012	Ian Wesley
173-26-070 AO 08-15 8/08	SEA	Spokane county shoreline master program.	8/5/08	To be determined		Peter Skowlund
173-182 AO 11-06 6/11	SPPR	Oil spill contingency plan.	7/6/11	July 2012	December 2012	Sonja Larson
173-183 AO 11-05 6/11	SPPR	Preassessment screening and oil spill compensation schedule regulations.	7/6/11	July 2012	December 2012	Rebecca Post
173-360 AO 08-08 4/08	TCP	Underground storage tank regulations.	7/23/08	February 2012	June 2012	Martha Hankins
173-204 AO 08-07 9/11	TCP	Sediment management standards.	2/10/09 with- drawal and new CR-101 filing 10/25/11	May 2012	October 2012	Martha Hankins
173-351 AO 07-15 7/07	W2R	Criteria for municipal solid waste landfills.	8/21/07	April 2012	August 2012	Kathleen Scanlan or Wayne Krafft
173-350 AO 10-06 3/10	W2R	Solid waste handling standards.	5/26/10	June 2012	October 2012	Kathleen Scanlan
173-910 AO 11-09 10/11	W2R	Mercury lights product stewardship program.	10/25/11	May 2012	September 2012	Kara Seward
173-201A AO 11-08 10/11	WQ	Water quality standards for surface waters of the state of Washington.	10/25/11	April 2012	October 2012	Becca Conklin
173-518 AO 07-17 11/07	WR	Water resources management program for the Dungeness portion of the Elwha-Dungeness water resource inventory area (WRIA) 18.	11/7/07	March 2012	August 2012	Ann Wessel
173-525 AO 05-03 3/05	WR	Grays Elochoman instream resources protection and water management program WRIA 25.	3/2/05	4/19/10 Con- tinuance filed 6/16/10 Expired 11/1/10	To be deter- mined	Travis Burns
173-526 AO 05-04 3/05	WR	Cowlitz instream resources protection and water management program WRIA 26.	3/2/05	4/19/10 Con- tinuance filed 6/16/10 Expired 11/1/10	To be deter- mined	Travis Burns

WAC Chapter	Program	Chapter Title	CR-101 Filing Date	CR-102 Filing Date	CR-103 Filing Date	Program Contact
173-175 AO 10-09 5/10	WR	Dam safety.	5/24/10 with- drawal and second CR- 101 8/23/11	10/31/11	January 2012	Benno Bonkowski
173-165 AO 11-03 4/11	WR	Certified water rights examiners.	5/4/11	May 2012	September 2012	Janet Rajala
508-14 AO 10-16 11/10	OCR	Columbia basin project— Groundwaters.	11/15/10	September 2012	March 2013	Carolyn Comeau

Bari Schreiner

WSR 12-02-075

DEPARTMENT OF AGRICULTURE

[Filed January 4, 2012, 10:20 a.m.]

QUARTERLY REPORT ON RULE-MAKING ACTIVITIES

Fourth Quarter 2011 Petitions for Rule Making

The following information is being sent to you in order to implement RCW 1.08.112 [(1)](g). The department of agriculture received no petitions for rule making in the Fourth quarter of 2011.

2011 Number of Petitions for Rule Making

First quarter January - March			
Number	Date	Received From	Concerning
1	3/24/11	Cathy Backlund	Pesticide recommenda- tions.
Second quarter April - June			
2	4/4/11	The Scotts Company LLC	WAC 16-228-1231 (b)(ii), exempting liquid formulations of phe- noxy herbicides labeled for home, garden and lawn use.
3	6/24/11	Cathy Backlund	Pesticide standards.
Third quarter July - September			
4	7/21/11	Washington Mint Commission	Mint marketing order.
5	8/12/11	Precision Seed Pro- duction LLC	Brassica seed cultiva- tion.
6	8/26/11	Donna Ruelas Semasko	Ninety-six hour import rule for horses, sheep and goats.
7	9/6/11	Animal Welfare Institute	Bovine tail docking.
Fourth quarter October - December			

WSR 12-02-076

NOTICE OF PUBLIC MEETINGS

CLEMENCY AND PARDONS BOARD

[Filed January 4, 2012, 10:31 a.m.]

Notice of March 2012 Quarterly Hearing

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for March 9, 2012, 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:

Petitioner:	Relief Requested:
Jeannette Murphy	Commutation
Jose Feliciano	Pardon
Clarence Hood	Pardon
Daniel Miller	Pardon
Logen Shanaman	Pardon

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

WSR 12-02-085

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

[Filed January 4, 2012, 11:33 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.

**Aging and Disability Services Administration
Division of Home and Community Services**

Document Title: Public Notice.
Subject: State plan amendments.
Effective Date: May 1, 2012.

Document Description: The aging and disability services administration is submitting an amendment to the COPEs home and community based services waiver. Effective May 1, 2012, this amendment eliminates the adult day health service from the COPEs waiver.

To receive a copy of the interpretive or policy statements, contact Debbie Johnson, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2531, TDD/TTY (360) 493-2637, fax (360) 438-8633, e-mail Debbie.Johnson2@dshs.wa.gov.

WSR 12-02-086
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 4, 2012, 11:33 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.

Aging and Disability Services Administration
Division of Home and Community Services

Document Title: Public Notice.

Subject: State plan amendments (SPA).

Effective Date: May 1, 2012.

Document Description: The state is submitting medicaid SPA 12-006. Effective May 1, 2012, SPA 12-006 reduces the medicaid hourly rate paid to home care agencies from \$19.72 to \$18.72.

To receive a copy of the interpretive or policy statements, contact Debbie Johnson, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2531, TDD/TTY (360) 493-2637, fax (360) 438-8633, e-mail Debbie.Johnson2@dshs.wa.gov.

WSR 12-02-087
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 4, 2012, 11:33 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.

Aging and Disability Services Administration
Division of Home and Community Services

Document Title: Public Notice.

Subject: State plan amendments (SPA).

Effective Date: March 1, 2012.

Document Description: The state is submitting medicaid SPA 12-005. Effective March 1, 2012, SPA 12-005 elimi-

nates the rate add-on for DSHS contracted assisted living facilities with a medicaid occupancy percentage of sixty percent or greater.

To receive a copy of the interpretive or policy statements, contact Debbie Johnson, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2531, TDD/TTY (360) 493-2637, fax (360) 438-8633, e-mail Debbie.Johnson2@dshs.wa.gov.

WSR 12-02-088
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 4, 2012, 11:33 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.

Aging and Disability Services Administration
Division of Home and Community Services

Document Title: Public Notice.

Subject: State plan amendments (SPA).

Effective Date: May 1, 2012.

Document Description: The state is submitting medicaid SPA 12-007. This amendment changes eligibility for the medicaid personal care program to the nursing facility level of care standard.

To receive a copy of the interpretive or policy statements, contact Debbie Johnson, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2531, TDD/TTY (360) 493-2637, fax (360) 438-8633, e-mail Debbie.Johnson2@dshs.wa.gov.