

## WSR 19-04-019

## AGENDA

DEPARTMENT OF HEALTH  
STATE BOARD OF HEALTH

[Filed January 25, 2019, 11:58 a.m.]

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at 360-628-0096. If you have any questions regarding SBOH rule-making activities please contact Michelle Davis at 360-236-4105.

This agenda is for information purposes, and the anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional DOH rule-making activities that cannot be forecasted as DOH and SBOH initiate rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" below for explanation of terms and acronyms.

## KEY

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

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

**CR-101:** Preproposal statement of inquiry filed under RCW 34.05.310.

**CR-102:** Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

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

**RCW:** Revised Code of Washington.

**WAC:** Washington Administrative Code.

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

SBOH  
Rule Making

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
SBOH	43.20.050 43.20.145	Chapter 246-215 WAC, Food service.	WSR 18-14-085 Filed 7/2/2018	Anticipate filing			Stuart Glasoe or Peter Beaton	360-236-4111 or 360-236-4031
SBOH	43.20.050	WAC 246-203-130 Keeping of animals.	WSR 09-17-132 Filed 8/19/2009				Stuart Glasoe	360-236-4111
SBOH	43.20.050 70.119A.080 70.142.010	Chapter 246-290 WAC, Group A water supplies, poly-and per- fluoroalkyl substances (PFAS).	WSR 18-01-080 Filed 12/15/2017				Stuart Glasoe or Theresa Phillips	360-236-4111 or 360-236-3147
SBOH	43.20.050 70.90.120	Chapter 246-260 WAC, Water recreation facilities and chapter 246-262 WAC, Recre- ational water contact facilities.	WSR 17-01-048 Filed 12/13/2016				Jun Naotsuka or Stuart Glasoe	360-236-3073 or 360-236-4111
SBOH	28A.210.140 43.20.050	WAC 246-105-040 Immunization of child care and school chil- dren against vaccine- preventable diseases.	WSR 18-06-090 Filed 3/6/2018	Anticipate filing			Alexandra Montano or Michelle Weatherly	360-236-4106 or 360-236-3483
SBOH	70.83.030 43.20.050	Chapter 246-650 WAC, Newborn screening.	WSR 17-22-104 Filed 10/31/2017	Anticipate filing			Alexandra Montano or John Thompson	360-236-4106 or 206-418-5531
SBOH	43.20.050	Chapter 246-272A WAC, On-site sewage systems.	WSR 18-06-082 Filed 3/6/2018				Stuart Glasoe or Mike Dixel	360-236-4111 or 360-236-3011

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
SBOH	43.20.050	Chapter 246-272A WAC, On-site sewage systems, drain field remediation.	WSR 06-12-108 Filed 6/7/2006				Stuart Glasoe or Mike Dixel	360-236-4111 or 360-236-3011
SBOH	43.20.050 48.21.244 48.44.344 48.46.375 70.54.220	Chapter 246-680 WAC, Prenatal tests— Congenital and heritable disorders.	WSR 18-24-016 Filed 11/27/2018				Alexandra Montano or Cori Tarzwell	360-236-4106 or 360-236-3797
SBOH and DOH	43.20.050 70.104.055 43.70.545	Chapter 246-101 WAC, Notifiable conditions.	WSR 18-11-089 Filed 5/18/2018				Alexandra Montano or Sierra Rotakhina	360-236-4106 or 360-236-4238

**DOH  
Rule Making**

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
Board of denturists	18.30.065	Chapter 246-812 WAC, Board of denturists, reviewing the chapter consistent with the five year review. The use of initials following licensed dentist names, license denials, withdrawing an application, license reinstatement and appeals.	WSR 17-21-004 Filed 10/5/2017				Vicki Brown	360-236-4865
Board of denturists	18.30.065	WAC 246-812-480 Sexual misconduct, the board of dentist[s] is proposing revisions to clarify that forcible or non-consensual acts are within the definition of sexual misconduct.	Anticipate filing				Vicki Brown	360-236-4865
Board of hearing and speech	18.35	Chapter 246-828 WAC, the board of hearing and speech is proposing to amend rules on definitions, examinations, interim permits, delegation, and speech pathology assistant certification.	WSR 17-16-125 Filed 7/31/2017	WSR 18-24-119 Filed 12/4/2018	Anticipate filing		Kim-Boi Shaddock	360-236-2912
Board of naturopathy	18.36A.160	Chapter 246-836 WAC, Practice of nonsurgical cosmetic procedures in naturopathic practice.	WSR 13-22-059 Filed 11/4/2013	WSR 18-14-087 Filed 7/2/2018	Anticipate filing		Susan Gragg	360-236-4941

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
Board of naturopathy	18.36A.160	WAC 246-836-080 Continuing competency program.	WSR 17-08-062 Filed 3/31/2017	WSR 18-20-122 Filed 10/3/2018	Anticipate filing		Susan Gragg	360-236-4941
Board of naturopathy	18.36A.160	WAC 246-836-150 Full approval of colleges of naturopathic medicine.	WSR 17-13-095 Filed 6/19/2017	WSR 18-20-121 Filed 10/2/2018	Anticipate filing		Susan Gragg	360-236-4941
Board of nursing home administrators	18.52 18.130	Chapter 246-843 WAC, Nursing home administrators, reopening the chapter to consider adding health services executive certification for licensure.	WSR 17-16-084 Filed 8/16/2017	Anticipate filing			Kendra Pitzler	360-236-4723
Board of optometry	18.54.070(2) 18.53.010(4)	WAC 246-851-580 and 246-851-590, Drug list and guidelines. The board of optometry is considering revising the rules to clarify the use of adjuvant analgesics for the practice of optometry.	WSR 18-05-086 Filed 2/20/2018	WSR 18-22-071 Filed 11/1/2018	Anticipate filing		Loralei Walker	360-236-4647
Board of osteopathic physicians and surgeons	18.57.005 18.130.050 18.340.020	Chapter 246-853 WAC, Osteopathic physicians and surgeons, the board of osteopathic medicine and surgery (board) is considering rule amendments to several sections to ensure that the rules are current, up to date, and align with best practices. The board will also consider adding a new section describing the process for issuing expedited temporary practice permits for military spouses.	WSR 17-24-016 Filed 11/27/2017	Anticipate filing			Susan Gragg	360-236-4941
Board of osteopathic physicians and surgeons	18.57A.020 18.340.020	Chapter 246-854 WAC, Osteopathic physician assistants, the board is considering establishing two new sections of rule to: (1) Describe the process for issuing an	WSR 19-01-010 Filed 12/6/2018				Susan Gragg	360-236-4941

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		expedited temporary practice permit to an osteopathic physician assistant applicant who is a spouse or registered domestic partner of a military service member; and (2) establish return to practice requirements for an osteopathic physician assistant who has not been in practice for a certain period of time.						
Board of physical therapy	18.74	Chapter 246-915A WAC, Physical therapist licensure compact.	WSR 18-17-050 Filed 9/5/2018	Anticipate filing			Kris Waidely	360-236-4847
Chiropractic quality assurance commission	18.25.0171 18.130.050	Chapter 246-808 WAC, Independent chiropractic examinations (ICE), the chiropractic quality assurance commission (commission) is considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews.	WSR 15-21-047 Filed 10/16/2015				Leann Yount	360-236-4856
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720 and 246-808-810, the commission is considering revising these rules regarding definitions, procedures, instrumentation, publicity, advertising, printed materials, transactions, costs, records, duties, mandatory	WSR 16-23-120 Filed 12/7/2016				Leann Yount	360-236-4856

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		reporting, associations, societies, insurance and professional liability carriers, courts, state and federal agencies, and conflict of interest.						
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-020 Colleges—Policies, 246-808-030 Accreditation of colleges—Procedure, 246-808-040 Colleges—Educational standards required for accreditation and 246-808-XXX Early remediation, the commission is considering revisions to update existing rules and create new rules to establish an early remediation program for certain allegations of practice deficiencies of a less serious nature than those requiring formal discipline.	WSR 17-02-045 Filed 12/29/2016	WSR 18-24-121 Filed 12/5/2018	Anticipate filing		Leanne Yount	360-236-4856
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-105, 246-808-115, 246-808-130, 246-808-133, 246-808-135, 246-808-140, 246-808-180, 246-808-181, 246-808-190, 246-808-201, 246-808-215, 246-808-510 and 246-808-535, regarding Licensure—Application and eligibility requirements, the commission is considering revising the rules and proposing to establish new temporary practice rules for military status or military-related status.	WSR 16-21-080 Filed 10/18/2016				Leann Yount	360-236-4856
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-320 Privileged communications, 246-808-330 Patient abandonment, 246-808-	WSR 16-21-066 Filed 10/17/2016	WSR 18-24-122 Filed 12/5/2018	Anticipate filing		Leann Yount	360-236-4856

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		340 Consultation, 246-808-350 Unethical requests, 246-808-360 Patient welfare, 246-808-370 Patient disclosure, 246-808-380 Degree of skill, 246-808-390 Illegal practitioners and 246-808-520 Identification, the commission is considering revising specific chiropractic standards of care rules.						
Chiropractic quality assurance commission	18.25.0171 18.130.050	WAC 246-808-540 Billing, 246-808-545 Improper billing practices, 246-808-550 Future care contracts prohibited, 246-808-560 Documentation of care, 246-808-565 Radiographic standards, 246-808-570 Pelvic or prostrate examination prohibited, 246-808-575 Intravaginal adjustment restricted, 246-808-580 Acupuncture, 246-808-585 Clinically necessary X-rays and 246-808-590 Sexual misconduct, the commission is considering amending these rules to align with current practice standards.	WSR 16-23-106 Filed 11/17/2016	Anticipate filing			Leann Yount	360-236-4856
Dental quality assurance commission	18.32.002 18.32.0357 18.32.0356 18.32.180	WAC 246-817-420 Specialty representation, the dental quality assurance commission (commission) is considering amendments to recognized specialties to include the American Board of Dental Specialties boards/areas of specialty and other potential specialties.	WSR 17-23-124 Filed 11/17/2017				Jennifer Santiago	360-236-4893

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
Dental quality assurance commission	18.32.0365 18.29.050	WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision, the commission is proposing rule amendments to add identified tasks from WAC 246-817-520 Acts that may be performed by dental assistants under close supervision, to the list of allowable tasks that a dentist can delegate to dental hygienists under general supervision.	WSR 18-04-078 Filed 2/2/2018	WSR 19-03-072 Filed 1/14/2019	Anticipate filing		Jennifer Santiago	360-236-4893
Dental quality assurance commission	18.32.002 18.32.0365	WAC 246-817-601, 246-817-610, 246-817-620 and 246-817-630, infection control, the commission is considering amending rules to update dental infection control practice standards.	WSR 16-19-021 Filed 9/9/2016	Anticipate filing			Jennifer Santiago	360-236-4893
Dental quality assurance commission	18.32.002 18.32.0365 18.32.640	WAC 246-817-701 through 246-817-790, administration of anesthetic agents for dental procedures, the commission is considering amendments to update general requirements. In addition to general updates, the commission is also considering amendments to address twenty-four hour on-call availability after a complex dental procedure, on-site inspections for all dentists holding sedation permits, and creation of a pediatric sedation endorsement.	WSR 17-17-089 Filed 8/17/2017				Jennifer Santiago	360-236-4893

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
DOH	ESHB 1047 (chapter 196, Laws of 2018)	Title 246 WAC, the department of health (depart- ment) is consider- ing creating a new chapter of rules as required by state law to establish administrative standards and a system of regula- tion for safe and secure collection and disposal of unwanted medi- cines through a uniform drug "take-back" pro- gram.	WSR 18-14-020 Filed 6/25/2018				Jeff Wise	360-236-4987
DOH	70.342.075 43.70.040	Title 246 WAC, creating a new chapter of rules to establish nicotine content measure- ment standards for closed system nic- otine containers use[d] with vapor products.	WSR 17-15-026 Filed 6/7/2017				Stacia Wasmundt or Matthew Green	360-236-2568 (Stacia) or 360-236-3309 (Matthew)
DOH	Chapter 220, Laws of 2017	Title 246 WAC, establishing a new chapter relating to rapid health infor- mation network data reporting (RHINO).	WSR 17-21-075 Filed 10/16/2017	Anticipate filing			Amanda Morse	206-437-2045
DOH	43.70.280	Chapter 246-12 WAC, administra- tive procedures and requirements for credentialed health care provid- ers.	WSR 17-10-007 Filed 4/20/2017				Nancy Elliott	360-236-4878
DOH	43.70.280	Chapter 246-12 WAC, creating a new section of rule regarding closure of abandoned, incomplete health care credential applications.	WSR 17-10-045 Filed 4/28/2017				Nancy Elliott	360-236-4878
DOH	70.54.240	Chapter 246-102 WAC, implement- ing a fee structure for cancer registry reporting.		Anticipate filing			Patti Migliore Santiago or Matthew Green	360-236-3645 or 360-236-3309
DOH	43.70.250 43.20B.020 70.98.080 43.70.110	Chapter 246-224 WAC, Radiation protection—Radi- ation machine assembly and reg- istration and chap- ter 256-254 WAC,	WSR 17-23-155 Filed 11/21/2017	WSR 18-21-086 Filed 10/15/2018	Anticipate filing		Peter Beaton	360-236-4031



Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		Radiation protection—Fees.						
DOH	70.98.050 70.98.080	WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions and 246-247-075 Monitoring, testing, and quality assurance.		WSR 18-24-020 Filed 11/27/2018	Anticipate filing		Theresa Phillips	360-236-3147
DOH	43.70.110 43.70.250 43.20B.020	WAC 246-272-3000 Large on-site sewage system fees.		Anticipate filing			Peter Beaton	360-236-4031
DOH	70.118B.020	Large on-site sewage system (LOSS) written plan submittals: WAC 246-272B-02000 Site review—Pre-design report, soil characteristics, and site inspection, 246-272B-02100 Engineering, 246-272B-02550 LOSS modifications, 246-272B-04400 Plans and specifications, and 246-272B-05400 Post-construction documentation.	Anticipate filing				Peter Beaton or Jeremy Simmons	360-236-4031 or 360-236-3346
DOH	43.70.250	WAC 246-282-990(5), Sanitary control of shellfish—Fees, annual paralytic shellfish poisoning testing fee distribution.		Anticipate filing			Peter Beaton or Lawrence Sullivan	360-236-4031 or 360-236-3333
DOH	43.20.050	WAC 246-290-638, Analytical requirements, Group A public water supplies, SBOH delegated rule-making authority to DOH.		Anticipate filing			Theresa Phillips	360-236-3147
DOH	70.38.135	WAC 246-310-270 Ambulatory surgery facilities and certificate of need methodology.	WSR 15-14-084 Filed 6/26/2015				Jan Sigman	360-236-2956
DOH	71.12.670 43.70.040	Chapters 246-322 and 246-324 WAC, private psychiatric, alcoholism, and chemical	WSR 16-19-037 Filed 9/14/2016				Jeff Wise	360-236-4987

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		dependency hospitals. Updating construction standards and merging chapters.						
DOH	70.127	WAC 246-335-015 Definition of authorizing practitioner for in-home services.	Anticipate filing				John Hilger	360-236-2929
DOH	Chapter 201, Laws of 2018	Chapter 246-341 WAC, Behavioral health services administrative requirements.	WSR 18-14-019 Filed 6/25/2018	Anticipate filing			Stephanie Vaughn	360-236-4617
DOH	43.70.040 70.170.060	Chapter 246-453 WAC, Hospital charity care.	WSR 18-18-073 Filed 8/31/2018	Anticipate filing			Randy Huyck	360-236-4210
DOH	43.70.040 43.70.080 43.70.120	Chapter 246-710 WAC, Coordinated children's services. Children with special health care needs. Updating the rules to current standards, amending to include accessing the department as payer of last resort, and repayment to the department under certain circumstances; and adding new sections to include programs such as neurodevelopmental centers.	WSR 17-15-067 Filed 7/14/2017	Anticipate filing			Cori Tarzwell	360-236-3797
DOH	43.70.120 43.70.700	Chapter 246-780 WAC, Farmers' market nutrition program.				Anticipate filing	Troy Parks	360-236-3610
DOH	18.06.160	Chapter 246-803 WAC, East Asian medicine practitioners. Revising rules consistent with the five year rules review, possible new sections on recordkeeping, infection control an [and] expired licenses.	WSR 17-20-002 Filed 9/21/2017				Vicki Brown	360-236-4865
DOH	18.380.110	Chapter 246-805 WAC, Applied behavior analysis (ABA), new rule sections to address	WSR 17-17-020 Filed 8/7/2017				Brett Lorentson	360-236-4611

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		temporary licensure for ABA practitioners.						
DOH	18.225.040 18.225.090	Chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers.	WSR 18-11-029 Filed 5/7/2018	Anticipate filing			Jeff Wise	360-236-4987
DOH	18.19.050 18.19.090	WAC 246-810-024 Counseling, related degrees that meet the requirements for certified counselor and certified adviser.	WSR 18-21-046 Filed 10/8/2018	Anticipate filing			Brett Lorentson	360-236-4611
DOH	18.19.050	WAC 246-810-029(3), acceptable continuing education courses for a certified counselor and certified adviser. DOH is proposing rule language that will increase the amount of allowable distance learning program hours from twelve to up to twenty hours per reporting period.	WSR 18-04-053 Filed 2/1/2018	WSR 18-16-079 Filed 7/30/2018	Anticipate filing		Brett Lorentson	360-236-4611
DOH	18.205.060	Chapter 246-811 WAC, Chemical dependency professionals (CDP) and chemical dependency professional trainees. The department is considering amendments to the alternative training requirements for CDP certification. The department will review possible inclusion of pharmacists as eligible licensees for this certification option and will consider any necessary clarification or technical changes.	Anticipate filing				Jeff Wise	360-236-4987

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
DOH	18.205.060	Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees (CDPT). The department is considering amendments regarding CDPT certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarifying and technical changes to other requirements, as needed.	WSR 18-11-030 Filed 5/7/2018				Jeff Wise	360-236-4987
DOH	18.138.070	Chapter 246-822 WAC, Dietitians or nutritionists, DOH is considering rule making to amend or repeal several sections of the dietitians and nutritionists chapter. Specific sections focus on mandatory reporting, examinations, and curriculum.	WSR 18-10-059 Filed 4/27/2018	Anticipate filing			Brett Lorentson	360-236-4611
DOH	18.34.080 43.70.040 43.70.250 43.70.280	WAC 246-824-010, DOH is considering amending the dispensing optician rules to add "personal supervision" to the definitions.	WSR 17-05-015 Filed 3/1/2017				Debra Mendoza	360-236-4841
DOH	18.360.030 18.360.070	WAC 246-827A-0040 Application requirements for forensic phlebotomist, DOH is proposing an amendment to WAC 246-827A-0040 to correct a reference to the fee section of rules for forensic phlebotomists.			Anticipate filing	WSR 18-24-053 Filed 11/28/2018	Susan Gragg	360-236-4941
DOH	18.108.025 18.108.085	Chapter 246-830 WAC, Massage practitioners, reopening multiple sections of rule not revised in the previous chapter	WSR 17-18-110 Filed 9/6/2017	Anticipate filing			Megan Brown	360-236-4945

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		update and to respond to rules petition.						
DOH	18.108.085	Chapter 246-831 WAC, Certified reflexologists, the department is considering clarifying, streamlining, and updating the chapter.	WSR 18-10-103 Filed 5/2/2018	Anticipate filing			Brandon Williams	360-236-3203
DOH	18.50.115 18.50.135	WAC 246-834-060, 246-834-250, 246-834-400, and 246-834-450, midwives, updating legend drugs and devices to maintain the safety of out-of-hospital births.	WSR 17-22-034 Filed 10/24/2017	Anticipate filing			Kathy Weed	360-236-4883
DOH	18.200.050	Chapter 246-850 WAC, Orthotics and prosthetic rules, clarifying rules on licensing, continuing education, and other general updates.	WSR 16-24-008 Filed 11/28/2016	WSR 19-03-066 Filed 1/11/2019	Anticipate filing		Kim-Boi Shaddock	360-236-2912
DOH	18.250.020	Chapter 246-916 WAC, Athletic trainers, clarifying who is an authorized volunteer.	WSR 18-01-076 Filed 12/15/2017				Bruce Bronoske	360-236-4843
DOH	18.89.040 18.89.050	WAC 246-928-XXX, creating a new section of rule to clarify the scope of practice regarding the administration of medications by respiratory therapists.	WSR 10-17-099 Filed 8/17/2010				Brett Lorentson	360-236-4611
DOH	70.168.050 70.166.090	WAC 246-976-420 Trauma registry, updating the rules to improve data quality[,] align with trauma registry software, and remove unnecessary data elements.	WSR 17-21-018 Filed 10/6/2017	WSR 18-23-064 Filed 11/16/2018	Anticipate filing		Tim Orcutt	360-236-2874
DOH	70.168 18.73	Chapter 246-976 WAC, (minus WAC 246-976-420, 246-976-580, and 246-976-700 currently open), updating EMS and trauma care systems. Chapter to	WSR 17-24-013 Filed 11/27/2017	Anticipate filing			Catie Holstein	360-236-2830

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
		align with the national standards and streamline applications.						
Examining board of psychology	18.83.090	WAC 246-924-230 Continuing education requirements, the board of psychology will examine the possibility of reducing the number of hours required for continuing education.	Anticipate filing				Stacey Saunders	360-236-2813
Washington medical commission	43.70.110 43.70.250 43.70.280 18.31.310	Chapter 246-919 WAC, Washington medical commission, opening a chapter of rules for updates and revisions to modernize rules to align with current practice.	WSR 18-02-079 Filed 1/2/2018	Anticipate filing			Daidria Amelia Underwood	360-236-2727
Washington medical commission	18.71.017 18.71.002 18.130.050	Chapters 246-919 and 246-918 WAC, considering a new technical assistance program to address practitioner deficiency issues. The commission is considering creating two new rule sections that will establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision for allopathic physicians and physician assistants. The commission will consider amending other related rules as needed.	WSR 18-06-007 Filed 2/22/2018	Anticipate filing			Daidria Amelia Underwood	360-236-2727
Washington medical commission	18.71.017 18.71A.020	Chapters 246-918 and 246-919 WAC, amending opioid prescribing rules to exempt long-term care facilities.	Anticipate filing				Daidria Amelia Underwood	360-236-2727

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
Nursing care quality assurance commission	18.79.110 18.79.180 18.79.380	WAC 246-840-035 Initial licensure for registered nurses—Out-of-state nontraditional nursing education program approved by another United States nursing board as defined by WAC 246-840-010(16).	WSR 18-06-009 Filed 2/23/2018	WSR 18-24-049 Filed 11/28/2018	Anticipate filing		Amber Zawislak	360-236-4786 [360-236-4785]
Nursing care quality assurance commission	18.79.110	WAC 246-840-111, 246-840-125, 246-840-200 through 246-840-260, nursing continuing competency.	WSR 19-01-001 Filed 12/5/2018	Anticipate filing			Amber Zawislak	360-236-4785
Nursing care quality assurance commission	18.79.110 18.79.250 18.79.260 18.79.270	WAC 246-840-300, 246-840-700 through 246-840-710, nursing scope of practice.	WSR 19-01-002 Filed 12/5/2018	Anticipate filing			Amber Zawislak	360-236-4785
Nursing care quality assurance commission	18.79.110 18.79.380	WAC 246-840-533 Nursing preceptors.	WSR 18-08-018 Filed 3/23/2018	WSR 18-24-050 Filed 11/28/2018	Anticipate filing		Amber Zawislak	360-236-4786 [360-236-4785]
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.43 69.50 69.51	Title 246 WAC, creating a new chapter, revising licensing standards for pharmacies, facilities and professionals under the commission's jurisdiction.	WSR 18-01-123 Filed 12/19/2017				Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.50 69.51	Title 246 WAC, creating a new chapter. Revising rules around operational standards for facilities.	WSR 18-09-063 Filed 4/16/2018				Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.60 69.51	Title 246 WAC, creating a new chapter. Revising rules around professional standards for pharmacy personnel.	WSR 18-09-066 Filed 4/16/2018				Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64 18.64A 69.41 69.43 69.50 69.51	Title 246 WAC, revising rules on the commission regulatory authority and regulation of the practice of pharmacy.	WSR 18-01-124 Filed 12/19/2017				Tracy West	360-236-4988

Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
Pharmacy quality assurance commission	69.50.101 through 69.50.315 69.50.401 through 69.50.525 69.50.601 through 69.50.608	Chapter 246-887 WAC, regulations implementing the Uniform Controlled Substances Act. The commission is amending this chapter to update federal citations, make grammatical corrections, clarify language, and update all schedules to reflect the changes made by the Drug Enforcement Administration to 21 C.F.R. 1308 made from 2010 to April 1, 2018.		WSR 18-22-115 Filed 11/6/2018	Anticipate filing		Tracy West	360-236-4988
Pharmacy quality assurance commission	18.64A.040	WAC 246-901-130 Pharmacist to pharmacy technician ratio.	WSR 17-13-097 Filed 6/19/2017	Anticipate filing			Tracy West	360-236-4988
Podiatric medical board	18.22	Chapter 246-922 WAC, opening the chapter for amendments following review under RCW 43.70.041.	Anticipate filing				Susan Gragg	360-236-4941
Podiatric medical board	17.130.050 18.22.005 18.22.015	WAC 246-922-230 Prohibited transactions.	WSR 18-13-025 Filed 6/8/2018	Anticipate filing			Susan Gragg	360-236-4641 [360-236-4941]
Veterinary board of governors	18.240.030	WAC 246-933-340 Consumer notice of risks associated with certain drugs.	WSR 18-12-090 Filed 6/5/2018				Loralei Walker	360-236-4647
Veterinary board of governors	18.92.030	WAC 246-933-010, 246-933-200, 246-933-310, 246-933-340 and new 246-933-XXX, the veterinary board of governors is considering amending four rule sections and adding a new section of rule related to client consultation when providing treatment and drug therapy to animal patients.	WSR 18-12-090 Filed 6/20/2018	Anticipate filing			Loralei Walker	360-236-4647



Authority	RCW or Session Law	WAC and Rule Title	CR-101	CR-102	CR-103	CR-105	Program Contact Name	Program Contact Phone
Veterinary board of governors	18.240.050	WAC 246-935-270 through 246-935-310, updating veterinarian technician continuing education requirements.	WSR 17-07-046 Filed 3/8/2017	Anticipate filing			Loralei Walker	360-236-4647

**WSR 19-04-061**  
**AGENDA**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed January 31, 2019, 9:19 a.m.]

Pursuant to RCW 34.05.314, following is the department of labor and industries' semi-annual rules development agenda for January 1 through June 30, 2019.

