

**WSR 18-03-095**  
**EXPEDITED RULES**  
**EXECUTIVE ETHICS BOARD**

[Filed January 17, 2018, 10:28 a.m.]

Title of Rule and Other Identifying Information: WAC 292-120-035 Safe harbor provision.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule corrects typographical errors without changing the effect of the rule.

Reasons Supporting Proposal: Correction of typographical errors, spelling and statutory cite.

Statutory Authority for Adoption: RCW 42.52.360.

Statute Being Implemented: RCW 42.52.360.

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

Name of Proponent: Executive ethics board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kate Reynolds, Olympia, 360-664-0871.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Corrects typographical errors without changing its effect.

**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 Kate Reynolds, Executive Ethics Board, P.O. Box 40149, Olympia, WA 98504-0149, phone 360-664-0871, fax 360-586-3955, email kater@atg.wa.gov, AND RECEIVED BY March 27, 2018.

January 17, 2018  
 Ruthann Bryant  
 Administrative Officer

AMENDATORY SECTION (Amending WSR 02-04-003, filed 1/23/02, effective 2/23/02)

**WAC 292-120-035 Safe harbor provision.** The board invites and encourages agencies to adopt ~~((policies))~~ policies that prevent agency employees from violating the Ethics in Public Service Act. Pursuant to RCW 42.52.360~~((4))~~ (6), the board may review and approve agency policies. In determining appropriate sanctions, the board may consider agency policies in effect at the time of the conduct. In addition:

(1) The board will not impose sanctions for conduct that would violate the Ethics in Public Service Act, if the conduct at issue was permitted under a board-approved agency policy, as provided for in RCW 42.52.360~~((4))~~ (6), prior to the conduct occurring.

(2) The effect of the safe harbor from sanction, as provided in WAC 292-120-035(1), shall be limited to conduct that conforms to a board-approved agency policy.

**WSR 18-03-148**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed January 22, 2018, 1:21 p.m.]

Title of Rule and Other Identifying Information: Amend WAC 220-351-080, concerning license fees.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend WAC 220-351-080; this WAC includes fees for the combination guide license that are no longer valid for license year 2018. These fees were updated in HB 1597 effective January 1, 2018.

Reasons Supporting Proposal: Amend WAC 220-351-080; this WAC includes fees for the combination guide license that are no longer valid for license year 2018. These fees were updated in HB 1597 effective January 1, 2018.

Statutory Authority for Adoption: RCW 77.04.090, 77.04.130, 77.65.370, 77.65.440, 77.65.480.

Statute Being Implemented: RCW 77.08.010, 77.12.170, 77.12.177, 77.15.096, 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565, 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020, 77.65.090, 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.240, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.370, 77.65.390, 77.65.440, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.15.160, 77.65.580, 77.65.590, 77.70.150, 77.70.190, 77.70.220, 77.70.280, 77.70.290, 77.70.300, 77.70.430, 77.70.490, 82.27.020, 82.27.070, 69.07.100, 36.71.090.

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

Name of Proponent: Washington department of fish and wildlife (WDFW), governmental.

Name of Agency Personnel Responsible for Drafting: Trisha Anderson, 1111 Washington Street, Olympia, WA 98501, 360-902-2211; Implementation: Peter Vernie, 1111 Washington Street, Olympia, WA 98501, 360-902-2302; and Enforcement: Chief Steve Bear, 1111 Washington Street, Olympia, WA 98501, 360-902-2936.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Based on the rationale of RCW 34.05.353 (1)(c) and (d), the department believes that an expedited rule-making process is appropriate because the proposed rule only clarifies language of a rule without changing its effect and makes a rule consistent with existing statute.

#### 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 Scott Bird, WDFW, 600 Capitol Way North, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov, AND RECEIVED BY March 26, 2018.

January 22, 2018  
Scott Bird  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-351-080 Combined fish guide license.** A combined fish guide license allows the holder to offer or perform the services of a food fish guide and a game fish guide. The fee for a resident combined fish guide license is \$((435)) 815 and the fee for a nonresident combined fish guide license is \$((1,435)) 1,045. The application fee and surcharge for regional fishery enhancement groups as required by RCW 77.95.090 are included in the overall cost of the combined fish guide license.

