

WSR 07-04-028
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 29, 2007, 12:37 p.m.]

Following is the department of social and health services' semi-annual rule-making agenda for January 1, 2007, through June 1, 2007. This agenda will be published in the state register under RCW 34.05.314 and distributed to interested parties, and is available online at <http://www1.dshs.wa.gov/msa/rpau/>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Semi-Annual Rule-Making Agenda
January 1, 2007 through June 30, 2007

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Prepro- posal Notice	Proposed Rule	Permanent (Final) Rule
Aging and Disability Services Administration (ADSA)							
ADSA-Division of Developmental Disabilities (DDD)							
Chapters 388-821 (new); 388-825 WAC	Companion homes and alternative living program	Moving standards for these services from current chapter 388-825 WAC.	Saif Hakim ADSA-DDD		WSR 06-07-086 Filed 3/14/06		
Chapters 388-823; 388-825; and 388-830 WAC	Intake and determinations; disabilities services rules; DD program option rules	Amending rules to correct cross references and clarify incomplete information in rules.	Steve Brink ADSA-DDD		WSR 06-16-125 Filed 8/1/06		
WAC 388-825-150 and 388-827-0140	DDD services rules; state supplemental payments	Clarify clients' rights to an administrative appeal.	Steve Brink ADSA-DDD		WSR 06-23-070 Filed 11/9/06	WSR 07-03-062 Hearing 2/27/07	
WAC 388-827-0115 and 388-827-0145	DD state supplementary payments	Expanding the population that is eligible to get DD-SSP to include certain individuals in residential settings; and other purposes.	Steve Brink ADSA-DDD		WSR 06-17-138 Filed 8/22/06 Replaced withdrawn WSR 06-14-061, see WSR 06-17-156	WSR 06-21-120 Hearing 11/21/06	WSR 06-24-074 Effective 1/4/07
(New) Chapter 388-828 WAC and related rules	DDD Assessment	Defining requirements for administering the assessment to eligible clients with developmental disabilities.	Mark Eliason ADSA-DDD		WSR 05-23-133 Filed 11/21/05	WSR 07-03-158 Hearing 3/27/07	
(New) Chapter 388-831 WAC	Community protection program	Establishing the community protection program as directed by recent state law.	Steve Brink ADSA-DDD		WSR 06-08-034 Filed 3/28/06		
Chapter 388-835 WAC	ICF/MR program and reimbursement system	Amending language to reflect new rates for intermediate care facilities for the mentally retarded.	Steve Brink ADSA-DDD		Planned for future action		
Chapter 388-845 WAC	Home and community based services waivers	Amending the procedures for administering the DDD home and community based services waivers consistent with federal approvals.	Steve Brink ADSA-DDD	WSR 06-23-054 Filed 11/8/06 (WAC 388-845-0205 and 388-845-0210)	WSR 06-09-013 Filed 4/10/06	WSR 07-02-065 Hearing 2/6/07	

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Chapter 388-850 WAC	County plan for developmental disabilities	Rewriting rules in "plain talk" format and clarifying language.	Steve Brink ADSA-DDD		Planned for future action		
Chapter 388-853 WAC	Cost of care for mentally deficient persons residing in state institutions	Repealing all sections in this chapter. The same subject matter is covered in chapter 388-835 WAC and these rules are now obsolete.	Steve Brink ADSA-DDD		WSR 05-15-096 Filed 7/15/05		
ADSA-Home and Community Services (HCS)							
Chapter 388-106 WAC	Long-term care services	Revising rules on the CARE (comprehensive assessment reporting and evaluation) tool; and clarifying the Medicaid personal care and waiver services eligibility language.	Kristi Knudsen ADSA-HCS		WSR 06-22-055 Filed 10/27/06		
WAC 388-106-0140, 388-106-0145 (amended) and 388-106-1315 (new)	Long-term care services	Clarifying the right of a long-term care client to an administrative hearing if the client's personal care hours or residential payment rate - if previous approved under an exception to rule - is reduced or terminated.	Sue McDonough or Tiffany Sevruck ADSA-HCS		WSR 06-11-084 Filed 5/16/06	WSR 06-21-121 Hearing 11/21/06	WSR 07-01-046 Effective 1/14/07
Chapter 388-106 WAC	Long-term care services	Clarifying portions of rules recently adopted, and adding new rules on scope of long-term care services; services provided; assessment; and specific services.	Kristi Knudsen ADSA-HCS		WSR 06-05-099 Filed 2/14/06		
Chapter 388-112 WAC	Residential long-term care services	Amending and adopting new rules to: Clarify CPR requirements and the course content for HIV/AIDS training; and requiring adult family home administrators to complete training, to comply with a 2006 change in state law.	Barbara Hanneman ADSA-HCS		WSR 06-18-083 Filed 9/5/06	WSR 06-22-079 Hearing 12/5/06	WSR 07-01-045 Effective 1/14/07 (WAC 388-112-0270 only. Other proposed sections are being revised.)
WAC 388-513-1330 and 388-513-1363	Eligibility for long-term care services	Revising rules regarding the transfer of assets for clients found eligible for long-term care services due to the federal Deficit Reduction Act, PL 109-171.	Lori Rolley ADSA-HCS	WSR 07-01-074 Filed 12/18/06	WSR 06-10-020 Filed 4/24/06		
WAC 388-513-1350 (amend) and 388-513-1360 (repeal)	Maximum resources allowed and resource available for long-term care services	Changing the spousal resource maximum effective July 1, 2005, and the community spousal share maximum effective July 1, 2006, and implementing federal law regarding disqualifying long-term care assistance for individuals with home equity in excess of \$500,000 effective May 1, 2006.	Lori Rolley ADSA-HCS	WSR 07-01-099 Filed 12/19/06	WSR 06-10-019 Filed 4/24/06 Replaced WSR 05-13-139	WSR 06-21-122 Hearing 11/21/06	WSR 07-01-073 Effective 1/18/07

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WAC 388-513-1367 (new)	Hardship waivers for long-term care services	Adopting a new rule to explain the hardship waiver process, including notice, timeframes and appeal processes.	Lori Rolley ADSA-HCS		WSR 06-17-140 Filed 8/22/06		
WAC 388-513-1380	Financial participation in the cost of long-term care services	Implementing July 1, 2006, increases in the personal needs allowance for clients living in medical institutions, community spouse income and family allowance; and community spouse housing allowance.	Lori Rolley ADSA-HCS		WSR 06-17-070 Filed 8/11/06 Replaced withdrawn WSR 06-14-033, see WSR 06-17-065	WSR 06-22-078 Hearing 12/5/06	WSR 07-01-072 Effective 1/18/07
WAC 388-515-1505	Financial eligibility for long-term care	Amending the deduction for medical and remedial care expenses; and transfer and resource requirements for client who [are] SSI (supplemental security income) recipients.	Lori Rolley ADSA-HCS	WSR 06-22-027 Filed 10/25/06	WSR 06-17-139 Filed 8/22/06		
WAC 388-515-1550	Medically needy in-home waiver (MNIW)	Increasing the personal needs allowance for MNIW to match the personal needs allowance for the categorically needy waiver program; revising the deduction for medical and remedial care expenses.	Lori Rolley ADSA-HCS	WSR 06-22-027 Filed 10/25/06	WSR 06-21-069 Filed 10/16/06 Replaced withdrawn WSR 06-12-092, see WSR 06-21-117	WSR 06-24-064 Hearing 1/9/07	WSR 07-03-087 Effective 2/18/07
ADSA-Office of Rates Management							
Chapter 388-96 WAC	Nursing facility Medicaid payment system	Adopting rules defining "home office" to help determine whether a nursing home is a "vital local provider" under state law.	Ed Southen ADSA Nursing Home Rates Section		WSR 06-16-124 Filed 8/1/06		
Chapter 388-96 WAC	Nursing facility Medicaid payment system	Amending rules on accounts receivable audits; residents funds that a home must deposit; the definition of "direct care supplies;" the direct care rate for unbanks [unbanked] beds; minimum occupancy when setting rates; and other purposes.	Patricia Hague ASDA-Office of Rates Management		WSR 06-24-112 Filed 12/6/06		
Chapter 388-105 WAC	Medicaid rates for contracted home and community residential care services	Vendor rate increase; capital add-on rate.	Patricia Hague ADSA-Office of Rates Management (WSR 04-20-100 replaces WSR 04-06-088)		WSR 06-08-032 Filed 3/28/06	WSR 06-16-076 Filed 7/28/06	WSR 06-19-017 Filed 9/8/06
Amending WAC 388-105-0050 and 388-105-0055	Medicaid rates for contracted home and community residential care services—Supplementation	Clarifying when a contracted adult family home may request an additional payment from a Medicaid client or from a third party on behalf of a Medicaid client.	Patricia Hague ASDA-Office of Rates Management		WSR 05-13-127 Filed 6/20/05 and WSR 04-10-089 Filed 5/4/04	WSR 06-24-065 Hearing 1/9/07	