This report details current and anticipated rule-making activities for the department of labor and industries. This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

Please contact Maggie Leland at 360-902-4504 or [maggie.leland@lni.wa.gov](mailto:maggie.leland@lni.wa.gov) if you have any questions.

**Semi-Annual Rules Development Agenda**  
**January 1 - June 30, 2019**

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>Division: Administrative services</b>						
296-30 296-31 296-33	Crime victims compensation (CVC)	Maty Brimmer Crime Victims 360-902-6707  Linda Messick Crime Victims 360-902-5374	TBD	TBD	TBD	This rule making pertains to the administration of the CVC program, mental health treatment rules and fees, and attendant services. This rule making will consider adopting some rules from chapters 296-14, 296-20, 296-21, 296-23, 296-23A, and 296-23B WAC.
<b>Division: Division of occupational safety and health (DOSH)</b>						
296-36 296-155 Part Q	Compressed air (tunnels)	Chris Miller DOSH Standards Program 360-902-5516	9/18/12	TBD	TBD	This rule making is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in chapters 296-36 and 296-155 WAC, Part Q.
296-62 296-155	Lead	Chris Miller DOSH Standards Program 360-902-5516	4/19/16	TBD	TBD	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-27	Recordkeeping and reporting, Phase 3	Chris Miller DOSH Standards Program 360-902-5516	8/2/16	TBD	TBD	This rule making is in response to Occupational Safety and Health Administration (OSHA) publishing changes to section C.F.R. 1904.35, Employee Involvement, which left some of our rules not as effective. Other housekeeping amendments may also be considered in this WAC chapter.
296-307	Worker protection standard (pesticides)	Chris Miller DOSH Standards Program 360-902-5516	11/22/16	TBD	TBD	This rule making is in response to the federal Environmental Protection Agency worker protection standard updates. The department is coordinating the adoption of the rules with the department of agriculture.
296-307 (removing 296-45)	eRules reformatting, Phase 10	Chris Miller DOSH Standards Program 360-902-5516	1/3/17	TBD	TBD	This rule making is the tenth of an estimated ten staged filing packages to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access. Note that amendments to chapter 296-45 WAC will be removed from this rule making at the proposed rule making (CR-102) stage and added to the rule making for chapter 296-45 WAC listed below.
296-45	Electric power generation, transmission, and distribution	Chris Miller DOSH Standards Program 360-902-5516	6/20/17	3/5/19	6/18/19	The purpose of this rule making is to comply with the DOSH eRules initiative, in addition to making necessary corrections that have been identified since the updated rule was effective May 3, 2016. The eRules portion of this rule making will provide a format consistent with all the other DOSH rules, and allow ease of access using the DOSH web site. Additional corrections include: Correct an error relating to hard hats; add a reference in the scope of this rule to chapter 296-32 WAC; and update notes inadvertently formatted as requirements.
296-67	Process safety management (PSM) of highly hazardous chemicals for petroleum refineries	Chris Miller DOSH Standards Program 360-902-5516	8/22/17	TBD	TBD	This rule making addresses the PSM requirements specific to petrochemical refining facilities. The current rules are outdated, not having been updated in over twenty years and do not reflect current industry practices.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-65	Asbestos removal and encapsulation	Chris Miller DOSH Standards Program 360-902-5516	1/2/18	3/19/19	TBD	The purpose of this rule making is to update the requirements regarding asbestos removal and encapsulation. This rule making intends to remove confusing and unnecessary language, as well as add clarification where necessary throughout the rule. These changes include and are not limited to: Certification and testing requirements; when refresher training is required; and when temporary certificates can be issued.
296-52	Safety standards for possession, handling, and use of explosives	Chris Miller DOSH Standards Program 360-902-5516	1/23/18	TBD	TBD	In order to reflect technological advancements in explosives over the past ten to thirty years, and better align with federal regulations, the department is updating the safety standards for possession, handling, and use of explosives. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among other sections.
296-155	Crane incident reporting requirement	Chris Miller DOSH Standards Program 360-902-5516	3/20/18	TBD	TBD	The purpose of this rule making is to provide clarity on the department's interpretation of requirements relating to crane decertification and reinstatement. This rule making intends to address what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. This rule making will include additional housekeeping changes as well.
296-840	Respirable crystalline silica—Nonmandatory appendices	Chris Miller DOSH Standards Program 360-902-5516	5/22/18 (CR-105)	8/21/18 10/2/18 Continuance	2/5/19	The purpose of this rule making is to add two non-mandatory appendices to the WAC chapter to provide guidance to health care providers on medical surveillance. These rules amend recently filed rule making regarding occupational exposure to respirable crystalline silica.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-155 Part S	Demolition standards	Chris Miller DOSH Standards Program 360-902-5516	7/5/18	TBD	TBD	The purpose of this rule making is to update the requirements regarding demolition standards. The department is initiating this rule making to remove confusing and unnecessary language, as well as add clarification where necessary throughout the rule to improve safety. Other updates and housekeeping changes may also be made throughout the chapter.
296-155 Part O	Safety standards for reinforcing steel and posttensioning activities	Chris Miller DOSH Standards Program 360-902-5516	2/19/19	TBD	TBD	This rule making is in response to a petition received to adopt new safety standards for reinforcing steel and post-tensioning activities for iron workers, specifically standards contained in the newly revised 2018 - ANSI A10.9 (2013) Standard, Safety Requirements for Concrete and Masonry Work.
296-24	Walking working surfaces	Chris Miller DOSH Standards Program 360-902-5516	2/19/19	TBD	TBD	The purpose of this rule making is to address the requirements in chapter 296-24 WAC, General safety and health standards, Part J-1, Walking-working surfaces. The department plans on initiating this rule making to align with possible new language under the plan to adopt a single unified fall protection chapter (see below) and to be at-least-as-effective-as OSHA C.F.R. 1910.
296-155 296-24 296-800 (other chapters that reference the requirements may be updated to align with the changes)	Unified fall protection	Chris Miller DOSH Standards Program 360-902-5516	2/19/19	TBD	TBD	This rule making is planned in response to OSHA updates made in November 2016. Stakeholders requested the department create a single unified fall protection standard that applies to all industries statewide. This rule making will amend the department's rules to make them at-least-as-effective-as OSHA.
296-840	Respirable crystalline silica (agriculture)	Chris Miller DOSH Standards Program 360-902-5516	Spring 2019	TBD	TBD	The purpose of this rule making is to clarify the application of the respirable crystalline silica rules to agriculture.
269-307 Part Y	Precommercial thinning	Chris Miller DOSH Standards Program 360-902-5516	Spring 2019	TBD	TBD	The rule making is to consider establishing minimum safety standards for precommercial thinning in agriculture.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-155	Crane operator qualification in construction	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	This rule making [is] in response to OSHA updating rules for crane operator licensing/certification requirements and establishing minimum requirements for determining operator competency.
296-305 296-803 296-811 296-835 296-842 296-863 296-855	Change log, Phase 5	Chris Miller DOSH Standards Program 360-902-5516	TBD (CR-105)	TBD	TBD	The rule making will consider amendments to correct outstanding housekeeping issues, such as correcting typos and updating old references, which are on the DOSH change log.
<b>Division: Field services and public safety</b>						
296-96	Elevator rules (American Society of Mechanical Engineers (ASME) A17.3)	Alicia Curry Field Services and Public Safety 360-902-6244	8/31/18	4/16/19	7/23/19	The purpose of this rule making is to consider amendments that would adopt additional requirements from the 2015 ASME A17.3 safety codes for existing elevators and escalators.
296-46B	Electrical rules	Alicia Curry Field Services and Public Safety 360-902-6244	9/4/18	2/19/19	4/30/19	The electrical program is performing a review of the electrical rules. The purpose of the review is to update and clarify existing rules, make housekeeping changes, accept stakeholder proposals, implement new legislation, and adopt the 2020 Edition of the National Fire Protection Agency 70, the National Electrical Code by reference with an effective date.
296-104	Board of boiler rules	Alicia Curry Field Services and Public Safety 360-902-6244	1/22/19	4/2/19	7/23/19	The purpose of this rule making is to consider changes to the boiler rules. The changes under consideration would: <ul style="list-style-type: none"> <li>· Amend the definition of "places of public assembly or assembly hall" to clarify the meaning of assisted living facility as seven or more residents;</li> <li>· Amend language to require inspectors to submit inspection reports of boilers and unfired pressure vessels directly into the state's electronic inspection reporting system or pay applicable processing fees to the department for processing of inspection reports; and</li> <li>· Establish a new fee for processing of inspection reports by the department.</li> </ul>

