

## WSR 09-04-003

## AGENDA

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

[Filed January 21, 2009, 2:57 p.m.]

Following is the department of social and health services' semi-annual rule-making agenda for January 1 through June 30, 2009. This agenda will be published in the Washington 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. DSHS may have additional rule-making activity to respond to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Semi-Annual Rule-Making Agenda  
January 1 through June 30, 2009

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
<b>Aging and Disability Services Administration (ADSA)</b>							
<b>ADSA-Division of Developmental Disabilities (DDD)</b>							
Chapter 388-515 WAC	Alternate living—Institutional medical.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-139 Filed 12/22/08		
Chapter 388-823 WAC	DDD intake and determination of developmental disabilities.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-138 Filed 12/22/08		
Chapter 388-823 WAC	Division of developmental disabilities intake and determination of developmental disabilities.	Combining the eligibility rules for "another neurological condition" with "other condition closely related to mental retardation or that requires treatment similar to that required for individuals with mental retardation."	Debbie Roberts ADSA-DDD		WSR 08-17-096 Filed 8/20/08		
Chapter 388-825 WAC	Division of developmental disabilities service rules.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-136 Filed 12/22/08		
Chapter 388-826 WAC	Voluntary placement program.	Changing the name of the chapter to children's residential services - voluntary placement and updates the rules throughout the chapter to provide more consistent administration, delivery, and monitoring across the state to all recipients of voluntary placement services.	Debbie Roberts ADSA-DDD		WSR 08-19-052 Filed 9/11/08		

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Chapter 388-827 WAC	State supplementary payment program.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-137 Filed 12/22/08		
Chapter 388-828 WAC	DDD assessment.	Adding language to chapter 388-828 WAC to clarify the individual support plan process.	Debbie Roberts ADSA-DDD		WSR 08-16-138 Filed 8/6/08		
Chapter 388-828 WAC	DDD assessment.	Adding the children's intensive in-home behavioral support program algorithm.	Debbie Roberts ADSA-DDD	388-828-1620 WSR 08-22-040 Filed 10/30/08	WSR 08-20-087 Filed 9/29/08		
Chapter 388-828 WAC	DDD assessment.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-135 Filed 12/22/08		
WAC 388-828-5020 388-828-5520 388-828-8020 388-828-9520 388-828-9530 388-828-9540 388-828-9700	DDD assessment—Resident algorithm.	Renumbering the rules in the resident algorithm.	Debbie Roberts ADSA-DDD			Expedited Rule CR-105 WSR 08-17-113 Comment deadline: 10/21/08	
Chapter 388-831 WAC	Community protection program.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-133 Filed 12/22/08		
WAC 388-831-0010 388-831-0030	Who are individuals with community protection issues?	Including individuals who have a history of violent behavior which demonstrates the likelihood to commit a violent act.	Debbie Roberts ADSA-DDD	WSR 09-02-077 Filed 1/7/09	WSR 09-01-047 Filed 12/10/08		
Chapter 388-832 WAC	Individual and family services.	Clarifying language, reformatting sections for clarity, and removing some limitations for the receipt of services.	Debbie Roberts ADSA-DDD		WSR 08-23-042 Filed 11/12/08		
Chapter 388-832 WAC	Individual and family services program.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-134 Filed 12/22/09		
Chapter 388-835 WAC	ICF/MR program and reimbursement system.	Amending language to reflect new rates for intermediate care facilities for the mentally retarded.	Debbie Roberts ADSA-DDD		Planned for future action		

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Chapter 388-837 WAC	Residential habilitation center ICF/MR program.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-131 Filed 12/22/08		
Chapter 388-845 WAC	Division of developmental disabilities home and community based services waivers.	Defining the procedures for administering the home and community based services waiver, incorporating changes regarding who is eligible to receive respite care, as specified in the waivers approved by the federal Centers for Medicare and Medicaid Services under Section 1915(c) of the Social Security Act, and revising the reasons for termination from the community protection waiver to be consistent with the new rules contained in chapter 388-831 WAC.	Debbie Roberts ADSA-DDD		WSR 08-17-098 Filed 8/20/08		
Chapter 388-845 WAC	Division of developmental disabilities home and community based services waivers.	Adding a fifth waiver, known as the children's intensive in-home behavioral supports (CIIBS).	Debbie Roberts ADSA-DDD		WSR 08-19-112 Filed 9/17/08		
Chapter 388-845 WAC	DDD home and community based services waivers.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-130 Filed 12/22/08		
Chapter 388-850 WAC	County plan for developmental disabilities.	Rewriting rules in "plain talk" format and clarifying language.	Debbie Roberts ADSA-DDD		Planned for future action		
Chapter 388-850 WAC	County plan for developmental disabilities.	Amending the requirements to comply with state budget appropriations.	Debbie Roberts ADSA-DDD		WSR 09-01-132 Filed 12/22/08		
<b>ADSA - Home and Community Services (HCS)</b>							
Chapters 388-71 and 388-106 WAC	Home and community services programs and long-term care services.	Repealing rules and removing references to adult day health.	Tiffany Sevruk ADSA-HCS		WSR 09-01-140 Filed 12/22/08		
Chapters 388-71 and 388-106 WAC	Home and community services programs and long-term care services.	Redefining in-home personal care services.	Tiffany Sevruk ADSA-HCS		WSR 09-01-141 Filed 12/22/08		