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ADSA-Residential Care Services (RCS)							
Chapter 388-76 WAC	Adult family homes	Updating the rules to comply with statutes, simplifying language, clarifying issues, and reorganizing the chapter.	Roger Woodside ADSA-RCS		WSR 06-09-084 Filed 4/18/06		
WAC 388-78A-2480	Tuberculosis tests	Expedited rule-making. Correcting duplicated subsection letter (d) to (e).	Denny McKee Todd Henry ADSA-RCS		Exempt	Expedited rule-making WSR 06-19-086 Objection period ended 11/20/06	WSR 06-24-073 Effective 1/4/07
Chapter 388-101 WAC	Certified community residential services and supports	Revising rules regarding the community protection program, assessments, restrictive procedures, inspections, enforcement remedies, appeals, agency finances, and client's rights; addressing abuse and neglect reporting, and sections that involve the individual financial plans; and to meet federal requirements.	John Gaskell ASDA-RCS		WSR 05-07-132 Filed 3/22/05		
Children's Administration							
WAC chapter not determined yet	Domestic violence prevention	Proposing new rules establishing standards for programs receiving domestic violence prevention funds.	Maureen Kelly Children's Administration		WSR 06-06-073 Filed 2/28/06		
WAC 388-15-009	What is child abuse or neglect?	Amending the definition of child abuse to be consistent with a 2006 change in state law.	Tina Sterns Children's Administration	WSR 07-02-069 Filed 12/29/06	WSR 06-21-080 Filed 10/17/06		
WAC 388-15-049	When must the department notify the alleged perpetrator of allegations of child abuse or neglect?	Amending the definition of notice to an alleged perpetrator of child abuse or neglect, to be consistent with a 2006 change in state law.	Tina Sterns Children's Administration	WSR 07-02-069 Filed 12/29/06	WSR 06-21-081 Filed 10/17/06		
Chapter 388-39A WAC	Child welfare services—Complaint resolution	Same.	Children's Administration		Planned for future action		
Chapter 388-61A WAC	Shelters for victims of family violence	Clarifying confidentiality requirements, fire safety requirements, and appeal rights.	Susan Hannibal Children's Administration		WSR 03-22-087 Filed 11/5/03	WSR 06-22-077 Hearing 12/5/06	
WAC 388-148-0010, and 388-148-0120, and related rules	Foster care reporting	Adopting rules to require foster parents to report within certain time frames when a child in foster care is missing.	Maureen Kelly, and Tim Kelly Children's Administration	WSR 06-18-020 Filed 8/25/06	WSR 06-10-031 Filed 4/27/06	WSR 06-17-155 Hearing 9/26/06	WSR 06-22-030 Effective 11/25/06
Economic Services Administration (ESA)							
ESA-Community Services Division (CSD) No current rule-making activity							

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<p align="center">ESA-Division of Child Care and Early Learning (DCCEL)</p> <p>NOTE: When chapter 265, Laws of 2006, became effective on July 1, 2006, DCCEL became part of the new department of early learning (DEL) and is no longer a unit of DSHS. Contact Carla Gira, acting DEL Rules Coordinator, at (360) 725-4682 regarding child care licensing rules that are now managed by DEL.</p> <p>The following DSHS child care licensing WAC chapters and sections have been moved (recodified) to corresponding DEL rules in Title 170 WAC. See WSR 06-14-067:</p> <p align="center"><u>Previous DSHS WAC Now located in DEL WAC Subject Matter</u></p> <p>Chapter 388-150 Chapter 170-26 School-age child care center minimum licensing requirements WAC 388-155-080 WAC 170-24-0315 Child care business regulations for family home child care Chapter 388-292 Chapter 170-15 Seasonal child care program Chapter 388-295 Chapter 170-22 Minimum licensing requirements for child care centers Chapter 388-296 Chapter 170-296 Child care business regulations and licensing requirements for family home child care Chapter 388-290 WAC, Working connections child care, remains in DSHS.</p>							
WAC 388-290-0273	Working connections child care	Amending the rule to allow WCCC payment if the child care providers has documentation of attendance records.	Sally Reigel ESA		WSR 06-08-033		
ESA Division of Child Support (DCS)							
Chapter 388-14A WAC	Division of child support rules	Adopting rules regarding distributing child support payments by electronic funds transfer or stored value cards instead of by check.	Nancy Koptur ESA-DCS		WSR 06-02-075 Filed 1/3/06 Withdrawn, see WSR 06-20-104		
Chapter 388-14A WAC	Division of child support rules	Adopting rules to comply with 2006 state laws regarding the Uniform Interstate Family Support Act, and to comply with the state plan under Title IV-D of the Social Security Act.	Nancy Koptur ESA-DCS	WSR 07-02-070 Filed 12/29/06	WSR 06-09-014 Filed 4/10/06		
WAC 388-14A-3200, 388-14A-6300	Division of child support rules	Adopting new or amended sections, declaring that the department does not enter support orders following the calculation and set-off method established in the case <i>Marriage of Arvey</i> .	Nancy Koptur ESA-DCS		WSR 06-24-111 Filed 12/6/06	WSR 07-03-148 Hearing 2/27/07	
WAC 388-14A-1020, 388-14A-3140, 388-14A-3370, 388-14A-3600, 388-14A-3810, 388-14A-6300, and other related rules	Division of child support rules	Court ordered parenting plans; equal time custody split.	Nancy Koptur ESA-DCS		WSR 04-09-036 Filed 4/13/04		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Revising rules on modification of support orders.	Nancy Koptur ESA-DCS		WSR 03-22-054 Filed 10/31/03		
WAC 388-14A-3900 to 388-14A-3925	Division of child support rules	Modifying a support order when it will not change by more than the current standard.	Nancy Koptur ESA-DCS		WSR 01-13-020 Filed 6/11/01		

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WAC 388-14A-4500, 388-14A-4505, 388-14A-4510, 388-14A-4515, 388-14A-4520, 388-14A-4525, and 388-14A-4530	Division of child support rules	Clarifying and establishing clearer standards for when the department may suspend and/or release licenses to improve predictability and consistency in the program.	Nancy Koptur ESA-DCS		WSR 06-10-079 Filed 5/2/06		
ESA-Division of Employment and Assistance Programs (DEAP)							
Chapter 388-310 WAC, and related rules	WorkFirst	Amending WorkFirst rules to comply with the federal Deficit Reduction Act of 2005.	Ian Horlor ESA-DEAP		WSR 06-21-055 Filed 10/13/06		
WAC 388-310-0200 and 388-310-0700	WorkFirst	Adopting language to comply with 2006 legislation, to include financial literacy evaluation among the required activities for WorkFirst recipients.	Olga Walker ESA-DEAP		Exempt	WSR 06-20-105 Hearing 11/7/06	WSR 06-24-023 Effective 12/30/06
WAC 388-310-0300 and 388-310-1450	WorkFirst	Clarifying WorkFirst infant care exemptions.	Aurea Figueroa ESA-DEAP		WSR 05-20-085 Filed 10/4/05		
Multiple chapters from 388-400 through 388-492 WAC	Assistance rules	Revising eligibility rules for the state Basic Food program, Washington combined application project, temporary assistance to needy families, state financial assistance and other programs.	John Camp ESA-DEAP		WSR 05-08-091 Filed 4/1/05		
Chapter 388-406 WAC	Applications	Clarifying delayed processing and actions on applications for food assistance that are thirty days old to be consistent with federal rules.	Rebecca Henrie ESA-DEAP		WSR 06-14-037 Filed 6/28/06		
WAC 388-406-0055, 388-408-0035, 388-489-0005, 388-489-0010, 388-489-0015, 388-489-0020, and 388-489-0025	Transitional food assistance (TFA) and related rules	The department is reviewing options selected in the initial implementation of TFA, and plans to adjust program eligibility consistent with the TFA program purposes.	John Camp ESA-DEAP		WSR 05-23-011 Filed 11/4/05		
WAC 388-408-0035	Who is in my assistance unit for Basic Food?	Updating the rule for status of mandatory assistance unit members to comply with federal guidance.	Rebecca Henrie ESA-DEAP		WSR 05-20-084 Filed 10/4/05		
WAC 388-408-0040	Eligibility for food assistance	Revising rule allowing persons living in certain drug or alcohol treatment centers to receive food assistance benefits.	John Camp ESA-DEAP		WSR 06-12-091 Filed 6/6/06	WSR 06-21-118 Hearing 11/21/06	WSR 06-24-024 Effective 1/1/07
WAC 388-410-0020, 388-410-0025, 388-410-0030, and 388-410-0033	Overpayments of assistance	Amending rules to meet federal requirements regarding establishing and collecting food stamp overpayment claims.	John Camp ESA-DEAP		WSR 06-14-043 Filed 6/28/06	WSR 06-17-176 Hearing 9/26/06	WSR 06-20-062 Effective 11/1/06