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-96	Elevator rules	Alicia Curry Field Services and Public Safety 360-902-6244	1/22/19	7/23/19	10/22/19	The purpose of this rule making is to address requests from stakeholders held over from the past 2018 rule-making process and to further update and clarify existing rules, including editorial and reference corrections, general housekeeping, and other rule changes.
296-150F	Factory-assembled structures (FAS) rules (factory-built housing and commercial structures)	Alicia Curry Field Services and Public Safety 360-902-6244	3/5/19	6/4/19	9/17/19	The purpose of this rule making is to consider updating chapter 296-150F WAC, Factory-built housing and commercial structures, to include panelized construction.
296-150I	FAS rules (manufactured home installers)	Alicia Curry Field Services and Public Safety 360-902-6244	6/4/19	9/3/19	12/3/19	The purpose of this rule making is to consider changes to the FAS rules in chapter 296-150I WAC, Manufactured home installer training and certification program. The program plans to perform a review of the rules to align the rules with Housing of Urban Development requirements, to update and clarify existing rules, and make housekeeping changes.
296-403A	Electrical rules (amusement rides or structures)	Alicia Curry Field Services and Public Safety 360-902-6244	TBD	TBD	TBD	The purpose of this rule making is to consider changes to the electrical rules for amusement rides or structures. The program plans to perform a review of the rules to update and clarify existing rules, and make housekeeping changes.
<b>Division: Fraud prevention and labor standards</b>						
296-128-500 through 296-128-540	Executive administrative professional exemptions	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	3/20/18	1st Quarter 2019	TBD	The department is considering changes to the definitions of bona fide executive, administrative, professional and outside salespeople for the purposes of coverage under chapter 49.46 RCW, Minimum wage requirements and labor standards.
296-127	Prevailing wage	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	12/18/18	6/4/19	9/17/19	The purpose of this rule making is to review prevailing wage rules for housekeeping changes in order to further clarify the language without changing the effect of any rule except where necessary to align with statute or case law. No substantive changes will be considered in this rule.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>Division: Insurance services</b>						
296-17A	2019 Classification amendments	James Vest Employer Services 360-902-4799	10/2/18	6/18/19	8/20/19	The purpose of this rule making is to: <ul style="list-style-type: none"> <li>· Clarify the rules to make them easier to understand and apply;</li> <li>· Incorporate existing agency practices into rule;</li> <li>· Consolidate subclassifications to remove unnecessary administrative burden from employers; and</li> <li>· Define terms used within the rules to make the rules easier to understand and apply.</li> </ul>
296-17 296-17A	2019 Miscellaneous classification and reporting rule changes	Jo Anne Attwood Employer Services 360-902-4777	2/5/19	4/2/19	5/21/19	The purpose of this rule making is to: <ul style="list-style-type: none"> <li>· Update and clarify information and references in multiple classifications in general, and in classifications impacted by the 2018 stores rule making;</li> <li>· Correct errors in classification information that occurred in a past rule making;</li> <li>· Correct typographical errors; and</li> <li>· Implement changes required by chapter 278, Laws of 2018 (SB [ESSB] 6199) passed by the legislature in 2018.</li> </ul>
296-17 296-17B	2020 Workers' compensation premium rates	Jo Anne Attwood Employer Services 360-902-4777	6/18/19	9/17/19	November 2019	This rule making will set the rates for 2020 workers' compensation insurance.
296-17	2019 Occupational disease date of injury	Annie Peeples Employer Services 360-902-4723	TBD	TBD	TBD	The purpose of this rule making is to ensure the experience rating rule governing the date of injury for occupational disease claims is clear.
296-20	Hearing aid replacement	Robert Mayer Health Services Analysis 360-902-5021	2/6/18	1/22/19	4/2/19	The purpose of this rule making is to consider the criteria for replacing hearing instruments. The department convened a workgroup of experts and interested parties to understand the issues and develop criteria reflecting current technology, taking into consideration insurance coverage best practices.
296-20 296-23	Medical aid rules update	Emily Stinson Health Services Analysis 360-902-5974	12/18/18	2/19/19	5/21/19	The purpose of this rule making is to update payment rates for health care services, which are published annually in the medical aid rules and fee schedules.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-14	Presumptive posttraumatic stress disorder (PTSD) coverage (SB [SSB] 6214)	Suzy Campbell Legal Services 360-902-5003	8/21/18	TBD	TBD	This rule making will update existing rules and create new rules needed to implement SB [SSB] 6214, allowing industrial insurance coverage for PTSD of law enforcement, firefighters and emergency medical technicians.
296-21	Master's level therapists (MLT) pilot	Suzy Campbell Legal Services 360-902-5003	6/4/19	TBD	TBD	Labor and industries doesn't currently allow MLTs to treat or bill injured workers. This rule making will use pilot rule making to identify appropriate roles for MLTs to provide behavioral and mental health focused on recovery and return to work for workers with a work-related injury or illness.
296-20 296-23	Acupuncture/ acupuncture pilot	Jami Lifka Office of the Medical Director 360-902-4941	9/5/17	1/2/19	4/30/19	This proposed rule making allows the department and self-insurers to pay for acupuncture as specified in WAC 296-23-238. When this rule is effective, the acupuncture medical coverage decision's approved conditions will only list "low back pain related to an accepted condition on the claim." Other conditions may be considered at a later date based on the best available scientific and clinical evidence but are not part of this rule-making process. In addition, the proposed rules will allow acupuncturists, including East Asian medicine practitioners (EAMP), to treat injured workers. EAMPs have fifteen different treatment modalities within their scope of practice (RCW 18.06.010). These proposed rule changes will only apply to acupuncture. Pilot rule making was used to develop the proposed rule language. The pilot will continue until the adoption and effective date of final rules, after which time the criteria adopted in the final rules will take effect.
296-17B	Retrospective rating	Tim Smolen Retrospective Rating 360-902-4835	11/5/13	TBD	TBD	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.



WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-17B	Retrospective rating for workers' compensation insurance— Common ownership (pilot)	Julie Osterberg Retrospective Rating 360-902-5819  Tim Smolen Retrospective Rating 360-902-4835	8/5/15	TBD	TBD	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.
296-19A	Vocational rehabilitation	Laurinda Grytness Return to Work Partnerships 360-902-6362	TBD	TBD	TBD	This rule making will support the department's vocational recovery effort to better align expectations of vocational providers with return-to-work language in RCW 51.32.095.
296-15	Medical bill electronic data interchange	James Nylander Self-Insurance 360-902-6907	4/19/16	TBD	TBD	The department and the self-insured employer community have agreed to partner in the development of a self-insurance risk analysis system. One component of this system will feature the collection of medical bill data using an electronic data interchange.  This rule making will consider amending existing rules and adopting a new rule in order to make reporting requirements clear and to ensure a uniform standard of reporting is established.

Maggie A. Leland  
Rules Coordinator

**WSR 19-05-002**

**HEALTH CARE AUTHORITY**

(Health Technology Clinical Committee)

[Filed February 6, 2019, 3:56 p.m.]

The health technology clinical committee reached final coverage decisions for the following technologies at their January 18, 2019, public meeting:

- Tumor treating fields, (Optune®)      Decision No. 20181116A
- Positron Emission Tomography (PET) scans for limb pain      Decision No. 20181116B

All documents related to these evidence assessments, including the final coverage decisions, are available on the health technology assessment program web site [www.hca.wa.gov/hta/](http://www.hca.wa.gov/hta/).

For further information contact Christine Masters, Program Specialist, WA - Health Technology Assessment, P.O. Box [42712], 626 8th Avenue S.E., Olympia, WA 98504-2712, desk 360-725-5126, fax 360-586-8827, [christine.masters@hca.wa.gov](mailto:christine.masters@hca.wa.gov).

**WSR 19-05-007**

**ATTORNEY GENERAL'S OFFICE**

[Filed February 7, 2019, 10:14 a.m.]

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

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

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 March 13, 2019. This is not the due date by which comments must be received, and we will consider any comments we receive before we complete our opinion. 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 email to OpinionComments@atg.wa.gov or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, 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 email, you may visit the attorney general's web site at <http://www.atg.wa.gov/ago%E2%80%99opinions> for more information on how to join our AGO opinions list.

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

**Opinion Docket No. 19-02-01**

**Request by Joe Schmick, Representative, District 9**

**QUESTION(S):**

Does RCW 18.100.050 (5)(b) prohibit physical and occupational therapists from having an ownership interest in a health care practice with health care professionals listed in RCW 18.100.050 (5)(a)?

kind of political activity to warrant regulation by the public disclosure commission (PDC). The current interpretation summarizes the existing case law that applies the primary purpose test. The interpretation should be evaluated in light of the continuing development of case law of the test, and to determine the need for any update or clarification in the interpretation, or otherwise in rule or statute.

Online Campaign Activities (07-04): <https://www.pdc.wa.gov/learn/index-of-interpretations-by-subject/online-campaign-activities>.

As campaigns increase use of the internet and electronic technologies for fundraising and advertising, PDC must continue to review campaign reporting and advertising activities in light of such new technologies and evolving campaign practices. The current interpretation will be updated as needed in consideration of emerging technologies and practices.

**Surplus Funds (new).**

Candidates are authorized by statute to designate certain campaign contributions as surplus funds, and to spend such funds for authorized purposes. PDC informally advises candidates on the reporting and permissible uses of surplus funds. A new interpretation will address current questions and emerging issues regarding the permissible collection, reporting, and uses of surplus campaign funds.

**WSR 19-05-009**

**AGENDA**

**PUBLIC DISCLOSURE COMMISSION**

[Filed February 7, 2019, 10:31 a.m.]

Rules Development Agenda for  
January 31 - July 31, 2019

Amend, repeal and add new sections to Title 390 WAC and creating transparency in campaign contributions by implementing the Washington State Disclose Act of 2018.	The commission will begin emergency and permanent rule making during the next six months.	Implementing chapter 111, Laws of 2018.
--	---	---

**WSR 19-05-012**

**AGENDA**

**PUBLIC DISCLOSURE COMMISSION**

[Filed February 7, 2019, 11:35 a.m.]

Interpretation Agenda for  
January 31 - July 31, 2019

Primary Purpose Test (07-02): <https://www.pdc.wa.gov/learn/index-of-interpretations-by-subject/primary-purpose-test-guidelines>.

The primary purpose test is a court-based analysis that is applied to the statutory definition "political committees" to determine whether an organization engages in the requisite

**WSR 19-05-014**

**NOTICE OF PUBLIC MEETINGS**

**RECREATION AND CONSERVATION**

**OFFICE**

(Salmon Recovery Funding Board)

[Filed February 7, 2019, 12:38 p.m.]

The salmon recovery funding board is changing the **date, location and time** of the regular quarterly meeting scheduled for September 3-4, 2019:

**FROM:** September 3 and September 4, 2019 from 9:00 a.m. to 5:00 p.m., Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA

**TO: September 10, 2019, from 9:00 a.m. to 4:30 p.m., Room 200, Olympia Community Center, 222 Columbia Street N.W., Olympia, WA 98501 and September 11, 2019, from 9:00 a.m. to 5:00 p.m., Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA.**

For further information, please contact Wyatt Lundquist, [Wyatt.lundquist@rco.wa.gov](mailto:Wyatt.lundquist@rco.wa.gov) or check recreation and conservation office's (RCO) web page at [http://www.rco.wa.gov/boards/srfb\\_meetings.shtml](http://www.rco.wa.gov/boards/srfb_meetings.shtml).

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email [leslie.frank@rco.wa.gov](mailto:leslie.frank@rco.wa.gov).

**WSR 19-05-018**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Examining Board of Psychology)  
 [Filed February 8, 2019, 10:43 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, examining board of psychology for the year 2019. The examining board of psychology 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 examining board of psychology reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 25, 2019	9:00 a.m.	Department of Health Point Plaza East Room 153 310 Israel Road S.E. Tumwater, WA 98501
March 8, 2019	9:00 a.m.	Department of Health Building 2 Room 307 20425 72nd Avenue South Kent, WA 98032
May 19, 2019	9:00 a.m.	Department of Health Point Plaza East Room 152 310 Israel Road S.E. Tumwater, WA 98501
July 19, 2019	9:00 a.m.	Department of Health Building 2 Room 307 20425 72nd Avenue South Kent, WA 98032
September 27, 2019	9:00 a.m.	Department of Health Town Center 2 Room 158 111 Israel Road S.E. Tumwater, WA 98501
November 22, 2018 [2019]	9:00 a.m.	Department of Health Building 2 Room 309 20425 72nd Avenue South Kent, WA 98032

If you need further information, please contact Stacey Saunders, Program Manager, Washington Department of Health, Examining Board of Psychology, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-22813 [360-236-2813], fax 360-236-2901, email stacey.saunders@doh.wa.gov, web www.doh.wa.gov.

Please be advised the examining board of psychology is required to comply with the Public Disclosure [Records] 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 19-05-019**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Filed February 8, 2019, 11:20 a.m.]

**NOTICE OF SPECIAL MEETING**

Chairperson, Lindsay Fiker, has called a special meeting of the board of trustees for **Tuesday, February 12, 2019, 3:30 p.m.**, to be held in the Board Room, Administrative Annex, 2405 East College Way, Mount Vernon, WA 98273. Topic of the special meeting: Update on the Skagit/Islands head start program.

**WSR 19-05-022**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**  
 [Filed February 12, 2019, 1:07 p.m.]

**NOTICE OF CANCELLATION**  
**BOARD OF TRUSTEES MEETING**

The Skagit Valley College board of trustees' special and regular meeting scheduled for Tuesday, February 12, 2019, at 3:30 and 4:30 p.m., Board Room, 2405 East College Way, Mount Vernon, WA 98273, have been canceled due to snowy weather conditions.

**WSR 19-05-023**  
**NOTICE OF APPEAL**  
**OFFICE OF THE GOVERNOR**  
 [Filed February 12, 2019, 1:26 p.m.]

**NOTICE OF APPEAL**  
**RCW 34.05.330(3)**

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On January 2, 2019, the Governor's Office received an appeal from James and Paula Conant relating to the Washington State Department of Fish and Wildlife's denial of a petition to repeal or amend WAC 220-312-040(34). The Governor's Office denied the appeal on February 8, 2019.

DATE: February 12, 2019

Taylor Wonhoff  
 Deputy General Counsel  
 to the Governor

**WSR 19-05-034**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Filed February 13, 2019, 12:26 p.m.]

**AMENDED NOTICE OF PUBLIC MEETINGS**

The commission on judicial conduct (commission) will hold its 2019 business meetings at 11:00 a.m. on the following dates at Crowne Plaza Hotel, 17338 International Boulevard, SeaTac, WA 98188. Additional information can be obtained by calling 360-753-4585 or visiting the commission's web site at [www.cjc.state.wa.us](http://www.cjc.state.wa.us).

Friday, February 15, 2019\*

Friday, April 26, 2019\*\*

Friday, June 28, 2019

Friday, September 6, 2019

Friday, November 22, 2019

\*Due to adverse weather and travel conditions, the 11:00 a.m., February 15, 2019, business meeting of the commission on judicial conduct has been relocated to the commission's office located at 1110 Capitol Way, Suite 120, Olympia, WA 98501.

\*\*The commission's Friday, April 26, 2019, business meeting will be at Cedarbrook Lodge, 18525 36th Avenue South, Seattle, WA 98188, at 3:30 p.m. The commission's 2019 education session will be at this location also on Saturday, April 27, 2019, starting at 9 a.m.