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Chapters 388-71 and 388-112 WAC	Residential long-term care services and home and community services and programs.	Adding training requirements for nurse delegation training and HIV/AIDS training.	Barbara Hanneman ADSA-HCS		WSR 08-15-135 Filed 7/22/08	WSR 08-22-053 Hearing 12/9/08	WSR 09-03-066 Effective 2/14/09
WAC 388-513-1301 388-513-1350	Long-term care services.	Updating resource standards and definitions.	Lori Rolley ADSA-HCS		WSR 08-23-041 Filed 11/12/08		
WAC 388-513-1315 388-513-1320	Institutional status for long-term care services.	Clarifying institutional status and adding information regarding excess home equity, updating WAC references and clarifying language.	Lori Rolley ADSA-HCS		WSR 08-13-089 Filed 6/17/08	WSR 09-03-096 Hearing 2/24/09	
WAC 388-513-1340 388-513-1345	Determining income for long-term care.	Adding interest or dividend income as an exclusion, correcting language regarding department of veterans affairs and other changes.	Lori Rolley ADSA-HCS		WSR 09-01-142 Filed 12/22/08		
WAC 388-513-1380	Determining a client's participation in the cost of care for long-term care (LTC) services.	Amending the personal needs allowance and updating the language regarding standard shelter allocation.	Lori Rolley ADSA-HCS		WSR 08-24-077 Filed 12/1/08		
WAC 388-515-1512 388-515-1514	Categorically needy program.	Incorporating the \$20 disregard and increase the personal needs allowance.	Lori Rolley ADSA-HCS		WSR 08-18-077 Filed 9/3/08	WSR 08-21-145 Hearing 11/25/08	WSR 08-24-069 Effective 1/1/09
WAC 388-561-0200 388-561-0201	Annuities.	Adding new requirements pertaining to the treatment of annuities and clarifying and updating the rules.	Lori Rolley ADSA-HCS		WSR 08-21-152 Filed 10/21/08	WSR 09-01-151 Hearing 1/27/09 (the permanent filing will supersede WSR 08-20-117)	WSR 08-20-117 Effective 4/1/09
WAC 388-561-0300	Life estates.	Adding Deficit Reduction Act language and improving the clarity and readability of the rule.	Lori Rolley ADSA-HCS		WSR 08-21-151 Filed 10/21/08		
<b>ADSA - Office of Rates Management</b>							
Chapter 388-96 WAC	Nursing facility medicaid payment system.	Establishing reporting requirements and a settlement process to ensure that funds are spent on increasing wages in accordance with section 206(9), chapter 329, Laws of 2008.	Patricia Hague ADSA - Office of rates management	WSR 08-22-016 Filed 10/27/08	WSR 08-12-071 Filed 6/3/08		