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WAC 388-412-0025	How do I get my benefits?	Correcting a phone number and making other clarifying changes, without changing policy.	John Camp ESA-DEAP		WSR 06-20-074 Filed 9/29/06	WSR 07-01-071 Hearing 1/23/07	
WAC 388-418-0011	Mid-certification reviews	Updating the rule to comply with federal law and rules regarding what is considered a complete mid-certification review.	John Camp ESA-DEAP		WSR 06-17-130 Filed 8/21/06	WSR 06-21-056 Hearing 11/21/06	WSR 07-01-023 Effective 10/1/07 See also WSR 06-24-025
WAC 388-428-0010 and 388-454-0025	Notifying parents of whereabouts of their children	Revising rules governing notifying parents of the whereabouts of their children to comply with state law, and recognize the rights of parents and protect the safety of children.	Tom Berry ESA-DEAP		WSR 06-20-073 Filed 9/29/06		
Chapter 388-436 WAC	Consolidated energy assistance program	Revising rules to provide a one-time emergency benefit to families in TANF noncompliant sanction.	Tom Berry ESA-DEAP		WSR 06-24-114 Filed 12/6/06		
Chapter 388-444 WAC	Food stamp employment and training	Revising rules to support expansion of the department's food stamp employment and training pilot project, and to clarify program requirements and make rules consistent with federal rules.	Nick Espinosa ESA-DEAP		WSR 06-13-088 Filed 6/20/06	WSR 06-21-119 Hearing 11/21/06	WSR 06-24-026 Effective 1/1/07
WAC 388-448-0010	Progress evaluation process	Replacing an obsolete reference in the rule to the dictionary of occupational titles.	Logan McGregor [MacGregor] ESA-DEAP		WSR 16-13-010 [06-13-010] Filed 6/9/06		
WAC 388-450-0015, 388-450-0035, 388-470-0045, 388-470-0055, and related sections	Income and resources counted for food assistance	Amending rules consistent with federal law regarding exclusion for certain types of educational income, interest or dividend income, and retirement savings.	John Camp ESA-DEAP		WSR 06-07-147 Filed 3/21/06		
WAC 388-450-0185, 388-450-0190, 388-450-0195, 388-478-0060, 388-492-0040, and 388-492-0070	Annual updates to standards in rule	Amending all necessary rules to implement annual federal adjustment standards for federal fiscal year 2007.	John Camp ESA-DEAP	WSR 06-19-016 Filed 9/8/06	WSR 06-11-059 Filed 5/12/06	WSR 06-17-174 and 06-17-175 Hearing 9/26/06	WSR 06-21-011 and 06-21-012 Effective 11/6/06
WAC 388-454-0006	Background checks for persons acting in place of a parent without court-ordered custody	Amending the rule to be consistent with working connections child care rules regarding background checks for adult child-care-givers applying for assistance for unrelated children in their care.	Tom Berry ESA-DEAP		WSR 06-09-037 Filed 4/13/06		
Chapter 388-460 WAC	Payees on benefit issuances	Adopting changes to protective payee policies.	Brent Low ESA-DEAP		WSR 01-23-067 Filed 11/20/01		

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WAC 388-478-0015	Need standards for cash assistance	Annual revisions to the rule to adjust for anticipated changes in costs for basic needs to comply with RCW 74.04.770.	Jenny Grayum ESA-DEAP	WSR 07-02-068 Filed 12/29/06	WSR 06-24-006 Filed 11/27/06	WSR 07-03-149 Hearing 2/27/07	
WAC 388-478-0040	Food for service animals as an ongoing additional requirement	Revising the rule to make the definition of "service animal" with the Washington law against discrimination.	Logan MacGregor ESA-DEAP		WSR 06-24-115 Filed 12/6/06		
WAC 388-492-0040	Washington combined application program	Revising the rule if needed to implement changes in the federal demonstration project waiver regarding client choice to participate in WASHCAP or apply for Basic Food benefits.	Rebecca Henrie ESA-DEAP Jenny Egan-Grayum ESA-DEAP		WSR 06-14-044 Filed 6/28/06 WSR 07-03-146 Filed 1/23/07		
Health and Recovery Services Administration (HRSA)							
HRSA-Division of Alcohol and Substance Abuse (DASA)							
Chapter 388-800 WAC	Chemical dependency assistance programs	Clarifying rules; updating references to patient eligibility standards; clarifying the process for secondary ADATSA clients.	Virginia Ochoa HRSA-DASA		WSR 05-02-065 Filed 1/4/05		
HRSA-Mental Health (MH)							
Chapter 388-865 WAC	Community mental health and involuntary treatment programs	Amending, adopting or repealing rules to implement recent state laws: Chapters 503 and 504, Laws of 2005; and Laws of 2006.	Kevin Sullivan HRSA		WSR 06-07-145 Filed 3/21/06	WSR 06-22-089 Hearing 12/5/06 (WAC 388-865-0420 only)	
WAC 388-865-0100 through 388-865-0484	Community mental health and involuntary treatment programs	Revising rules consistent with the Federal Balanced Budget Act, and for quality improvement.	Kevin Sullivan HRSA		WSR 03-08-077 Filed 4/1/03		
HRSA-Medical Assistance (MA)							
WAC 388-408-0055	Medical assistance units	Amending the rule allowing families to be considered as one medical assistance unit when all family members are found to be Medicaid eligible.	Joanie Scotson HRSA-MA		WSR 06-11-102 Filed 5/17/06		
WAC 388-424-0006	Citizenship and alien status - date of entry	Amending the rule to remove "conditional entrants" a group that was not intended to be included in this rule.	Joanie Scotson HRSA-MA		WSR 06-19-078 Filed 9/19/06	WSR 07-03-174 Hearing 2/27/07	
WAC 388-438-0110	Alien emergency medical (AEM) program	Clarifying that AEM clients can receive categorically needy scope of care, but only if it relates to the emergency medical condition for which the client was found eligible.	Joanie Scotson HRSA-MA		WSR 06-14-041 Filed 6/28/06	WSR 06-24-066 Hearing 1/9/07	

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WAC 388-490-0005	Eligibility for medical assistance	Requiring proof of citizenship for persons applying for or receiving Medicaid, to comply with recent federal law.	Joanie Scotson HRSA-MA	WSR 06-22-088 Filed 11/1/06	WSR 06-14-042 Filed 6/28/06	WSR 06-22-031 Hearing 12/5/06	WSR 07-02-066 Effective 1/29/07
Chapters 388-500, 388-501, and 388-529 WAC; and related references in chapters 388-500 through 388-561 WAC, and chapter 388-865 WAC	Updating several chapters	Updating covered and non-covered medical, dental and physician-related services. Clarifying the process for requesting an exception to rule for a non-covered service, and adopting a process for requesting an extension of limitations for a covered service. Clarifying and correcting related references.	Kevin Sullivan HRSA-MA		WSR 05-17-140 Filed 8/19/05	WSR 06-19-098, 06-19-099, and 06-19-100 Hearing 11/7/06 Supplemental notice WSR 06-23-124 Hearing 12/27/06 (WAC 388-501-0070 and 388-543-1300 only)	WSR 06-24-036 Effective 1/1/07 Permanent (final) filing on WAC 388-501-0070 and 388-543-1300 to be filed late January early February
WAC 388-501-0100 and 388-505-0540	Subrogation; assignment or rights and cooperation	Filed and withdrawn in the past period.	Wendy Boedigheimer HRSA-MA		WSR 07-04-020 Filed 1/23/07 Replaced with withdrawn WSR 06-18-084 see WSR 06-23-001		
WAC 388-501-0180, and related rules	Out-of-state medical care	Updating and clarifying rules on out-of-state medical care and requirements for providers; and out-of-country medical care.	Kevin Sullivan HRSA-MA		WSR 06-24-113 Filed 12/6/06		
WAC 388-502-0150	Administration of medical programs	Extending the time limit to submit a claim after Medicare has processed the claim.	Diane McMasters HRSA-MA		WSR 04-23-100 Filed 11/17/04		
WAC 388-502-0160	Administration of medical programs	Updating and clarifying the scope of the rule.	Wendy Boedigheimer HRSA-MA		WSR 04-16-087 Filed 8/2/04		
WAC 388-502-0240, new chapter 388-502A WAC	Audits and audit appeal process for contractors and providers	Updating and clarifying the current audit review and appeal process; eliminating duplication and outdated language; adopting a new chapter 388-502A WAC.	Wendy Boedigheimer HRSA-MA		WSR 06-20-017 Filed 9/22/06		
WAC 388-503-0505	General eligibility requirements for medical programs	Requiring clients who are entitled to Medicare benefits and applying for Medicaid to enroll in Medicare Parts A, B, and D.	Carole McRae HRSA-MA		WSR 06-11-085 Filed 5/16/06		
Chapter 388-517 WAC	Medicare savings programs	Revising rules to reflect federal requirements on copayments, policies and program eligibility.	Carole McRae HRSA-MA		WSR 05-17-137 Filed 8/19/05		