**WSR 19-05-036**  
**PUBLIC RECORDS OFFICER**  
**EVERETT COMMUNITY COLLEGE**

[Filed February 13, 2019, 1:39 p.m.]

Pursuant to RCW 42.56.580, the public records officer for Everett Community College is Denise Gregory Wyatt, 2000 Tower Street, Everett, WA 98201, phone 425-388-9232, fax 425-388-9228, email [dgregorywyatt@everettcc.edu](mailto:dgregorywyatt@everettcc.edu).

Denise Gregory Wyatt  
 Vice President of  
 Administrative Services

**WSR 19-05-037**  
**RULES COORDINATOR**  
**EVERETT COMMUNITY COLLEGE**

[Filed February 13, 2019, 1:40 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for Everett Community College is Denise Gregory Wyatt, 2000 Tower Street, Everett, WA 98201, phone 425-388-9232, fax 425-388-9228, email [dgregorywyatt@everettcc.edu](mailto:dgregorywyatt@everettcc.edu).

Denise Gregory Wyatt  
 Vice President of  
 Administrative Services

**WSR 19-05-038**  
**HEALTH CARE AUTHORITY**

[Filed February 13, 2019, 2:55 p.m.]

**SUPPLEMENTAL NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 19-0011.

Effective Date: July 1, 2019.

Description: The health care authority (HCA) intends to submit medicaid SPA 19-0011 to remove the limitations on psychiatric visits. In 2018, HCA intended to submit SPA 18-0032, filed as WSR 18-17-037, to remove this limitation under the directives in SSB 5779, signed by the governor on May 5, 2017. SPA 18-0032 was not submitted to the Centers for Medicare and Medicaid Services; SPA 19-0011 will be submitted instead.

At this time, HCA does not [have] sufficient information to estimate what effect SPA 19-0011 could have on providers' aggregate expenses/payments. The rates for the affected service are not being changed. It is currently unknown whether removing the limitation will result in increased client usage, which could result in increased provider payments.

A draft of SPA 19-0011 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy, you may contact the agency in your county listed in the table or the person named below. To submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact Rebecca Peters, Clinical Evaluation, P.O. Box 45506, phone 360-725-1194, TRS 711, fax 360-725-1966, email [Rebecca.peters@hca.wa.gov](mailto:Rebecca.peters@hca.wa.gov).

**County Contacts**

**Adams County**

Adams County Health Department  
 108 West Main  
 Ritzville, WA 99169  
 Phone (509) 659-3315

**Asotin County**

Clarkston Home and Community Services Office  
 525 Fifth Street  
 Clarkston, WA 99403  
 Web site <http://www.altc.washington.com>  
 Phone (509) 751-4672  
 Alt. Phone 1-800-310-4881  
 Fax (509) 758-4593

**Benton County**

Tri-Cities Home and Community Services Office  
 500 North Morain Street  
 Suite 2210  
 Kennewick, WA 99336  
 Phone (509) 374-2100

Alt. Phone 1-800-310-4833  
Fax (509) 374-7559

**Chelan County**

Chelan Community Services Office  
805 South Mission Street  
Wenatchee, WA 98801  
Phone (509) 667-6000

**Clallam County**

Port Angeles Home and Community Services Office  
235 West 1st Street  
Port Angeles, WA 98362  
Phone (360) 565-2160  
Alt. Phone 1-800-280-9891  
TTY (360) 417-5651  
Fax (360) 417-1416

**Clark County**

Vancouver Home and Community Services Office  
800 N.E. 136th Avenue  
Suite 220  
Vancouver, WA 98684  
Phone (360) 397-9500  
Alt. Phone 1-800-280-0586  
TTY (360) 750-4079  
Fax (360) 992-7949

**Columbia County**

Aging and Disability Resource Center  
410 East Main  
Dayton, WA 99328  
Web site <http://www.altewashington.com/>  
Phone (509) 382-4787

**Cowlitz County**

Kelso Home and Community Services Office  
711 Vine Street  
Kelso, WA 98626  
Phone (360) 501-2500  
Alt. Phone 1-800-605-7322  
TTY (360) 577-7591  
Fax (360) 578-4106

**Douglas County**

Wenatchee Home and Community Services Office  
50 Simon Street S.E.  
Suite B  
East Wenatchee, WA 98802  
Phone (509) 886-6140  
Alt. Phone 1-800-670-8874  
Fax (509) 886-6221

**Ferry County**

Republic Home and Community Services Office  
89 East Delaware  
Republic, WA 99166  
Phone (509) 775-2227  
Alt. Phone 1-888-437-0516  
TTY (509) 775-2661  
Fax (509) 775-2401

**Franklin County**

Franklin County Commissioners Office  
1016 North 4th Avenue  
Pasco, WA 99301  
Phone (509) 545-3535

**Garfield County**

Garfield County District Court  
789 West Main Street  
P.O. Box 817 or 819  
Pomeroy, WA 99347  
Phone (509) 843-1002

**Grant County**

Moses Lake Home and Community Services Office  
1651 South Pilgrim Street  
Moses Lake, WA 98837  
Phone (509) 764-5657  
Alt. Phone 1-800-671-8902  
TTY 1-800-833-6388  
Fax (509) 764-5656

**Grays Harbor County**

Aberdeen Home and Community Services Office  
415 West Wishkah Street  
Suite A2  
Aberdeen, WA 98520  
Phone (360) 533-9222  
Alt. Phone 1-800-487-0119  
TTY (360) 533-9730  
Fax (360) 533-9782

**Island County**

Oak Harbor Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961  
Alt. Phone 1-866-608-0836  
Fax (360) 429-2958

**Jefferson County**

Port Townsend Home and Community Services Office  
915 Sheridan Street  
Suite 201  
Port Townsend, WA 98368  
Phone (360) 379-4326  
Alt. Phone 1-800-280-9991  
Fax (360) 344-4600

**King County**

King County Home and Community Services Office  
1737 Airport Way South  
Suite 130  
P.O. Box 24847  
Seattle, WA 98134  
Phone (206) 341-7750  
Alt. Phone 1-800-346-9257  
TTY 1-800-833-6384

**Kitsap County**

Bremerton Home and Community Services Office  
4710 Auto Center Boulevard  
Bremerton, WA 98312  
Phone (360) 473-2299  
Alt. Phone 1-800-422-7114  
TTY (360) 478-4928  
Fax (360) 478-6467

**Kittitas County**

Ellensburg Home and Community Services Office  
100 East Jackson Avenue  
Suite 100  
Ellensburg, WA 98926  
Phone (509) 925-0433  
Alt. Phone 1-800-310-4999  
Fax (509) 962-7755

**Klickitat County**

White Salmon Home and Community Services Office  
221 North Main Street  
White Salmon, WA 98672  
Phone (509) 493-6157  
Alt. Phone 1-800-504-1180

**Lewis County**

Chehalis Home and Community Services Office  
3451 Galvin Road  
Centralia, WA 98531  
Phone (360) 807-7150  
Alt. Phone 1-800-487-0360  
Fax (360) 330-7552

**Lincoln County**

Lincoln County Health Department  
90 Nicholls Street  
Davenport, WA 99122  
Phone (509) 725-1001

**Mason County**

Shelton Home and Community Services Office  
2505 Olympic Highway North  
Suite 440  
Shelton, WA 98584  
Phone (360) 664-9050  
Alt. Phone 1-800-462-4957  
Fax (360) 432-2045

**Okanogan County**

Omak Home and Community Services Office  
130 South Main  
Omak, WA 98841  
Phone (509) 846-2103  
Alt. Phone 1-888-437-0529  
TTY (509) 826-7389  
Fax (509) 826-7439

**Pacific County**

South Bend Home and Community Services Office  
307 East Robert Bush Drive  
P.O. Box 87  
South Bend, WA 98586  
Phone (360) 875-4222

Alt. Phone 1-800-458-3747  
Fax (360) 875-0590

**Pend Oreille County**

Newport Home and Community Services Office  
1600 West First Avenue  
Newport, WA 99156  
Phone (509) 447-6223  
Alt. Phone 1-888-437-0516  
Fax (509) 447-5256

**Pierce County**

Tacoma Home and Community Services Office  
1949 South State Street  
Tacoma, WA 98405  
Phone (253) 476-7200  
Alt. Phone 1-800-442-5129  
TTY (253) 593-5471  
Fax (253) 597-4161

**San Juan County**

San Juan County Health Services  
145 Rhone Street  
Friday Harbor, WA 98250  
Phone (360) 378-4474  
Fax (360) 378-7036

**Skagit County**

Mount Vernon Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961  
Alt. Phone 1-866-608-0836  
Fax (360) 416-7401

**Skamania County**

Stevenson Home and Community Services Office  
266 S.W. Second Street  
P.O. Box 817  
Stevenson, WA 98648  
Phone (509) 427-5611  
Alt. Phone 1-800-505-4203  
Fax (509) 427-4604

**Snohomish County**

Smokey Point Home and Community Services Office  
3906 172nd Street N.E.  
Suite 101  
Arlington, WA 98223  
Phone (360) 651-6800  
Alt. Phone 1-800-827-2984  
Fax (360) 651-6832

**Spokane County**

Spokane Home and Community Services Office  
1330 North Washington Street  
Suite 3000  
Spokane, WA 99201  
Phone (509) 568-3700  
Alt. Phone 1-800-459-0421  
TTY (509) 568-3697  
Fax (509) 568-3771

**Stevens County**

Colville Home and Community Services Office  
 1100 South Main  
 Colville, WA 99114  
 Phone (509) 685-5644  
 Alt. Phone 1-800-437-0516  
 Fax (509) 684-7430

**Thurston County**

Tumwater Home and Community Services Office  
 6639 Capitol Boulevard S.W.  
 Tumwater, WA 98512  
 Phone (360) 664-9050  
 Alt. Phone 1-800-462-4957  
 TTY (360) 407-1678  
 Fax (360) 664-9107

**Wahkiakum County**

Health and Human Services  
 42 Elochoman Valley Road  
 Cathlamet, WA 98612  
 Phone (360) 795-8630  
 Alt. Phone 1-800-635-5989

**Walla Walla County**

Walla Walla Home and Community Services Office  
 206 West Poplar  
 Walla Walla, WA 99362  
 Phone (509) 524-4960  
 Alt. Phone 1-800-310-5678  
 Fax (509) 527-4142

**Whatcom County**

Bellingham Home and Community Services Office  
 600 Lakeway Drive  
 Bellingham, WA 98225  
 Phone (360) 756-5750  
 Alt. Phone 1-800-239-8292  
 Fax (360) 676-2239

**Whitman County**

Colfax Home and Community Services Office  
 418 South Main Street  
 Suite 3  
 Colfax, WA 99111  
 Phone (509) 397-5091  
 Alt. Phone 1-800-459-0421  
 Fax (509) 397-4323

**Yakima County**

Yakima Home and Community Services Office  
 1002 North 16th Avenue  
 Yakima, WA 98902  
 Phone (509) 225-4400  
 Alt. Phone 1-800-822-2097  
 Fax (509) 575-2286

**WSR 19-05-039**

**NOTICE OF PUBLIC MEETINGS**  
**EMPLOYMENT SECURITY DEPARTMENT**  
 (Paid Family and Medical Leave Advisory Committee)  
 [Filed February 13, 2019, 3:01 p.m.]

Following is the updated schedule of regular meetings for the employment security department (ESD), paid family and medical leave advisory committee for 2019:

Date	Time	Location
February 22	1:30-3 p.m.	ESD 212 Maple Park Avenue S.E. Maple Leaf Conference Room Olympia
March 22	1:30-3 p.m.	ESD 212 Maple Park Avenue S.E. Maple Leaf Conference Room Olympia
April 19	1-3 p.m.	ESD 212 Maple Park Avenue S.E. Maple Leaf Conference Room Olympia
May 17	1-3 p.m.	ESD 212 Maple Park Avenue S.E. Maple Leaf Conference Room Olympia
June 20	9:30-11:30	Washington State Labor Council Seattle
July 25	10:30-12:30	Association of Washington Businesses (AWB) 1414 Cherry Street S.E. Olympia, WA
August 15	9:30-11:30	Washington State Labor Council Seattle
September 11	10-noon	AWB 1414 Cherry Street S.E. Olympia, WA
October 17	10-noon	AWB 1414 Cherry Street S.E. Olympia, WA
November 21	10-noon	UFCW 21 Seattle
December 19	10-noon	AWB 1414 Cherry Street S.E. Olympia, WA

If you need further information contact Tracy Moore, 640 Woodland Square Loop, Lacey, WA, 360-584-6915, Tmoore@esd.wa.gov, www.Esd.wa.gov.