**WSR 18-03-161**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed January 23, 2018, 10:31 a.m.]

Title of Rule and Other Identifying Information: Crime victims' compensation, chapter 296-30 WAC, rules for the administration of the crime victims' compensation program: WAC 296-30-020 Who is covered when a motor vehicle crime occurs? and 296-30-090 What are the maximum allowable fees?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this expedited rule proposal is to bring the rules in compliance with the statutory changes of ESHB 1739 (chapter 235, Laws of 2017), which became effective on July 23, 2017.

ESHB 1739 changed the crime victims' compensation law, chapter 7.68 RCW, in two ways. First, it clarified when

a vehicular assault can be the basis for a claim. Second, it now requires labor and industries to pay providers at one hundred percent of worker compensation fee schedule. The rules for the program must be changed to comply with the law.

As a result of the changes to RCW 7.68.020(6), WAC 296-30-020 is no longer needed and will be repealed.

As a result of the changes to RCW 7.68.030 (2)(g), WAC 296-30-090 will be updated to reflect the updated fee schedule payment levels.

Reasons Supporting Proposal: Updating rules to comply with statute changes makes it easier to do business with labor and industries. The crime victims' compensation rules will be clear and concise, and will give victims and providers accurate information.

Statutory Authority for Adoption: Chapter 34.05 RCW, RCW 7.68.030.

Statute Being Implemented: RCW 7.68.020 and 7.68.-030.

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

Name of Proponent: Department of labor and industries, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Maty Brimmer, Tumwater, Washington, 360-902-6707; and Enforcement: Cletus Nnanabu, Tumwater, Washington, 360-902-4340.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

This notice meets the following criteria to use the expedited repeal process for these rules:

The rule is no longer necessary because of changed circumstances.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: These rules must be repealed or updated in order to be in compliance with statute [statute]. There is no discretion in the new statute for the issues addressed by these two rules.

#### 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 Maty Brimmer, Department of Labor and Industries, P.O. Box 44520, Olympia, WA 98501, phone 360-902-6707, fax 360-902-5333, email maty.brimmer@lni.wa.gov, AND RECEIVED BY March 27, 2018.

January 23, 2018  
Joel Sacks  
Director

AMENDATORY SECTION (Amending WSR 11-22-054, filed 10/31/11, effective 12/1/11)

**WAC 296-30-090 What are the maximum allowable fees?** (1) Maximum allowable fees for medical and mental health services (~~(, that are not hospital inpatient or outpatient services, are a percentage of those fees)~~) are published in the medical aid rules and fee schedules and the crime victims' compensation program mental health fee schedule and billing guidelines less any available benefits of public or private insurance.

((EXCEPTION: ~~If any of the percentage of the maximum allowable fees in the medical aid rules and fee schedules, are lower than the maximum allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.~~))

(2) The percent of allowed charges for authorized hospital inpatient and outpatient services billed by revenue codes are those rates established by the department. ~~((If the maximum allowable fees for hospital inpatient or outpatient services is lower than the maximum allowable fees for those procedures established under Title 74 RCW for the ratio of costs to charges (RCC) rate, the department will use the RCC rate as the percent of allowed charges for hospital inpatient and outpatient services, regardless of whether the hospital is diagnosis related group (DRG) exempt.))~~

(3) If sufficient funding is not provided to continue payments equal to the medical aid rules and fee schedules and the crime victims' compensation program mental health fee schedule and billing guidelines, payments will be reduced based on caseload estimates and available funding. The reduced payments will not be less than seventy percent of payments provided under the fee schedules.

(4) If an unforeseeable catastrophic event results in insufficient funding to continue payments equal to the medical aid rules and fee schedules and the crime victims' compensation program mental health fee schedule and billing guidelines, payments will be reduced to not less than seventy percent of payments provided under the fee schedules to the extent the reduction in payments is necessary to fund benefits.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-30-020 Who is covered when a motor vehicle crime occurs?