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				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-530 WAC	Pharmacy services	Reorganizing, updating, and clarifying pharmacy rules.	Wendy Boedigheimer HRSA-MA		WSR 07-04-017		
Chapter 388-532 WAC	Family planning/TAKE-CHARGE program	Revising rules to bring the program into compliance with state's federal waiver, and to help the state prevent the loss of federal funds.	Wendy Boedigheimer HRSA-MA	WSR 06-22-080 Filed 10/31/06	WSR 06-22-093 Filed 11/1/06		
WAC 388-533-0390	Childbirth education	Amending rules to break the information into smaller sections, clarify and update rules, and clarify policy on payment of childbirth education when delivered as a refresher course.	Wendy Boedigheimer HRSA-MA	WSR 07-03-055 Filed 1/12/07			
Chapter 388-535 WAC	Dental related services for clients age twenty-one and older	Amending rules in this chapter to update and clarify current adult dental program policy.	Kathy Sayre HRSA-MA		WSR 05-21-093 Filed 10/18/05	WSR 07-02-088, 07-02-089, 07-02-090, and 07-02-091 Hearing 2/6/07	
Chapter 388-535 WAC	Access to baby and child dentistry (ABCD)	Updating current policy for the ABCD program.	Kathy Sayre HRSA-MA		WSR 05-20-086 Filed 10/4/05	WSR 06-24-071 Hearing 1/9/07	
Chapter 388-535 WAC	Dental-related services for clients through age twenty	Updating and clarifying covered dental-related services for clients through age twenty, and making other updates to this chapter.	Kathy Sayre HRSA-MA		WSR 06-21-067 Filed 10/16/06	WSR 06-24-068, 06-24-069, 06-24-070, and 06-24-071 Hearing 1/9/07	
Chapter 388-537 WAC	School services	Amending the rule on school medical services for students in special education programs to comply with federal rules.	Wendy Boedigheimer HRSA-MA		WSR 07-03-057 Filed 1/12/07 (WSR 05-15-095 withdrawn. See WSR 07-03-056.)		
Chapter 388-543 WAC	Durable medical equipment	Amending rules to update and clarify covered durable medical equipment and related supplies, prosthetics, orthotics, medical supplies and related services.	Wendy Boedigheimer HRSA-MA		WSR 07-04-018 Filed 1/25/07		
Chapter 388-549 WAC	Rural health clinics	Replacing the cost-based reimbursement methodology with the prospective payment system per the federal Benefit Improvement and Protection Act.	Wendy Boedigheimer HRSA-MA		WSR 05-16-083 Filed 8/1/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-550 WAC	Hospital services	Updating payment methodologies for inpatient hospital services; and updating rules on inpatient and outpatient services.	Kathy Sayre HRSA-MA		WSR 06-22-054 Filed 10/27/06		
WAC 388-550-2598	Hospital services—Critical access hospitals	Clarifying when hospitals need to submit revenue codes and procedure codes to cost center crosswalk data for calculation of rates and cost settlement.	Kathy Sayre HRSA-MA		WSR 05-17-136 Filed 8/19/05	WSR 06-24-067 Hearing 1/9/07	WSR 07-03-077 Effective 2/17/07
WAC 388-550-2600 and related sections	Hospital services	Insuring that Medicaid funds pay only for inpatient psychiatric services for Medicaid clients.	Kathy Sayre HRSA-MA		WSR 05-08-089 Filed 4/1/05		
WAC 388-550-2650, 388-550-2800	Hospital services	Adopting two separate bases for community psychiatric hospital payment rates for Medicaid and non-Medicaid clients.	Kathy Sayre HRSA-MA	WSR 06-22-061 Filed 10/31/06	WSR 05-14-145 Filed 7/5/05 also WSR 05-17-136 Filed 8/19/05	WSR 07-02-087 Hearing 2/6/07	
WAC 388-550-2900	Hospital services	Clarifying what the department pays for certain screening tests of newborn infants in addition to the DRG (diagnostic-related group) payment.	Kathy Sayre HRSA-MA		WSR 05-16-082 Filed 8/1/05		
Chapter 388-551 WAC	Alternatives to hospital services	Updating and clarifying current program policy and establishing a tiered health care plan.	Kathy Sayre HRSA-MA		WSR 05-19-120 Filed 9/20/05		
Chapter 388-557 WAC, repealing all sections of this chapter	Disease management program	Repealing all sections of this chapter no longer needed because the pilot disease management program ended June 30, 2006. New rules will be adopted creating a chronic care management program.	Kevin Sullivan HRSA-MA		N/A	Expedited Rule WSR 06-15-100 Objection period ended 9/18/06	WSR 06-22-006 Effective 11/19/06
Chapter 388-557 WAC	Chronic care management program	Incorporate into rule the new chronic care management program.	Kathy Sayre HRSA-MA		WSR 07-02-021 Filed 12/21/06		
Juvenile Rehabilitation Administration (JRA)							
Chapter 388-700 WAC	Juvenile rehabilitation administration—Practices and procedures	Potential revisions due to changes in background check procedures.	David Griffith JRA		Planned for future action		
Chapter 388-720 WAC	Collection of costs of support, treatment and confinement of juveniles under RCW 13.40.220	Potential changes to clarifying sentencing in relation to "victim in the home" status and to update the reimbursement schedule.	Cheryl Sullivan-Colglazier JRA		Planned for future action		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Prepropositional Notice	Proposed Rule	Permanent (Final) Rule
Chapter 388-740 WAC	Juvenile parole revocation	Potential revision to update revocation process for certain offenders and update confidentiality requirements.	David Griffith Bob Salisbury JRA		Planned for future action		
Chapter 388-745 WAC	Transfer of juvenile offenders to the department of corrections	Potential revisions due to changes in transfer procedures.	David Griffith JRA		Planned for future action		
Chapter 388-750 WAC	Impact account—Criminal justice cost	Review for potential updates.	Ken Brown Trent Phillips JRA		Planned for future action		
Office of Planning, Performance and Accountability (OPPA)							
OPPA-Research and Data Analysis							
Chapter 388-04 WAC	Protection of human research subjects		No current rule-making activity.				
Office of Risk Management (ORM)							
ORM-Public Disclosure							
Chapter 388-01 WAC	DSHS organization/disclosure of public records	Updating procedures for responding to public requests for disclosure of records.	Kristal K. Wiitala Government and Community Relations		WSR 02-01-007 Filed 12/7/01		
Chapter 388-01 WAC	DSHS organization and disclosure of public records	Amending rules to reflect changes in DSHS organization structure, and to implement chapter 483, Laws of 2005.	Kristal K. Wiitala Government and Community Relations		Planned for future action		
Public Affairs (PA)							
PA-Division of Vocational Rehabilitation (DVR)							
Chapters 388-890 and 388-891 WAC	Vocational rehabilitation services	(1) Repealing outdated independent living program rules; (2) clarifying time limits for supported employment; (3) adding a new rule regarding DVR supported employment for an employment goal that is religious in nature; and other purposes.	Michael Cunningham PA-DVR		WSR 06-19-077 Filed 9/19/06	WSR 07-02-067 Hearing 2/27/07	
Chapter 388-891 WAC	Vocational rehabilitation services for individuals with disabilities	Adopting or revising rules on order of selection - criteria for priority, categories 1 and 2. Broadening the diversity of disability groups represented and served.	Michael Cunningham GCA-DVR		WSR 05-20-083 Filed 10/4/05		
PA-Management Services Administration							
WAC 388-01-0180 and 388-01-0190; chapter 388-02 WAC	DSHS organization and disclosure of public records; DSHS hearing rules	Amending rules to clarify issuance and maintenance of interpretive and policy statements; and indexing of significant board of appeals decisions.	Brian Lindgren MSA - Appeals and Certification Services		WSR 05-13-128 Filed 6/20/05		
WAC 388-02-0215	DSHS hearing rules	Updating cross references in this chapter to improve efficiency, increase consistency, and ensure due process in DSHS hearings and the review process.	Brian Lindgren MSA - Appeals and Certification Services		WSR 05-06-081 Filed 3/1/05		