WSR 19-05-040
RULES OF COURT
STATE SUPREME COURT

[February 6, 2019]

IN THE MATTER OF THE SUGGESTED ) AMENDED
AMENDMENTS TO GR 11.1—PUR- ) ORDER
POSE AND SCOPE OF INTERPRETER ) NO. 25700-A-1250
COMMISSION AND GR 11.2—CODE )
OF PROFESSIONAL RESPONSIBILITY )
FOR JUDICIARY INTERPRETERS )

The Interpreter Commission, having recommended the expeditious adoption of the suggested amendments to GR 11.1—Purpose and Scope of Interpreter Commission and GR 11.2—Code of Professional Responsibility for Judiciary Interpreters, and the Court having considered the amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of February, 2019.

Johnson, J. Stephens, J.
Madsen, J. Charlie Wiggins
Owens, J. Gonzalez, J.
Fairhurst, C.J. Gordon McCloud, J.
Yu, J.

GR 11.1 PURPOSE AND SCOPE OF INTERPRETER COMMISSION

(a) Purpose and Scope. This rule establishes the Interpreter Commission (Commission) and prescribes the conditions of its activities. This rule does not modify or duplicate the statutory process directing the Court Certified Interpreter Program as it is administered by the Administrative Office of the Courts (AOC) (chapter 2.43 RCW). The Interpreter Commission will develop policies for the Interpreter Program and the Program Policy Manual, published on the Washington Court's website at www.courts.wa.gov, which shall constitute the official version of policies governing the Court Certified Interpreter Program.

(b) Jurisdiction and Powers.

All court interpreters who are credentialed by the State of Washington AOC in either a certified or registered language category are subject to the rules and regulations specified in the Interpreter Program Policy Manual. Every interpreter serving in a legal proceeding must comply with GR 11.2, the Code of Professional Responsibility for Judiciary Interpreters, and is subject to the rules and regulations specified in the Court Interpreter Disciplinary Policy Manual. The Commission shall establish three committees to fulfill ongoing functions related to issues, discipline, and judicial/court

administration education. Each committee shall consist of at least three Commission members and one member shall be identified as the chair.

(1) The Issues Committee is assigned issues, complaints, and/or requests from interpreters for review and response. If the situation cannot be resolved at the Issues Committee level, the matter will be submitted by written referral to the Disciplinary Committee.

(2) The Issues Committee will also address issues, complaints, and/or requests regarding access to interpreter services in the courts; and may communicate with individual courts in an effort to assist in complying with language access directives required by law.

(3) The Disciplinary Committee may sanction any interpreter serving in a legal proceeding for a violation of GR 11.2, the Code of Professional Responsibility for Judiciary Interpreters, and has the authority to decertify or deny certification of credentials to interpreters based on the disciplinary procedures for: (a) violations of continuing education/court hour requirements, (b) failure to comply with Interpreter Code of Conduct Professional Responsibility for Judiciary Interpreters (GR 11.2) or professional standards, or (c) violations of law that may interfere with their duties as an interpreter in a legal proceeding a certified court interpreter. The Disciplinary Committee will decide on appeal any issues submitted by the Issues Committee.

(4) [Unchanged.]

(c) Establishment. The Supreme Court shall appoint no more than 15 members to the Interpreter Commission; and shall designate the chair of the Commission. The Commission shall include representatives from the following areas of expertise: judicial officers from the appellate and each trial court level (3), spoken language interpreter (2), sign language interpreter (1), court administrator (1), attorney (1), public member (2), representative from ethnic organization (1), an AOC representative (1), and other representatives as needed. The term for a member of the Commission shall be three years. Members are eligible to serve a subsequent 3-year term. Members shall serve on at least one committee and committees may be supplemented by ad hoc professionals as designated by the chair. Ad hoc members may not serve as the chair of a committee.

(d) Regulations. Policies outlining rules and regulations directing the interpreter program are specified in the Interpreter Program Manual. The Commission, through the Issues Committee and Disciplinary Committee, shall enforce the policies of the interpreter program. Interpreter program policies may be modified at any time by the Commission and AOC.

(e) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect existing law, including but not limited to chapter 2.43 RCW.

(f) Meetings. The Commission shall hold meetings as determined necessary by the chair. Meetings of the Commission are open to the public except for executive sessions and disciplinary meetings related to action against a certified an interpreter.

(g) Immunity from Liability. No cause of action against the Commission, its standing members or ad hoc members appointed by the Commission, shall accrue in favor of a cer-



~~ified~~ court interpreter or any other person arising from any act taken pursuant to this rule, provided that the Commission members or ad hoc members acted in good faith. The burden of proving that the acts were not taken in good faith shall be on the party asserting it.

GR 11.2

CODE OF CONDUCT FOR COURT INTERPRETERS PROFESSIONAL RESPONSIBILITY FOR JUDICIARY INTERPRETERS

**(a) PREAMBLE**

As officers of the court, interpreters must maintain high standards of professional conduct that promote public trust and confidence in the administration of justice. The purpose of this code is to establish standards of conduct that interpreters must abide by in order to preserve the integrity and independence of the judicial system. It establishes core ethical principles of interpreter conduct in all aspects of their profession.

~~PREAMBLE. All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following Code of Conduct:~~

**(b) SCOPE**

The text of each rule is authoritative, while the comments provide important guidance in understanding the rules.

**(c) APPLICABILITY**

All interpreters serving in the judicial system must abide by this Code of Professional Responsibility.

**(d) COMPLIANCE**

~~A language interpreter who violates any of the provisions of this code is~~ are ~~subject to a citation for contempt, disciplinary action and/or any other sanction that may be imposed by law. The purpose of this Code of Conduct is to establish and maintain high standards of conduct to preserve the integrity and independence of the adjudicative system.~~

~~(a) A language interpreter, as an officer of the court, shall maintain high standards of personal and professional conduct that promote public confidence in the administration of justice.~~

**(e) DEFINITIONS**

(1) Source language - the original language of the writer or speaker.

(2) Target language - the language of the receiving reader or listener.

(3) Register - the degree of formality of language.

(4) Sight translation - the rendering of a written document directly into a spoken or signed language, not for purposes of producing a written document.

**(f) CANONS**

~~(b) A language interpreter shall interpret or translate the material thoroughly and precisely, adding or omitting nothing, and stating as nearly as possible what has been stated in the language of the speaker, giving consideration to variations in grammar and syntax for both languages involved. A language interpreter shall use the level of communication that best conveys the meaning of the source, and shall not interject the interpreter's personal moods or attitudes.~~

**(1) ACCURACY**

Interpreters must reproduce in the target language the closest natural equivalent of the source language message without altering it by means of addition, omission, or explanation.

**Comment**

(1)[1] Interpreters are obligated to conserve every element of information contained in the source and target languages. In doing so, they fulfill a twofold duty: (1) to ensure that legal proceedings reflect in English precisely what is said or signed by limited English proficient individuals and (2) to place limited English proficient individuals on an equal linguistic footing with those who are fully proficient in English.

(1)[2] Interpreters are required to apply their best skills and judgment to render, as faithfully as reasonably possible, the meaning of what is said or signed, preserving the style and register of speech, and the ambiguities and nuances of the source statement.

Everything must be interpreted, even if it appears nonresponsive, obscene, rambling, or incoherent. This includes false starts and apparent misstatements. However, verbatim, "word for word," or literal interpretation is inappropriate if it distorts the meaning of what is said or signed.

Spoken language interpreters should convey the speaker's tone without reenacting or mimicking the speaker's emotions or dramatic gestures. Sign language interpreters, on the other hand, should employ visual cues, including facial expressions, body language, and hand gestures, which are structural elements of sign languages.

(1)[3] Interpreters have the duty to immediately address any situation or condition that impedes their ability to accurately interpret. Examples include, but are not limited to, linguistic ambiguities, unfamiliar terms, inaudible speech, inability to see a speaker, background noise or distraction, and pace of speech.

(1)[4] The obligation to preserve accuracy includes the interpreter's duty to correct any substantive errors of interpretation as soon as possible. Interpreters should be prepared to accept feedback, including challenges to their interpretation, in a professional and impersonal manner.

(1)[5] Due to the difficulty of extemporaneously interpreting recordings (such as 911 calls), the practice of doing so in court should be discouraged at all times. Rather, proper transcripts and corresponding written translations should be prepared in advance. If ordered by the presiding officer to interpret a recording in court, interpreters should comply but state, on the record, that they cannot guarantee the accuracy of the interpretation.

(1)[6] Interpreters should refrain from sight translating documents for the record. Rather, written translations of documents offered in an evidentiary hearing should be prepared in advance. If ordered by the presiding officer to sight translate such documents, interpreters should comply but state, on the record, that they cannot guarantee the accuracy of the sight translation.

(1)[7] The ethical responsibility to interpret accurately includes being prepared for assignments. Interpreters are encouraged to obtain documents and other information necessary to familiarize themselves with the nature and purpose of an assignment. Prior preparation is described below; it is especially important when testimony or documents include highly specialized terminology and subject matter.

Preparation may include but is not limited to:

(i) reviewing relevant documents, such as criminal complaints, police reports, briefs, witness lists, jury instructions, prior depositions, etc.;

(ii) asking interpreters previously involved in the case for information on language use or style; or

(iii) asking attorneys involved in the case for additional relevant information.

**(2) COMPETENCE**

Interpreters must not knowingly accept any assignment beyond their skill level. If at any point, before or during an assignment, they have (e) ~~When a language interpreter has any reservations about their ability to satisfy an assignment competently, they must the interpreter shall immediately disclose this convey that reservation to all the parties and, if applicable, to the court. If the communication mode or language of the non-English speaking person cannot be readily interpreted, the interpreter shall notify the appointing authority or the court.~~

In their professional capacity, interpreters must not give legal or other advice or engage in any activity that may be construed as a service other than interpreting or translating.

**Comment**

(2)[1] Interpreters are duty bound to inquire about the assignment in advance and assess their competence to render services.

(2)[2] Interpreters are not qualified to give written or oral counsel about a legal matter that could affect the rights and responsibilities of the person receiving the advice. GR 24 sets forth what constitutes the practice of law.

(2)[3] Interpreters should maintain and expand competence in their field through professional development. Professional development includes steady practice, professional training, ongoing education, terminology research, regular and frequent interaction with colleagues and specialists in related fields, and staying abreast of new technologies, current issues, laws, policies, rules, and regulations that affect their profession.

(2)[4] Interpreters should know and follow established protocols for delivering interpreting services. When speaking in English, interpreters should speak at a volume that enables them to be heard throughout the courtroom. They should interpret in the first person and refer to themselves in the third person.

**(3) HONESTY AND INTEGRITY**

Interpreters have an inviolable duty to provide honest services in which their behavior upholds the values outlined in this code. They must accurately represent their credentials, training, and relevant experience. Interpreters must not engage in conduct that impedes their compliance with this code or allow another to induce or encourage them to violate the law or this code.

**Comment**

(3)[1] It is essential that interpreters present a complete and truthful account of their credentials, training, and relevant experience prior to an assignment so that their ability to satisfy it competently can be fairly evaluated.

**(4) IMPARTIALITY AND NEUTRALITY**

Interpreters must faithfully render the source message without allowing their own views to interfere. They must

refrain from conduct that may give an appearance of bias and must disclose any real or potential conflict of interest to all parties and the court, if applicable, as soon as they become aware of it.

**Comment**

(4)[1] Interpreters should strive for professional detachment. They should uphold impartiality by avoiding verbal and nonverbal displays of personal attitudes, prejudices, emotions, or opinions. Interpreters must faithfully render all statements, even those they find personally objectionable, without allowing their own views or opinions to interfere.

(4)[2] As officers of the court, interpreters serve the court and the public, regardless of whether publicly or privately retained. Interpreters must uphold neutrality by avoiding any behavior that creates the appearance of favoritism toward anyone. Interpreters should maintain professional relationships with persons using their services, discourage personal dependence on the interpreter, and avoid participation in the proceedings in any capacity other than providing interpreter services. During the course of the proceedings, interpreters should not converse with parties, witnesses, jurors, attorneys, or friends or relatives of any party, except in the discharge of their official functions.

(4)[3] Interpreters must not serve in any matter in which they have an interest, financial or otherwise, in the outcome, unless a specific exception is allowed by the judicial officer for good cause and noted on the record. Interpreters must not solicit or accept gifts or gratuities from any of the parties, even as a social courtesy, in order to maintain the appearance of neutrality. Interpreters must disclose to the parties and/or the court any circumstance that creates a potential conflict of interest, including but not limited to the following:

(i) the interpreter is a friend, associate, or relative of a party, witness, victim, or counsel;

(ii) the interpreter or the interpreter's friend, associate, or relative has a financial interest in the case at issue, a shared financial interest with a party to the proceeding, or any other interest that might be affected by the outcome of the case;

(iii) the interpreter has served in an investigative capacity for any party involved in the case;

(iv) the interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;

(v) the interpreter is an attorney in the case at issue; or

(vi) the interpreter has previously been retained for employment by one of the parties.

