

WSR 14-02-059
EXPEDITED RULES
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed December 26, 2013, 11:22 a.m.]

Title of Rule and Other Identifying Information: WAC 246-933-530 Purchase and use of legend drugs and controlled substances, 246-933-550 Investigation, and 246-935-410 Definitions, proposing amendments to change current references to the "board of pharmacy."

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Judy Haenke, Program Manager, Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, AND RECEIVED BY March 24, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal changes board of pharmacy references in WAC 246-933-530, 246-933-550, and 246-935-410 to pharmacy quality assurance commission.

Reasons Supporting Proposal: HB 1609, which became effective July 28, 2013, changed the title and references of the board of pharmacy in statute to the pharmacy quality assurance commission. The proposed rule corrects the name only and does not change the effect of the rules. RCW 34.05.353 (1)(c) allows expedited rule making for name changes that do not change the effect of the rule.

Statutory Authority for Adoption: RCW 18.92.030(2).

Statute Being Implemented: HB 1609 (chapter 19, Laws of 2013).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, veterinary [veterinary] board of governors, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 111 Isreal [Israel] Road S.E., Tumwater, WA 98501, (360) 236-4947.

December 26, 2013
Kirby Putscher
Acting Executive Director

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

WAC 246-933-530 Purchase and use of legend drugs and controlled substances. (1) For purposes of this section, "drugs" includes both legend drugs and controlled substances.

(a) "Legend drugs" means any drugs that are required by state law or regulation of the ((state board of)) pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(b) "Controlled substances" means a drug, substance, or immediate precursor in Schedule I through V of Article II of chapter 69.50 RCW.

(2) A licensed veterinarian shall be responsible for the policies and procedures regarding the ordering, purchasing, safe storage, dispensing and administration of all drugs used at an entity registered under RCW 18.92.260 in connection with surgical sterilization or emergency care. Entities are responsible for the ordering, purchasing, and safe storage of all drugs.

(a) The veterinarian shall comply with the ((state board of)) pharmacy quality assurance commission requirements for controlled substances in chapter 69.50 RCW, and legend drugs in chapter 69.41 RCW.

(b) All drugs shall be stored in accordance with WAC 246-933-320.

(c) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(d) All legend drugs shall be dispensed in accordance with RCW 18.92.012, 18.92.013, and WAC 246-933-340(5).

(e) A record of all drugs administered and/or dispensed shall be kept in the individual animal's record.

AMENDATORY SECTION (Amending WSR 03-14-035, filed 6/23/03, effective 7/24/03)

WAC 246-933-550 Investigation. Treatment records to include drug use shall be made available to representatives of the veterinary board of governors and the ((board of)) pharmacy quality assurance commission.

AMENDATORY SECTION (Amending WSR 10-06-086, filed 3/1/10, effective 4/1/10)

WAC 246-935-410 Definitions. The definitions in this section apply throughout WAC 246-935-400 through 246-935-440 unless the context clearly requires otherwise.

"Administer" means the direct application of a drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient.

"Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or ((board of)) pharmacy quality assurance commission rules.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug or controlled substance, whether or not there is an agency relationship.

"Legend drugs" means any drugs which are required by state law or regulation of the ((state board of)) pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

"Preparing" includes the proper selection, measuring, labeling, or packaging necessary to prepare a prescription or order from a licensed veterinarian for delivery.

WSR 14-02-070
EXPEDITED RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)
 [Filed December 27, 2013, 2:19 p.m.]

Title of Rule and Other Identifying Information: WAC 246-851-610 Approval or removal of medications, changing board of pharmacy references to pharmacy quality assurance commission.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Judy Haenke, Program Manager, Department of Health, Board of Optometry, P.O. Box 47852, Olympia, WA 98504-7852, AND RECEIVED BY March 24, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal changes board of pharmacy references in WAC 246-851-610 to pharmacy quality assurance commission.

Reasons Supporting Proposal: HB 1609 (chapter 19, Laws of 2013), which became effective July 28, 2013, changed the title and reference of the board of pharmacy to the pharmacy quality assurance commission. This rule is being proposed under an expedited rule-making process because the proposed rule corrects the name only and does not change the effect of the rule or add any additional requirements.

Statutory Authority for Adoption: RCW 18.54.070(2).

Statute Being Implemented: HB 1609 (chapter 19, Laws of 2013).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, board of optometry, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4947.

December 27, 2013
 Kirby Putscher
 Acting Executive Director

AMENDATORY SECTION (Amending WSR 04-12-127, filed 6/2/04, effective 7/3/04)

WAC 246-851-610 Approval or removal of medications. The board((s)) of optometry and pharmacy quality assurance commission will use a joint process to determine changes to the oral drug list that includes a means to resolve disagreements.

(1) Categories of medications approved by the Food and Drug Administration may be added to WAC 246-851-580(1) by rule through consultation and approval of the board of optometry and ((board of)) pharmacy quality assurance commission.

(2) Medications approved by the Food and Drug Administration in categories that are within the scope of optometric physician practice that are not included in WAC 246-851-580(1) may be added through consultation and approval of the board of optometry and the ((board of)) pharmacy quality assurance commission. Approval will follow the joint process established by ((both boards)) the board and commission.