WAC Chapter or WAC Number	WAC Chapter or Section Caption	Subject Matter	Program Contact Person	Current Activity (the "WSR" number is the official filing number)			
				Emergency Rule	Pre-proposal Notice	Proposed Rule	Permanent (Final) Rule
WAC 388-02-0650	Serving a petition for judicial review	Expedited rule-making. Updating the location of the attorney general's office for hand-delivery of petitions for review.	Andy Fernando DSHS Rules Coordinator		Exempt	Expedited rule notice WSR 06-19-035 Objection period ended 11/20/06	WSR 06-24-072 Effective 1/4/07
Chapter 388-03 WAC	Certification of DSHS spoken language interpreters and translators	Updating references to DSHS units; changing timeframes for mailing notices regarding test dates.	Brian Lindgren MSA - Appeals and Certification Services		WSR 04-01-142 Filed 12/19/03		
Chapter 388-06 WAC	Background checks	Amending, consolidating and colocating existing background check rules in other WAC chapters into this chapter.	Jackie Beery MSA - Background Check Central Unit		WSR 05-15-145 Filed 7/19/05		
PA-Office of Deaf and Hard of Hearing Services							
Chapter 388-818 WAC	Deaf and hard of hearing services		No current rule-making activity.				
PA-Special Commitment Center							
Chapter 388-885 WAC	Civil commitment cost	Updating reimbursement fee schedules for allowable activities under chapter 71.09 RCW.	Lee Mosley Special Commitment Center		WSR 04-10-092 Filed 5/4/04		

Explanation of selected terms used in these tables:

"CR" stands for code reviser, or code reviser's office. The code reviser's office creates the "CR" forms used by DSHS and all state agencies to notify the public about rule-making actions.

A **"Preproposal Notice"** is a **CR-101 Preproposal Statement of Inquiry** filed under RCW 34.05.310. This is a preliminary notice to the public that DSHS is in the planning stages to adopt, amend or repeal rules on a particular subject, and notes the laws authorizing the agency's action. The notice also lets the public know how to participate in the development of the rule, and identifies the department's contact person.

A **"Proposed Rule"** is a **CR-102 Proposed Rule-Making** notice filed under RCW 34.05.320. The notice includes:

- (1) A description of the rules that DSHS proposes to adopt, amend or repeal, and the reasons supporting the proposal;
- (2) The date and location of a **public hearing** or hearings to take formal comments about the proposed rule; the deadline for sending written comments about the rule; and how written comments may be sent;
- (3) The laws authorizing the agency action;
- (4) The complete text of the proposed new or amended rules, or a list of rule sections being repealed;
- (5) The text of a small business economic impact statement, if applicable;
- (6) Information on how to obtain a copy of the preliminary cost-benefit analysis, if applicable; and
- (7) Agency staff that the public may contact about the proposed rules.

An **"Expedited Rule"** is a **CR-105 Expedited Rule-Making** notice, filed under RCW 34.05.353. DSHS may use

this process to notify the public that it intends to adopt, amend or repeal very limited types of rules without accepting public comments or holding a public hearing. After a minimum waiting period, DSHS may adopt the rule as permanent, if no one has objected in writing. If someone does object, the department must file a CR-102 notice, hold a public hearing and accept written comments before adopting the permanent rule.

A **"Permanent Rule"** is a **CR-103 Rule-Making Order**, filed under RCW 34.05.360 and 34.05.380. The CR-103 gives notice that the department is adopting final new, amended or repealed rules, completing the rule-making process. A CR-103 rule-making order includes the complete text of the new or amended rules, or a list of the WAC numbers and caption of rules being repealed, and an explanation of any changes to the rule made after the CR-102 notice. Agencies also may use a CR-103 notice form to adopt temporary *emergency* rules (see below).

An **"Emergency Rule"** is also a **CR-103 Rule-Making Order**, filed under RCW 34.05.350 and 34.05.380. This is a temporary rule used to meet an urgent public health, safety or welfare need, or to meet a deadline set in a law or federal requirement. Emergency rules are effective for one hundred twenty days after the filing date. Emergency rules may be extended in certain circumstances, but they may not become permanent rules unless the agency files a preproposal notice and/or a proposed rule notice as applicable, and complies with other applicable rule-making statutes. NOTE: Emergency rules listed in these tables are only those in effect at the time this agenda was filed for publication in the Washington state register.

"Rules" as used generally in this document are the Washington Administrative Code, also known as WAC or

state regulations, which are adopted by state agencies according to the Administrative Procedure Act, chapter 34.05 RCW. References to "federal rules" or "federal regulations" are United States government regulations, also known as the Code of Federal Regulations or C.F.R.

State "Statutes" are laws adopted by the Washington state legislature and signed by the governor, or may be initiatives adopted by the state's voters, and are codified as the Revised Code of Washington (RCW), except that laws adopting annual state budgets are not codified. Recent state statutes may also be listed by their session law numbers, such as "chapter 140, Laws of 2003," or by a legislative bill number, such as "ESSB 6387." United States government statutes may be noted by their United States code number, public law number, act title, or congressional bill number.

"WSR" is the Washington state register, the legal publication of state agency rules and other notices, published twice each month by the office of [the] code reviser. Throughout this agenda, the seven-digit number following each WSR is the code reviser's official filing number assigned at the time DSHS files a rule-making notice with the code reviser. The WSR number, plus the date and time of filing, appears on the first page of each "CR" notice as filed. To view facsimiles of DSHS rule-making notices as filed with the code reviser, visit the DSHS public rule-making web site at <http://www1.dshs.wa.gov/msa/rpau/>. All DSHS rule-making notices are available to the public.

"CR" means code reviser when referring to rule-making notice forms, such as the CR-101, CR-102, CR-103, and CR-105. The office of the code reviser creates the standard rule-making forms used by all state agencies.

This agenda is for information purposes only. Errors in this rule-making agenda do not alter the content or effect of the DSHS rules and rule-making notices filed with the office of the code reviser and published in the Washington state register.

If you have questions about this rule-making agenda or the DSHS rule-making process, please contact the DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, by phone at (360) 664-6097. If you would like to receive DSHS rule-making notices by e-mail, please visit the DSHS rules and policies assistance unit (RPAU) web site for available electronic lists, at <http://www1.dshs.wa.gov/msa/rpau/RPAU-Listserv.htm>. If you would like to receive paper-copy notices by postal mail, please contact Stephanie Schiller, RPAU Rules Consultant, at (360) 664-6097, or by e-mail at SchilSE@dshs.wa.gov.

Stephanie Schiller
Rules Consultant

WSR 07-06-001
NOTICE OF PUBLIC MEETINGS
LIFE SCIENCES
DISCOVERY FUND AUTHORITY
[Filed February 21, 2007, 4:50 p.m.]

Below are the 2007 board meeting dates for the life sciences discovery fund authority (agency #3560). Please note

that the bold type denotes revised meeting location information.