The existence of any one of the abovementioned circumstances should be evaluated by the parties and the court but should not automatically disqualify an interpreter from providing services. If an actual or perceived conflict of interest exists, the appropriate authorities should determine whether it is appropriate for the interpreter to withdraw based on the totality of the circumstances.

(d) ~~No language interpreter shall render services in any matter in which the interpreter is a potential witness, associate, friend, or relative of a contending party, unless a specific exception is allowed by the appointing authority for good cause noted on the record. Neither shall the interpreter serve in any matter in which the interpreter has an interest, financial or otherwise, in the outcome. Nor shall any language~~

interpreter serve in a matter where the interpreter has participated in the choice of counsel.

**(5) CONFIDENTIALITY** Interpreters must not divulge privileged or other confidential information obtained in their professional capacity. They must refrain from making any public statement on matters in which they serve.

(e) Except in the interpreter's official capacity, no language interpreter shall discuss, report, or comment upon a matter in which the person serves as interpreter. Interpreters shall not disclose any communication that is privileged by law without the written consent of the parties to the communication, or pursuant to court order.

**Comment**

(5)[1] Privileged communications take place within the context of a protected relationship, such as that between an attorney and client, a husband and wife, a priest and penitent, and a doctor and patient. The law often protects against forced disclosure of such conversations. Interpreters are bound to maintain the confidentiality of all privileged communications.

(5)[2] Interpreters are also routinely privy to communications that, while not necessarily privileged by law, are conveyed in confidence. In order to preserve the integrity of the judicial process, interpreters have an ongoing duty to refrain from disclosing information obtained in their professional capacity. This duty is consistent with CJC 2.10.

(f) A language interpreter shall report immediately to the appointing authority in the proceeding any solicitation or effort by another to induce or encourage the interpreter to violate any law, any provision of the rules which may be approved by the courts for the practice of language interpreting, or any provisions of this Code of Conduct.

(g) Language interpreters shall not give legal advice and shall refrain from the unauthorized practice of law.

[Adopted effective November 17, 1989. Original Rule 11.1 was renumbered as Rule 11.2 effective September 1, 2005; amended effective April 26, 2016.]

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

**WSR 19-05-044**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Filed February 14, 2019, 3:19 p.m.]

Due to inclement weather, the board of trustees of South Puget Sound Community College has rescheduled the following regular meeting date:

From: Tuesday, February 12, 2019, at 2:00-4:30 p.m., Boardroom-Building #25, 2011 Mottman Road S.W., Olympia, WA 98512.

To: Tuesday, February 26, 2019, at 2:00-4:30 p.m., Boardroom-Building #25, 2011 Mottman Road S.W., Olympia, WA 98512.

If you need further information contact Diana Toledo, 360-596-5206, dtoledo@spscc.edu.

**WSR 19-05-045**

**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**

[Filed February 14, 2019, 4:24 p.m.]

**AMENDED NOTICE**

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except as otherwise noted (March, June, November, and December will be held off schedule). All meetings are held at Clark College in the Ellis Dunn Community Room GH1 213 in Gaiser Hall.

Meeting Dates/Times	Changes
April 24, 2019 Work Session	The April 24, 2019, work session has been extended and will be held at 3:00 p.m. in PUB 258C; and the regular board meeting will be held at 5:00 p.m. in GH1 213 on the main campus.
May 22, 2019 Work Session	The May 22, 2019, work session has been extended and will be held at 3:00 p.m. in PUB 258C; and the regular board meeting will be held at 5:00 p.m. in GH1 213 on the main campus.

**WSR 19-05-048**

**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**

(Orthotics and Prosthetics Advisory Committee)

[Filed February 15, 2019, 8:57 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, orthotics and prosthetics advisory committee for the year 2019. The orthotics and prosthetics advisory committee 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 orthotics and prosthetics advisory committee reserve[s] the right to change or amend agendas at the meeting.

Date	Time	Location
April 12, 2019	9:00 a.m.	Department of Health Town Center 2 Room 145 111 Israel Road S.E. Tumwater, WA 98501

Date	Time	Location
October 4, 2019	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Suite 10 Room 307 Kent, WA 98032

If you need further information, please contact Kim-Boi Shadduck, Program Manager, Washington Department of Health, Orthotics and Prosthetics Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, email kimboi.shadduck@doh.wa.gov, web www.doh.wa.gov.

Please be advised the orthotics and prosthetics advisory committee is required to comply with the Public Disclosure [Records] 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 committee, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 19-05-049**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)

[Filed February 15, 2019, 8:58 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of hearing and speech, for the year 2019. The board of hearing and speech 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 board of hearing and speech reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 8, 2019 Canceled due to inclement weather	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Suite 10 Room 307 Kent, WA 98032
March 22, 2019 Special meeting	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Suite 10 Room 309 Kent, WA 98032

Date	Time	Location
May 3, 2019	9:00 a.m.	Department of Health Town Center 2 111 Israel Road S.E. Room 158 Tumwater, WA 98501
August 2, 2019	9:00 a.m.	Red Lion Hotel 11211 Main Street Bellevue, WA 98004
November 1, 2019	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Suite 10 Room 307 Kent, WA 98032

If you need further information, please contact Kim-Boi Shadduck, Program Manager, Board of Hearing and Speech, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, kim-boi.shadduck@doh.wa.gov, www.doh.wa.gov.

Please be advised the board of hearing and speech is required to comply with the Public Disclosure [Records] 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 19-05-050**

**DEPARTMENT OF ECOLOGY**

[Filed February 15, 2019, 9:28 a.m.]

**PUBLIC NOTICE**

**Announcing for Review and Comment:  
Fresh Fruit Packing Industry General Permit (FFPGP)  
Modification**

**Proposed Modified Permit:** The Washington state department of ecology (ecology) proposes to modify FFPGP.

At the request of chemical purveyors, ecology proposes to authorize the use of additional products within the fresh fruit packing industry in Washington state. Those products include:

- One postharvest fungicide for stone and pome fruits.
- Two wastewater treatment coagulants for treating wastewater from the fresh fruit packing industry prior to discharge under the permit.

State and Federal water quality regulations do **not** allow the discharge of pollutants to waters of the state without permit coverage. The chemicals allowed for use in the proposed permit modification are potential pollutants, and therefore require a discharge permit before application. Ecology issues general permits in place of a series of individual permits when the permitted activities:

- Have similar wastewater characteristics among facilities;
- Have uniform discharge conditions to which all facilities would be subject; and

- Because the significant reduction of resources necessary for permit handling.

**Purpose of the Permit:** In 1994, ecology developed a national pollutant discharge elimination system (NPDES) general permit to regulate the discharge of wastewater from fresh fruit packing facilities.

This permit was developed to meet the requirements of chapters 90.48, 90.52, and 90.54 RCW as amended, and the Federal Water Pollution Control Act (Title 33 United States Code, Section 1251 et seq.) as amended. All requirements of 40 Code of Federal Regulations (C.F.R.) 122.41 and 122.42 are incorporated in this general permit by reference.

This general permit establishes treatment/disposal methods, effluent limits, and best management practices for discharges from the fresh fruit packing industry. Compliance with this general permit is anticipated to protect human health and waters of the state.

**Types of Facilities or Dischargers and Geographic Area Covered:** Every new or existing fresh fruit packing facility within the entire state of Washington which receives, packs, stores, and/or ships either hard or soft fruit is required to apply for coverage under either this general permit or an individual NPDES/state waste discharge permit.

The modified general permit will also be available to every new or existing fresh fruit packing facility within the entire state of Washington. Existing facilities currently holding coverage permits under FFPGP **do not** need to reapply for coverage under the modified general permit.

**Issuance and Effective Dates of the Current FFPGP:** The current issue of the FFPGP was issued on **July 20, 2016**, and became effective on **September 1, 2016**. The general permit will expire on **August 31, 2021**.

The modified general permit retains the expiration date of **August 31, 2021**.

**Documents Available for Review:** This notice will be published in the Washington State Register and in the legal section of the Yakima Herald-Republic and the Wenatchee Daily World on **March 6, 2019**. A mailing containing this notice will be sent to all current permittees and other interested parties.

You may download a copy of the draft modified permit and fact sheet addendum at <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Fresh-fruit-packing-general-permit>; or you may request a copy from Cynthia Huwe, 509-457-7105 or email [cynthia.huwe@ecy.wa.gov](mailto:cynthia.huwe@ecy.wa.gov).

**Workshop and Public Hearing:** The workshop will explain the proposed modifications to the permit and answer questions about the proposed modifications prior to the public hearing. The hearing will begin after the public workshop and will conclude when public testimony is complete.

During the hearing, the public may give oral testimony and written comments on the proposed modifications to the permit. Written comments will receive the same consideration as oral testimony. **Only the portions of the permits revised during this permit modification are available for comment.**

**DATE: April 9, 2019.**

**TIME: 5:00 to 7:00 p.m.**

**LOCATION: Washington Department of Ecology, Central Regional Office, 1250 West Alder Street, Room Number 102/B, Union Gap, WA 98903.**

**When and How to Submit Comments:** Comments on the proposed modifications to the general permit may be given at the public hearing. Interested persons are also invited to submit written comments regarding the proposed modifications to the general permit. **All written comments must be submitted by 5:00 p.m. (PST) on April 8, 2019, to:**

- **Online via the e-Comment form** <http://ws.ecology.commentinput.com/?id=g9KT6>.
- **By mail:** Cynthia Huwe, Washington State Department of Ecology, Central Regional Office, 1250 West Alder Street, Union Gap, WA 98903.

**Tentative Determination to Issue:** Ecology will receive and consider all public comments, either written or given in public testimony. Ecology will then issue the final modified general permit for the fresh fruit packing industry. Ecology expects to issue the modified general permit between **April 16-18, 2019, with an effective date of June 10, 2019.**

**Ecology Contact: Marcia Porter,** [marcia.porter@ecy.wa.gov](mailto:marcia.porter@ecy.wa.gov), 509-454-7864, Washington State Department of Ecology, Central Regional Office, 1250 West Alder Street, Union Gap, WA 98903.

**Assistance for Persons with Disabilities:** If you need special accommodation or documents in alternative formats, please contact the central regional office of ecology facility coordinator Cynthia Huwe at 509-457-7105.

**En Español:** Para información en español, por favor comuníquese con Coleman Miller al 509-454-4246.

## WSR 19-05-052

### NOTICE OF PUBLIC MEETINGS

### DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed February 15, 2019, 11:13 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, Washington medical commission (commission), for the year 2019. The commission 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 GovDelivery and the commission web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 18, 2019	8:00 a.m.	Capital Event Center Educational Service District (ESD) 113 6005 Tyee Drive S.W. Tumwater, WA 98512
March 8, 2019	8:00 a.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
April 12, 2019	8:00 a.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
May 17, 2019	8:00 a.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
July 12, 2019	8:00 a.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
August 23, 2019	8:00 a.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
November 15, 2019	8:00 a.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512

If you need further information, please contact Daidria Amelia Underwood, Program Manager, Washington Medical Commission, Washington Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-236-2727, fax 360-236-2795, daidria.underwood@wmc.wa.gov, https://wmc.wa.gov/about-commission/meetings.

Please be advised the commission is required to comply with the Public Disclosure [Records] 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 commission, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 19-05-057**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE INDEPENDENT**  
**LIVING COUNCIL**  
 [Filed February 15, 2019, 1:09 p.m.]

The following is the schedule of Washington state independent living council (WASILC) public meetings regarding the development of the 2017-2019 state plan for independent living:

Date	Time	Location
April 17, 2019	12:00-5:00 p.m.	DSHS DVR SO Large Conference Room A 4565 7th Avenue S.E. Lacey, WA 98504

ASL interpreters and real time captioning will be available. For other accommodation request, please contact WASILC at 800-624-4105.

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

If you need further information, contact WASILC at 800-624-4105.

**WSR 19-05-058**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Washington Medical Commission)  
 [Filed February 15, 2019, 1:54 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of [the] policy committee for the department of health, Washington medical commission (commission), for the year 2019. The policy committee 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 GovDelivery and the commission web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 17, 2019	4:00 p.m.	Capital Event Center Educational Service District (ESD) 113 6005 Tyee Drive S.W. Tumwater, WA 98512
March 7, 2019	4:00 p.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
April 11, 2019	4:00 p.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
May 16, 2019	4:00 p.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
July 11, 2019	4:00 p.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512

Date	Time	Location
August 22, 2019	4:00 p.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512
November 14, 2019	4:00 p.m.	Capital Event Center ESD 113 6005 Tyee Drive S.W. Tumwater, WA 98512

If you need further information, please contact Daidria Amelia Underwood, Program Manager, Washington Medical Commission, Washington Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-236-2727, fax 360-236-2795, daidria.underwood@wmc.wa.gov, <https://wmc.wa.gov/about-commission/meetings>.