(3) WAC 246-851-580 and 246-851-590 may be updated to reflect additions or removal of medications.

WSR 14-02-091
WITHDRAWAL OF EXPEDITED RULEMAKING
DEPARTMENT OF
LABOR AND INDUSTRIES
 (By the Code Reviser's Office)
 [Filed December 31, 2013, 9:10 a.m.]

WAC 296-900-099, 296-900-100, 296-900-110, 296-900-11005, 296-900-11010, 296-900-11015, 296-900-11020, 296-900-11025, 296-900-120, 296-900-12005, 296-900-12010, 296-900-12015, 296-900-130, 296-900-13005, 296-900-13010, 296-900-13015, 296-900-140, 296-900-14005, 296-900-14010, 296-900-14015, 296-900-14020, 296-900-150, 296-900-15005, 296-900-15010, 296-900-15015, 296-900-15020, 296-900-15025, 296-900-15030, 296-900-160, 296-900-16005, 296-900-16010, 296-900-16015, 296-900-16020, 296-900-16025, 296-900-16030, 296-900-170, 296-900-17005, 296-900-17010, 296-900-17015, 296-900-175, 296-900-17505, 296-900-17510 and 296-900-17520, proposed by the department of labor and industries in WSR 13-13-064, appearing in issue 13-13 of the Washington State Register, which was distributed on July 3, 2013, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 14-02-111
EXPEDITED RULES
EMPLOYMENT SECURITY DEPARTMENT
 [Filed December 31, 2013, 3:56 p.m.]

Title of Rule and Other Identifying Information: WAC 192-250-035 Information for employees participating in an approved shared work plan.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL

ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Juanita Myers, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, AND RECEIVED BY March 4, 2014.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to chapter 192-250 WAC were recently adopted in order to implement chapter 79, Laws of 2013, Unemployment benefits—Shared work program. This legislation was adopted in order to conform to changes in federal law. The department has determined that recently adopted language in WAC 192-250-035 is inconsistent with state law as amended. The proposal will correct the number of hours an individual must work in order to participate in an approved shared work plan from ten and fifty percent to fifty and ninety percent of their usual weekly hours of work.

Reasons Supporting Proposal: The rule adopts without material change a requirement of federal and state law governing the shared work program. Washington is submitting a grant application to the United States Department of Labor requesting funding for the state's shared work program. Approval may be denied or delayed if the rule is inconstant [inconsistent] with federal requirements.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.60.030.

Rule is necessary because of federal law, Middle Class Tax Relief and Job Creation Act of 2012, Title II, Subtitle D.

Name of Proponent: [Employment security department], governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Juanita Myers, 212 Maple Park, Olympia, WA, (360) 902-9665; and Enforcement: Neil Gorrell, 212 Maple Park, Olympia, WA, (360) 902-9303.

December 31, 2013

Nan Thomas

Deputy Commissioner

AMENDATORY SECTION (Amending WSR 13-24-016, filed 11/21/13, effective 12/22/13)

WAC 192-250-035 Information for employees participating in an approved shared work plan. (1) **When do I apply for benefits?** Your employer representative will tell you if you need to apply for benefits and how to do so. If you have a current valid claim, you do not need to apply again.

(2) **How do I file my weekly claim for benefits?** See WAC 192-140-005 for instructions on filing weekly claims. You must also report the number of hours you were paid for holidays, vacations, or sick leave. You must report hours and gross earnings for part-time and second jobs, plus your hours and net earnings from any self-employment. You can file weekly claims by telephone or over the internet.

(3) **What happens if the total number of hours worked is not a whole number?** If the total number of hours you worked in a week includes a fraction of an hour, the department will round the total down to the next whole number. This rounded number will be compared to your usual hours of work to calculate your shared work benefit payment for the week. For example: You work 28.5 hours of a usual 40-hour work week. The 28.5 hours is rounded down to 28 hours and then divided by 40, meaning you worked 70 percent of the available hours. Your shared work payment would be 30 percent of your regular weekly benefit amount.

(4) **What happens if I don't work all scheduled hours for my shared work employer?**

(a) You are not eligible for shared work benefits for any week that you do not work all hours you have been scheduled by your shared work employer.

(b) You must be available for additional hours of work, up to your usual weekly hours of work, with the shared work employer. If your employer gives you at least twenty-four hours' notice that additional work is available and you do not work those additional hours, you are not eligible for shared work benefits for that week.

(c) When you are not eligible for shared work benefits in any week claimed, your claim will be processed as a regular unemployment claim.

(5) **Do I have to look for work while participating in the shared work program?** No. You are not required to look for work while participating in the shared work program.

(6) **Is there a minimum or maximum number of hours I can work in a week and still receive shared work benefits?** You must work between ~~((ten))~~ fifty percent and ~~((fifty))~~ ninety percent of your usual weekly hours to receive shared work benefits. In any week you work less than or more than that amount, your claim will be processed as a regular unemployment claim.

(7) **How long can I receive shared work benefits?** You can receive shared work payments up to the maximum benefit entitlement established under Title 50 RCW, plus state or federal benefit extensions under chapter 50.22 RCW.