2007 Board Meeting Dates

Wednesday, January 3	10:00 a.m. - 3:00 p.m.	Amgen Corporation, Seattle
Tuesday, March 20	10:00 a.m. - 3:00 p.m.	Capitol Court Building 1110 Capitol Way South Suite 408 Olympia, WA 98504
Tuesday, May 8	10:00 a.m. - 3:00 p.m.	LSDFA Office 2324 Eastlake Avenue East Suite 501 Seattle, WA 98102
Tuesday, July 17	10:00 a.m. - 3:00 p.m.	LSDFA Office, Seattle
Tuesday, September 18	10:00 a.m. - 3:00 p.m.	LSDFA Office, Seattle
Tuesday, November 13	10:00 a.m. - 3:00 p.m.	LSDFA Office, Seattle

WSR 07-06-002
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
[Filed February 21, 2007, 4:59 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special closed executive session on Thursday, March 1, 2007, at 8:30 a.m. to discuss qualifications of applicants for employment. The meeting will take place at the Office of the Attorney General, 400 North Commercial Street, Bellingham, WA 98225. Assistant Attorney General Lisa Wochos will be in attendance. No items for action are anticipated.

WSR 07-06-003
NOTICE OF PUBLIC MEETINGS
FORENSIC INVESTIGATIONS COUNCIL
[Filed February 22, 2007, 9:57 a.m.]

Pursuant to RCW 42.30.075, the forensic investigations council meeting scheduled for February 23, 2007, at the Washington Counties Building in Olympia, Washington, is being cancelled.

If you have questions or need further information, please call David McEachran at (360) 676-6784.

WSR 07-06-006
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE
(Invasive Species Council)
[Filed February 22, 2007, 2:36 p.m.]

The next public meeting of the invasive species council will be Tuesday, March 20, 2007, from 9:00 a.m. to 3:00 p.m.

in Room 172 of the Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98504.

For further information, please contact Jennifer Dial, Interagency Committee for Outdoor Recreation (OIAC), (360) 902-3012.

The OIAC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Jennifer Dial at the number listed above or by e-mail at JenniferD@iac.wa.gov.

WSR 07-06-007

NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE

[Filed February 22, 2007, 3:21 p.m.]

NOTIFICATION OF BOARD OF TRUSTEES SPECIAL EXECUTIVE SESSIONS

The board of trustees of Whatcom Community College, District Number Twenty-One, will meet in closed executive sessions on Monday, February 26, Tuesday, February 27, and Wednesday, February 28, 2007, from 10:45 a.m. to 12:45 p.m. each day on the WCC campus in the Syre Student Center Conference Room 216, 237 West Kellogg Road, Bellingham, WA 98286 [98226], to discuss qualifications of applicants for employment as part of the presidential candidates' visits on the Whatcom Community College campus. No action will be taken at these meetings. In addition, the trustees may be attending various public forums for each of these candidates which are scheduled throughout these days.

As announced previously on January 31, 2007, the trustees will also meet on these same days from 5 p.m. until approximately 8:30 p.m. in closed executive sessions for the same task. Again, no action will be taken at these meetings. These meetings will take place at the WCC Foundation Building, 333 Calluna Court, Suite 201, Bellingham, WA 98226.

WSR 07-06-009

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF GENERAL ADMINISTRATION

(Capitol Campus Design Advisory Committee)

[Filed February 23, 2007, 8:29 a.m.]

Please record the following capitol campus design advisory committee (CCDAC) special meeting for March 2, 2007, in the Washington state register.

The CCDAC special meeting will be held in the John L. O'Brien Building, House Hearing Room B from 12:00 p.m. to 1:15 p.m. in Olympia, Washington.

If you have any questions, please contact Jennifer Cox at (360) 902-0975.

WSR 07-06-010

NOTICE OF PUBLIC MEETINGS BOARD FOR VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS

[Filed February 26, 2007, 9:31 a.m.]

The state board for volunteer firefighters has changed the meeting date for June 2007. The June meeting date will be Friday, June 22, 2007, instead of June 15. The meeting will be in the James R. Larson Forum Building, 605 11th Avenue S.E., Suite 112.

WSR 07-06-011

STATE INDEPENDENT LIVING COUNCIL

[Filed February 26, 2007, 10:02 a.m.]

The state independent living council SPIL committee will be holding a public forum on March 27, 2007, at Hal Holmes Center, 209 North Ruby Street, Ellensburg, WA, 6:30 p.m. to 8:30 p.m.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services and employment opportunities 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.

ASL interpreters will be on site; for assistive listening equipment or other accommodation needs, please call Grace Doyle no later than March 16 at 1-866-252-2939 or (360) 725-3692.

You may also contact Von Elison, Central Washington Disability Resources, (509) 962-9620.

WSR 07-06-012

STATE INDEPENDENT LIVING COUNCIL

[Filed February 26, 2007, 10:02 a.m.]

The state independent living council SPIL committee will be holding a public forum on April 11, 2007, at the West Central Community Center, 1603 North Belt, Spokane, WA 99205, 12:30 p.m. to 2:30 p.m.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services and employment opportunities 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.

ASL interpreters will be on site; for assistive listening equipment or other accommodation needs, please call Grace

Doyle no later than April 3 at 1-866-252-2939 or (360) 725-3692.

You may also contact Linda McClain, Executive Director, CORD, (509) 326-6355.

WSR 07-06-013
STATE INDEPENDENT
LIVING COUNCIL

[Filed February 26, 2007, 10:03 a.m.]

The state independent living council SPIL committee will be holding a public forum on April 12, 2007, at the Pasco Red Lion Hotel, 2525 North 20th, Pasco, WA 99301.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services and employment opportunities 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.

ASL interpreters will be on site; for assistive listening equipment or other accommodation needs, please call Grace Doyle no later than April 3 at 1-866-252-2939 or (360) 725-3692.

WSR 07-06-015
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE
INTERAGENCY COMMITTEE

(Governor's Forum on Monitoring)

[Filed February 26, 2007, 3:30 p.m.]

The next public meeting of the governor's forum on monitoring (Executive Order 04-03) has been rescheduled for Friday, March 9, 2007, 9:00 a.m. to 3:00 p.m., in Room #172 of the Natural Resources Building, Olympia.

For further information, please contact Patty Dickason, Interagency Committee for Outdoor Recreation (IAC), (360) 902-3085.

The IAC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Patty Dickason at the number listed above or by e-mail at pattyd@iac.wa.gov.

WSR 07-06-021
NOTICE OF PUBLIC MEETINGS
CLOVER PARK
TECHNICAL COLLEGE

[Filed February 27, 2007, 1:22 p.m.]

In compliance with RCW 42.30.075, please publish a change in a regular board of trustees meeting. The Clover Park Technical College (CPTC) regular board of trustees

meeting scheduled for March 14, 2007, at 4 p.m. will now begin at 2 p.m. in the boardroom, located in Building 15, on the CPTC campus at 4500 Steilacoom Boulevard S.W., Lakewood, WA 98499-4098.

WSR 07-06-022
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS

[Filed February 27, 2007, 1:23 p.m.]

The dates for our April 2007 public meeting and study session in Pullman have been revised as of today. The new dates are April 27-28 versus April 13-14.

Please don't hesitate to call Alicia Luna at (360) 725-5661 if you have any questions/concerns on this change.

WSR 07-06-024
RULES COORDINATOR
OLYMPIC COLLEGE

[Filed February 28, 2007, 9:19 a.m.]

I am writing to request that Thomas Oliver be designated as the rules coordinator for Olympic College. Thomas can be reached by mail at 1600 Chester Avenue, Bremerton, WA 98337, by phone at (360) 475-7502 and by e-mail at tolover@oc.ctc.edu.

David C. Mitchell, Ph.D.
 President

WSR 07-06-025
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION

(Capitol Campus Design Advisory Committee)

[Filed February 28, 2007, 9:22 a.m.]

Special Meeting
 General Administration Building
 210 11th Avenue Southwest - Room 207
 Olympia, WA
 March 2, 2007
 12:00 - 1:15

WSR 07-06-026
NOTICE OF PUBLIC MEETINGS
OFFICE OF
CIVIL LEGAL AID

[Filed February 28, 2007, 9:22 a.m.]

The civil legal aid oversight committee established by section 4, chapter 105, Laws of 2005, will meet and conduct business on Friday, March 30, 2007.

What: Quarterly Meeting of the Civil Legal Aid Oversight Committee
 When: Friday, March 30, 2007
 Time: 11:00 a.m. - 3:00 p.m.
 Where: Chief Justice's Reception Room
 Temple of Justice
 415 12th Avenue S.W.
 Olympia, WA

The agenda will include action on oversight committee business matters, receipt of the quarterly report from the director of the office of civil legal aid, updates on legislative matters, and other matters within the charge of the oversight committee. A detailed agenda will be available at the meeting.

Accommodations: The civil legal aid oversight committee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of physical, mental, cognitive or other disabilities. Requests for translation services or assistive technology should be submitted at least forty-eight hours prior to the meeting in order to allow the oversight committee to accommodate.