Please be advised the commission is required to comply with the Public Disclosure [Records] 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 commission, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 19-05-059**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIFORM LAW COMMISSION**

[Filed February 15, 2019, 2:44 p.m.]

Following are the meeting times and locations for 2019 for the Washington uniform law commission for publication in the Washington State Register. These meetings are scheduled to take place as follows:

February 13, 2019	4:00 p.m.	Office of the Code Reviser Pritchard Building Room 101 Capitol Campus Olympia, Washington 360-786-6777
May 8, 2019	4:00 p.m.	Office of the Code Reviser Pritchard Building Room 101 Capitol Campus Olympia, Washington 360-786-6777
October 9, 2019	4:00 p.m.	Law Offices of Davis Wright Tremaine LLP 920 Fifth Avenue Suite 3300 Seattle, WA 206-757-8124

**WSR 19-05-061**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Filed February 15, 2019, 4:28 p.m.]

Change in Location and Time of Meeting  
on Thursday, April 11, 2019

On Thursday, April 11, 2019, the board of regents will hold its meeting at Friday Harbor Laboratories, 620 University Road, Friday Harbor, WA 98250, beginning at 9:30 a.m. Committee meetings are cancelled.

The prior published notice of this meeting was dated September 17, 2018.

**WSR 19-05-063**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
(Pullman Service and Activities Fees Committee)

[Filed February 18, 2019, 3:46 p.m.]

Following is the schedule of regular meetings for the Washington State University (WSU), Pullman service and activities fees committee for 2019:

Date	Time	Location
April 1, 2019	4:00-5:00 p.m.	Lighty Room 405 WSU Pullman, Washington
April 2, 2019	5:00-8:00 p.m.	Lighty Room 405 WSU Pullman, Washington
April 3, 2019	5:00-8:00 p.m.	Lighty Room 405 WSU Pullman, Washington
April 4, 2019	5:00-8:00 p.m.	Lighty Room 403 WSU Pullman, Washington

If you need further information contact Emily Green, Budget Office, WSU, P.O. Box 641041, Pullman, WA 99164-1041, 509-335-9681, 509-335-3870, ewgreen@wsu.edu, <https://budget.wsu.edu>.

**WSR 19-05-064**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE UNIVERSITY  
(Pullman Student Technology Committee)  
[Filed February 18, 2019, 3:46 p.m.]**

Following is the schedule of regular meetings for the Washington State University (WSU), Pullman student technology committee for 2019:

Date	Time	Location
March 18, 2019	4:00-5:00 p.m.	Lighty Room 405 WSU Pullman, Washington
March 19, 2019	5:00-8:00 p.m.	Lighty Room 405 WSU Pullman, Washington
March 20, 2019	5:00-8:00 p.m.	Lighty Room 405 WSU Pullman, Washington
March 21, 2019	5:00-8:00 p.m.	Lighty Room 403 WSU Pullman, Washington

If you need further information contact Emily Green, Budget Office, WSU, P.O. Box 641041, Pullman, WA 99164-1041, 509-335-9681, 509-335-3870, ewgreen@wsu.edu, <https://budget.wsu.edu>.

**WSR 19-05-065**

**DEPARTMENT OF ECOLOGY  
[Filed February 19, 2019, 7:44 a.m.]**

**Washington's Underground Storage Tank (UST) Program:  
Tank Fee Increase in 2020**

**Washington's UST fees will increase on July 1, 2020, from \$173.80 to \$181.83 per tank.**

As required by law, the fiscal growth factor was used to determine the amount of fee increase. The fiscal growth factor is calculated by the economic and revenue forecast council and adopted by the expenditure limit committee using the average growth in state personal income for the previous ten fiscal years.

More information on the UST fee increase can be found on the Washington department of ecology's UST program web page <http://www.ecy.wa.gov/programs/tcp/ust-lust/tanks.html>.

**WSR 19-05-069**

**NOTICE OF PUBLIC MEETINGS  
COMMISSION ON  
AFRICAN AMERICAN AFFAIRS  
[Filed February 19, 2019, 12:00 p.m.]**

REVISED: 2019 Public Meeting Schedule

The meeting dates below are revised for these locations:

Originally Published As	Location	New Date
Friday, May 10, 2019	Tri-Cities, Washington	Saturday May 11, 2019
September 20, 2019	Vancouver, Washington	Thursday September 19, 2019
November 8, 2019	Renton, Washington	Thursday November 7, 2019

**WSR 19-05-077**

**CLEMENCY AND PARDONS BOARD  
[Filed February 19, 2019, 3:24 p.m.]**

**Quarterly Hearings for the Year 2019**

The Washington state clemency and pardons board hereby gives notice of the quarterly hearing dates and times scheduled for the year 2019 at the John L. O'Brien Building, Olympia, Washington<sup>1</sup>:

<sup>1</sup> Please note that these hearing dates, times and location may be subject to change depending on room availability and the number of petitions set for hearing during each quarter.

Date	Time
March 7, 2019	10:00 a.m.
March 8, 2019	9:00 a.m.
June 13, 2019	9:00 a.m.
June 14, 2019	9:00 a.m.
September 12, 2019	9:00 a.m.
September 13, 2019	9:00 a.m.
December 12, 2019	9:00 a.m.
December 13, 2019	9:00 a.m.

**WSR 19-05-078**

**NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE  
[Filed February 19, 2019, 3:32 p.m.]**

The Bellingham Technical College board of trustees will hold a special meeting on Thursday, February 21, 2019, 9:00 a.m. - 2:30 p.m., in the College Services Board Room on the Bellingham Technical College campus. The purpose of the meeting will be to provide trustees with an update on strategic plan key performance indicators; student access and success; enrollment; legislative update; and planning and resource allocation. In addition, a mid-year assessment of board and president goals will be reviewed. The special meet-



ing will recess into executive session to review the performance of a public employee. Action may be taken in open session as a result of discussions during executive session. (RCW 42.30.140 (4)(a), 42.30.110 [(1)](g)). Call 752-8334 for information.

### WSR 19-05-081

#### DEPARTMENT OF ECOLOGY

[Filed February 19, 2019, 4:49 p.m.]

#### PUBLIC NOTICE

### Announcing the Reissuance of the Washington State Department of Transportation Municipal Stormwater General Permit

**PERMIT:** The Washington state department of ecology (ecology) is reissuing the Washington state department of transportation (WSDOT) municipal stormwater national pollutant discharge elimination system (NPDES) general permit. The permit was last issued in March of 2014 and is scheduled to expire April 5, 2019.

**PURPOSE OF THE PERMIT:** The permit provides coverage for discharges from municipal separate storm sewer system (MS4) owned or operated by WSDOT. MS4s are conveyances or a system of conveyances including roads with drainage systems, streets, catch basins, ditches, man-made channels, and storm drains. State and federal regulations require WSDOT to have NPDES permit coverage in areas covered by Phase I and Phase II of the municipal stormwater permit program. This permit covers stormwater runoff from state highways, rest areas, park and ride lots, ferry terminals, and maintenance facilities. The permit addresses the legal requirements and regulates the discharge of pollutants to protect water quality in Washington state.

**PERMIT AND SUPPORTING DOCUMENTS:** Ecology issued a formal public draft of the permit on December 5, 2018, and held a workshop followed by an official public hearing on the draft permit on January 11, 2019. The public comment period ended on February 5, 2019. After considering comments and finalizing the permit, ecology has made the determination to reissue the permit on March 6, 2019. The permit will become effective on April 5, 2019. You may download copies of the permit and fact sheet, beginning March 6, 2019, from the following web site: <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits/WSDOT-Municipal-Stormwater-Permit>.

**ECOLOGY CONTACT:** Foroozan Labib, WSDOT, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-407-6439, email [foroozan.labib@ecy.wa.gov](mailto:foroozan.labib@ecy.wa.gov).

**APPEALS:** This permit may be appealed to the pollution control hearings board (PCHB) within thirty days of the reissuance date of receipt of the final permit. 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) (also see glossary).

To appeal, the following must be done within thirty days of receipt of this permit:

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

The appeal must also comply with other applicable requirements in chapters 43.21B RCW and 371-08 WAC.

#### ADDRESS AND LOCATION INFORMATION:

**Street Addresses:** Department of Ecology, Attn: Appeals Processing Desk, 300 Desmond Drive S.E., Lacey, WA 98503; or PCHB, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501.

**Mailing Addresses:** Department of Ecology, Attn: Appeals Processing Desk, P.O. Box 47608, Olympia, WA 98504-7608; or PCHB, P.O. Box 40903, Olympia, WA 98504-0903.

### WSR 19-05-082

#### DEPARTMENT OF ECOLOGY

[Filed February 20, 2019, 7:54 a.m.]

#### PUBLIC NOTICE

### Announcing for Review and Comment Draft Aquatic Mosquito Control General Permit

**Proposed Permit for Reissuance:** The Washington state department of ecology (ecology) proposes to reissue the aquatic mosquito control general permit.

State and federal water quality regulations do **not** allow the discharge of pollutants to waters of the state without permit coverage. The chemicals allowed for use in the proposed permit are potential pollutants, and therefore require a discharge permit. When the permitted activities are similar, ecology issues general permits in place of a series of individual permits.

**Purpose of the Permit:** The aquatic mosquito control general permit is a national pollutant discharge elimination system (NPDES) permit and state waste discharge permit. The permit conditionally authorizes discharges of larvicides and indirect discharges of adulticides to surface waters of Washington state, to control mosquitoes.

**Copies of the Draft Permit:** Starting on **March 6, 2019**, the draft permit, fact sheet, and other supporting documents are available on the following web page: <https://ecology.wa.gov/mosquitopermit>.

Additionally, you may request copies of documents from Stacey Callaway via email [Stacey.Callaway@ecy.wa.gov](mailto:Stacey.Callaway@ecy.wa.gov) or 360-407-7118.

**Workshop and Public Hearing:** The workshop will explain the proposed revisions to the permit and answer questions about the proposed revisions prior to the public hearing. The hearing will begin after the public workshop and will conclude when public testimony is complete.

During the hearing, the public may give oral testimony and written comments on the permit. Written comments will receive the same consideration as oral testimony.

**Webinar Hearing:** On **Tuesday, April 9, 2019, at 9:30 a.m.**, ecology is offering this hearing via webinar<sup>1</sup>. Click on

the following link for instructions explaining how to join the webinar: <https://ecology.wa.gov/mosquitopermit>.

1 Webinars are an online meeting forum that you can attend from any computer using internet access.

**In-Person Hearing: On Wednesday, April 10, 2019, at 10:00 a.m.**, Central Washington University, Student Union and Recreation Center, Room SURC 137A, 1007 North Chestnut, Ellensburg, WA 98926. For directions and parking instructions, click on the link: <https://ecology.wa.gov/mosquitopermit>.

**Submitting Written Comments:** Ecology will accept written comments on the draft permit, fact sheet, and supporting documents from **March 6, 2019, until 11:59 p.m. on April 19, 2019**. Ecology prefers you submit comments through the comment form on the permit web page. Comments should reference specific permit text when possible.

Submit comments: **Online via the e-Comment form:** <http://ws.ecology.commentinput.com/?id=VfHgZ>; or **by mail:** Stacey Callaway, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696.

**Issuing the Revised Permit:** Ecology will make the final decision on the revised permit after we consider all public comments. If public comments cause a substantial change in the permit conditions from the original draft revised permit, we may provide another public notice of draft and comment period. Ecology expects to issue the revised general permit in the summer of 2019.

**Ecology Contact:** Stacey Callaway, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, 360-407-7118, [Stacey.Callaway@ecy.wa.gov](mailto:Stacey.Callaway@ecy.wa.gov).

**Assistance for Persons with Disabilities:** If you need special accommodation or documents in alternative formats, please contact the ecology facility coordinator Sultana Shah at 360-407-6831 or 877-833-6341.

**En Español:** Para información en español, por favor comuníquese con Gustavo Ordóñez al 360-407-6619.

### WSR 19-05-083

#### RULES COORDINATOR

#### DEPARTMENT OF TRANSPORTATION

#### TRANSPORTATION COMMISSION

[Filed February 20, 2019, 8:17 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of transportation and the transportation commission is Karen Engle, 310 Maple Park Avenue S.E., 3C 17, P.O. Box 47418, Olympia, WA 98504-47418 [98504-7418], phone 360-704-6362, fax 360-704-6367, email [engleka@wsdot.wa.gov](mailto:engleka@wsdot.wa.gov).

Karen Engle  
Paralegal