Contact: For further information about this meeting and/or to request reasonable accommodation, please contact James A. Bamberger, Director, Office of Civil Legal Aid, 1112 Quince Street S.E., Mailstop 41183, Olympia, WA 98504, (360) 704-4135, jim.bamberger@ocla.wa.gov.

WSR 07-06-031
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)
 [Filed February 28, 2007, 1:58 p.m.]
REVISED February 28, 2007

Special Meeting
O'Brien Building, Hearing Room B
 Olympia, Washington
 March 2, 2007
 12:00 - 1:15

WSR 07-06-032
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed February 28, 2007, 2:47 p.m.]

CANCELLATION OF INTERPRETIVE STATEMENTS

The department of revenue has cancelled the following excise tax advisories (ETAs).

ETA 17.04.170 Labor and services of a subcontractor. This document explains that where a taxpayer furnishing

and installing concrete forms and form supports is contractually responsible for the quality of the finished concrete work, the taxpayer is subject to the wholesaling B&O tax as a subcontractor and is not in the business of "furnishing scaffolding." There is no need for this document.

ETA 46.04.170 Joint venture agreement: A prime contract or a subcontract. This document states a series of facts and concludes that a joint venture existed. However, the ETA does not state the criteria for determining if a joint venture exists. Numerous determinations have addressed the criteria to be treated as a joint venture. See, e.g.: Det. No. 87-93, 2 WTD 411, 416 (1987); Det. No. 88-14, 5 WTD 19, 24 (1988); Det. No. 88-155, 5 WTD 179 (1988); Det. No. 90-108, 9 WTD 231 (1990); Det. No. 98-8, 17 WTD 236 (1998); Det. No. 98-214, 19 WTD 201 (2000); and Det. No. 05-0304, 26 WTD 021, (2006).

ETA 82.04.105 Contractor distinguished from an employee. This document addresses whether a contract logger is an employee or a contractor working on a cost plus contract. The ETA cites outdated language from a previous version of WAC 458-20-105 Employees distinguished from persons engaging in business, as the basis for finding that the contract logger was an independent contractor. The information in current WAC 458-20-105 provides more complete guidance for determining whether a person is an independent contractor or employee.

ETA 84.08.190 Capehart construction contracts. This document explains that amounts a taxpayer received from a Capehart construction contract with a private corporation are subject to retail sales tax, noting that this position was affirmed by *Murray v. State*, 62 Wn.2d 619, 384 P.2d 337 (1963). This issue is adequately addressed in Det. 01-129, 21 WTD 031.

ETA 131.04.170 Construction company as agent for owner. This document addresses a situation where a taxpayer was hired to perform all construction work the owner might request over a three-year period. The owner deposited monies into special accounts, from which the taxpayer alone was authorized to make withdrawals to purchase materials and labor. The ETA explains that amounts paid by the owner to the taxpayer were a retail sale under RCW 82.04.050 (definition of "retail sale"), and only those amounts for purchases of materials and subcontract labor in the name of and for the account of the owner were excludable from tax. While the result of the ETA may be correct, it does not recognize or address RCW 82.04.051 ("services in respect to" constructing).

ETA 141.04.109 Finance reserve credits and gross income of the business. This document explains that amounts a vendor receives from a financial institution for arranging financing in connection with the vendor's sales is subject to service B&O tax. This issue is adequately addressed in Det. No. 90-205, 11 WTD 55 (1990).

ETA 163.04.08.107/247/250 Core deposits and credits - parts returned to wholesalers. This document explains the tax treatment of core deposits and credits involving automobile parts such as starters. This subject is fully addressed in WAC 458-20-272 Tire fee—Core deposits or credits.

ETA 216.08.113 Chemicals and other articles used in purifying water. This document explains that chlorine and

other chemicals added to water and that become a component of the product sold may be purchased without payment of tax, citing RCW 82.04.050 (definition of "retail sale"). It also explains that purchases of filters and screens are subject to sales tax. This document is not needed.

ETA 345.16.180 Agricultural commodities hauling classified within motor transportation business. This document explains that a person transporting agricultural commodities by motor vehicle is subject to the public utility tax (in this case the motor transportation classification). This document is not needed.

ETA 347.16.180 Federal government contractors hauling out-of-state goods. This document explains that income received by persons hauling United States mail between points within the state is subject to the public utility, while income for hauling mail across Washington's state lines is exempt. This information is both not needed and incomplete. There is nothing unique about the taxation of for-hire motor carriers hauling mail versus any other property. WAC 458-20-179 Public utility tax and ETA 2006.16.179 Taxability of air transportation and other activities performed with aircraft, both explain that federal law exempts from state taxation the transportation of mail by air.

ETA 486.04.172 Moving a structure (bridge) as a retail sale. This document states that a bridge is a structure, and charges for moving an existing structure (in this case a bridge) is a retail sale under RCW 82.04.050 (2)(d). This document is not needed.

ETA 488.04.172/105 Conditions under which a contractor-owner relationship exists. This document addresses the situation where a contractor and an owner enter into an agreement to transfer employees from the contractor to the owner during the period of construction, and when the construction was completed transfer the employees back to the contractor. The ETA explains that it is the department's position to examine the conduct of the parties and the agreement between them to determine whether an employer-employee relationship exists. In this case, the department held that the amounts paid to the employees were part of the measure of tax for the construction project. While the conclusion is correct, the ETA doesn't consider the employer-employee relationship criteria of *City of Tacoma v. William Rogers Co.*, 148 Wn.2d 169, 178, 60 P.3d 79 (2002), nor those stated in WAC 458-20-105.

ETA 490.04.170/111 Interest on construction loan taxable as part of contract price. This document explains that amounts [amounts] received by a contractor that are attributable to interest the contractor owes on a construction loan must be included in the measure of tax for the construction activity. The interest expense is a part of the contractor's cost of business. Such amounts are excluded from the measure of tax only if they meet the requirements of WAC 458-20-111 Advances and reimbursements. This document is not needed.

Copies of the cancelled documents are available via the internet at <http://www.dor.wa.gov/content/laws/eta/eta.aspx>, or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Division, P.O. Box

47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-5543.

Alan R. Lynn
Rules Coordinator

WSR 07-06-033

STATE INDEPENDENT LIVING COUNCIL

[Filed February 28, 2007, 3:11 p.m.]

The state independent living council SPIL committee will be holding a public forum on May 9, 2007, 11:00 a.m. to 1:00 p.m. at the Disability Resources of SW Washington Extension Office, Merk Building, 1339 Commerce Avenue, #303, Longview, WA 98632.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services and employment opportunities 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.

ASL interpreters will be on site; for assistive listening equipment or other accommodation needs, please call Grace Doyle by April 25 at 1-866-252-2939 or (360) 725-3692.

WSR 07-06-034

STATE INDEPENDENT LIVING COUNCIL

[Filed February 28, 2007, 3:11 p.m.]

The state independent living council SPIL committee will be holding a public forum on May 8, 2007, 6:30 to 8:30 p.m. at the Disability Resources of SW Washington, 2700 N.E. Andresen Road, #D5, Vancouver, WA 98661.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services and employment opportunities 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.

ASL interpreters will be on site; for assistive listening equipment or other accommodation needs, please call Grace Doyle by April 25 at 1-866-252-2939 or (360) 725-3692.

WSR 07-06-036
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Filed March 1, 2007, 8:10 a.m.]

Revised - Date/Locations for 2007 Meetings

- March 12-13, 2007**
(Location Change) Department of Natural Resources Building
 Room 172
 Olympia, WA 98504
 (360) 902-1000
- May 10-11, 2007**
(Location Change) Highline Community College (Building #2)
 2400 South 240th Street
 Des Moines, WA 98198
 (206) 878-3710
- July 19-20, 2007**
(Location Change) Educational Service District 101
 4202 South Regal Street
 Spokane, WA 99223
 (509) 789-3800
- September 18-19, 2007** Educational Service District 171
 430 Olds Station Road
 Wenatchee, WA 98801
 (509) 665-2610
- November 1-2, 2007**
(Location Change) Highline Community College (Building #2)
 2400 South 240th Street
 Des Moines, WA 98198
 (206) 878-3710

WSR 07-06-037
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Filed March 1, 2007, 10:02 a.m.]

The board of trustees of Eastern Washington University will hold regular meetings at the Cheney campus on Thursday and Friday, February 22 and 23, 2007. At 11:30 a.m. on Friday, February 23, the board will convene an executive session according to RCW 42.30.110 and/or 42.30.140.

Immediately following executive session on February 23 at approximately 12:50 p.m. the board will convene in open session to discuss and take action on agenda items.

BOARD OF TRUSTEES
Meeting Schedule
Cheney Campus
February 22 and 23, 2007

Thursday, February 22, 2007

- 4:00 - 6:00 p.m. Advancement Committee PUB 265-67
- 4:00 - 6:00 p.m. Student Affairs Committee PUB 357
- 6:00 - 7:00 p.m. Dinner PUB 261
- 7:05 p.m. Optional EWU Men's Basketball Game Reese Court (Optional)

Friday, February 23, 2007

- 7:30 - 9:00 a.m. Academic Affairs Committee PUB 206
- 9:00 - 9:30 a.m. Joint Committee Meeting PUB 206
Academic Affairs, Business & Finance, Student Affairs
- 9:35 - 11:20 a.m. Business & Finance Committee PUB 261
- 11:30 a.m. - 12:50 p.m. Board Executive Committee TAW 215 A
- 12:50 - 3:15 p.m. Board of Trustees Open Meeting TAW 215 B&C

BOARD OF TRUSTEES
February 23, 2007

Open Public Session
12:50 p.m.
TAW 215 B&C

Executive Session
11:30 a.m.
TAW 215 A

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-4648.

WSR 07-06-038
NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE
 [Filed March 1, 2007, 10:03 a.m.]

Instead of holding a special executive session on March 14, 2007, the board of trustees of Lower Columbia College are changing the meeting to March 15, 2007, beginning at 5:00 p.m. in the conference room of the Lower Columbia College's Administration Building, 1600 Maple Street, Longview, WA.

WSR 07-06-039
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
 [Filed March 1, 2007, 12:13 p.m.]

Board Meeting Schedule Revision
2007

A regular scheduled board meeting on April 18 at the Skamania Lodge in Skamania, Washington, has been cancelled.

WSR 07-06-040
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE

[Filed March 1, 2007, 1:55 p.m.]

NOTIFICATION OF
BOARD OF TRUSTEES
SPECIAL EXECUTIVE SESSION
ON MARCH 5, 2007

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special closed executive session on Monday, March 5, 2007, at 1:30 p.m. to discuss qualifications of applicants for employment. The meeting will take place at the Offices of Adelstein, Sharpe and Serka, in the Conference Room, 400 North Commercial Street, Bellingham, WA 98225-4003. No items for action are anticipated.

WSR 07-06-044
ATTORNEY GENERAL'S OFFICE

[Filed March 1, 2007, 3:08 p.m.]

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

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the opinion listserv. If you are interested in commenting on the request listed here, you should notify the attorney general's office of your interest by March 28, 2007. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

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

07-02-04 Request by Fred Jarrett

State Representative, 41st District

1. **Does RCW 42.56.230(1) provide an exemption for the personal information, including the name, address, telephone number, birth date, email address, and scholarship eligibility of children participating in the**

City's Parks, Recreation & Community Services programs from public disclosure?
2. What about the personal information of adults with special needs?

WSR 07-06-048
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE

[Filed March 2, 2007, 9:48 a.m.]

NOTIFICATION OF SPECIAL MEETING

The board of trustees of Everett Community College will hold a special executive study session on March 5, 2007, at 4:00 p.m. - 7:00 p.m., EvCC Board Room, to review background materials and recommendations for tenure. No action will be taken.

WSR 07-06-049
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Filed March 2, 2007, 9:48 a.m.]

The Shoreline Community College board of trustees will hold a special meeting, beginning at 3:00 p.m. on Monday, March 5, 2007, for the purpose of meeting with third year appointment review committee faculty chairs.

This special meeting will take place in Conference Room 4202, Library, Building 4000, Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA.

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

WSR 07-06-057
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed March 5, 2007, 11:09 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, March 15, 2007, 9:00 - 12:30 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 07-06-060
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

[Filed March 5, 2007, 11:32 a.m.]

Notice of 2007 Regular Meetings Rescheduled

Per WAC 222-08-040, the forest practices board will hold meetings on:

June 6, 2007
 9 a.m. - 5 p.m.
Regular Meeting
(Rescheduled from May 9, 2007)

Natural Resources Building
 1111 Washington Street S.E.
 Room 172
 Olympia

September 11, 2007
 9 a.m. - 5 p.m.
Regular Meeting
(Rescheduled from August 8, 2007)

Natural Resources Building
 1111 Washington Street S.E.
 Room 172
 Olympia

Mailing agendas to all individuals and groups on the board's mailing list also provides notice of these meetings. To be added to this distribution list, please contact Board Support, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1589, fax (360) 902-1428, e-mail forest.practices-board@dnr.wa.gov.

To view this and other board related information on-line, log on to the forest practices board's web site at www.dnr.wa.gov.

WSR 07-06-062
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT

[Filed March 5, 2007, 1:26 p.m.]

CANCELLATION and RESCHEDULING of the Business Meeting
 - June 2007

By direction of the commission on judicial conduct, the 11:00 a.m., Friday, June 1, 2007, business meeting of the commission, previously scheduled to be held at the Holiday Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA 98188, is hereby cancelled. The business session is rescheduled for 11:00 a.m., Friday, June 8, 2007, at the same location.

WSR 07-06-063
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT

[Filed March 5, 2007, 1:27 p.m.]

CANCELLATION and RESCHEDULING
 of the Business Meeting - November 2007

By direction of the commission on judicial conduct, the 11:00 a.m., Friday, November 2, 2007, business meeting of the commission, previously scheduled to be held at the Sun Mountain Lodge, 604 Patterson Lake Road, Winthrop, WA 98862, is hereby canceled. The business session is rescheduled for 11:00 a.m. Wednesday, October 24, 2007, at the same location.

WSR 07-06-072
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE

[Filed March 6, 2007, 9:57 a.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special closed executive session on Wednesday, March 7, 2007, at 2:00 p.m. to discuss qualifications of applicants for employment, which will be followed by a special open board of trustees meeting at 3:00 p.m. wherein the board anticipates one agenda item for action: Selection of a new president for Whatcom Community College. Both meetings will take place at the Syre Student Center Conference Room 216, 237 West Kellogg Road, Bellingham, WA 98226.

SPECIAL CLOSED EXECUTIVE SESSION

March 7, 2007 Wednesday	2:00 p.m.	Whatcom Community College Syre Student Center Conference Room 216 237 West Kellogg Road Bellingham, WA 98226
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SPECIAL OPEN BOARD OF TRUSTEES MEETING

March 7, 2007 Wednesday	3:00 p.m.	Whatcom Community College Syre Student Center Conference Room 216 237 West Kellogg Road Bellingham, WA 98226
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WSR 07-06-074
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE

[Filed March 6, 2007, 10:39 a.m.]

NOTICE OF BOARD MEETING DATE AND TIME
 PER RCW 42.30.075

In accordance with RCW 42.30.075, please be advised that the board of trustees for Big Bend Community College, District No. 18, has revised its regular meeting schedule as follows: The April 10, 2007, meeting will be held at 7:00 p.m. rather than 1:30 p.m.

The meeting will be held in the Harden Community Room in the ATEC Building on the campus of Big Bend Community College, 7662 Chanute Street, Moses Lake, WA.

WSR 07-06-075
RULES COORDINATOR
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 6, 2007, 10:40 a.m.]

The director of the department of retirement systems designates as this agency's rules coordinator Sarah Monaly, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, fax (360) 753-5397, e-mail Sarahm@drs.wa.gov.

Sandra J. Matheson
 Director

WSR 07-06-083
DEPARTMENT OF ECOLOGY

[Filed March 6, 2007, 4:05 p.m.]

Public Notice

Final Multiyear PBT Chemical Action Plan Schedule

The department of ecology's solid waste and financial assistance program is making available the final multiyear PBT [PBT] chemical action plan (CAP) schedule, which was prepared in accordance with the persistent bioaccumulative toxins (PBT) regulation (WAC 173-333-410). The document identifies the PBTs for which ecology will develop CAPs, a rationale for ecology's selections, and the timeline for development through 2010.

A copy of the document can be accessed at <http://www.ecy.wa.gov/programs/eap/pbt/rule/>.

Paper copies, which will be sent by regular mail, can be requested from Mike Gallagher, PBT Coordinator, Solid Waste and Financial Assistance Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6868, fax (360) 407-6102, e-mail MGAL461@ecy.wa.gov.