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WAC 388-105-0005 388-105-0045	Medicaid rates for contracted home and community residential care services.	Implementing adult family home provider rates to implement phase one of the 17 CARE level payment system for community care providers and clarifying bed hold policy.	Patricia Hague ADSA - Office of rates management	WSR 08-22-015 Filed 08-22-015 [10/28/08]	WSR 08-12-070 Filed 6/3/08		
WAC 388-105-0005 388-105-0045	Medicaid rates for contracted home and community residential care services.	Possibly reducing rates for home and community residential providers.	Patricia Hague ADSA - Office of rates management		WSR 09-01-153 Filed 12/22/08		
<b>ADSA - Residential Care Services (RCS)</b>							
WAC 388-76-10000 388-76-10230 388-76-10235 388-76-10330 388-76-10355 388-76-10650 388-76-10720 388-76-10725 388-76-10775 388-76-10840 388-76-10845 388-76-10870 388-76-10930 388-76-10995	Adult family home rules.	Clarifying requirements; making grammatical and technical corrections.	Maureen Lally ADSA-RCS		WSR 08-04-109 Filed 2/6/08	WSR 08-21-036 Hearing 11/25/08	WSR 09-03-029 Effective 2/12/09
WAC 388-76-10036 388-76-10040 388-76-10080 388-76-10105 388-76-10170 388-76-10173 388-76-10174 388-76-10335 388-76-10645 388-76-10783 388-76-10784 388-76-10785 388-76-11015	Adult family home rules.	Clarifying requirements, making technical corrections, and updating sections due to statutory changes enacted during the 2008 legislative session.	Maureen Lally ADSA-RCS		WSR 08-16-132 Filed 8/6/08	WSR 08-22-104 Hearing 12/9/08	WSR 09-03-030 Effective 2/12/09
WAC 388-76-10120 388-76-10125 388-76-10955 388-76-10960	Adult family home rules.	Clarifying requirements to when the department must and may deny a license and when the department must and may impose a remedy.	Maureen Lally ADSA-RCS		WSR 08-16-133 Filed 8/6/08	WSR 08-22-103 Hearing 12/9/08	WSR 09-03-028 Effective 2/12/09

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Chapter 388-78A WAC	Boarding homes.	Clarifying building requirements for new construction; enhancing readability of several sections; creating flexibility in construction requirements for providers to meet resident needs.	Todd Henry ADSA-RCS		WSR 07-23-078 Filed 11/19/07	WSR 08-16-119 Hearing 9/23/08	WSR 09-01-052 Effective 1/10/09
Chapter 388-78A WAC	Boarding homes.	Adding new sections to implement ESSB [ESHB] 2668. Sections 2 and 3 of this bill address respite care in boarding homes. DSHS is also considering amending sections relating to plans of correction.	Todd Henry ADSA-RCS		WSR 08-10-061 Filed 5/5/08	WSR 08-16-120 Hearing 9/23/08	WSR 09-01-079 Effective 1/15/09 Except: 388-78A-3150 388-78A-3152 Effective 5/1/09
WAC 388-78A-2710 388-78A-2780 388-78A-3220 388-78A-3410 388-78A-3420 388-78A-3430 388-78A-3440 388-78A-3450 388-78A-3460	Boarding homes.	Changing rules on change of ownership, resident protection program and enforcement actions.	Todd Henry ADSA-RCS		WSR 08-21-076 Filed 10/24/08	WSR 09-01-176 Hearing 1/27/09	
WAC 388-110-140	Assisted living facility structural requirements.	Correcting an inadvertent omission of a structural requirement of a sink in the kitchen area of a resident unit.	Todd Henry ADSA-RCS		WSR 08-16-104 Filed 8/5/08		
<b>Children's Administration</b>							
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 388-15-021	How does CPS respond to reports of alleged child abuse or neglect?	Establishing a ninety day timeline for a CPS investigation.	Tina Stern Children's Administration		WSR 08-22-086 Filed 11/4/08	WSR 09-02-076 Hearing 2/10/09	
Chapter 388-25 WAC	Financial support of foster children.	Establishing, updating, aiding, explaining and strengthening services provided for protection and care of children needing out-of-home placement.	Carrie Kendig Children's Administration		WSR 08-05-044 Filed 2/13/08		

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Chapter 388-27 WAC	Guardianship subsidies.	Creating rules to provide clarity and guidance to persons receiving guardianship subsidy.	Lonnie Locke Children's Administration		WSR 08-05-045 Filed 2/13/08		
WAC 388-32-0020 388-32-0025 388-32-0030	Family reconciliation services.	Reflecting efforts to best serve the needs of families served by children's administration, supporting access to appropriate services for families with adolescents across programs.	Tim Kelly Children's Administration		WSR 08-05-043 Filed 2/13/08		
Chapter 388-39A WAC	Child welfare services—Complaint resolution.	Child welfare services—Complaint resolution.	Children's Administration		Planned for future action.		
Chapter 388-61A WAC	Shelters for victims of domestic violence.	Updating and deleting outdated sections, and developing new sections specifically covering nonresidential services provided by emergency shelter contractors.	Susan Hannibal Children's Administration		WSR 08-06-086		
<b>Economic Services Administration (ESA)</b>							
<b>ESA Division of Child Support (DCS)</b>							
Chapter 388-14A WAC	Division of child support rules.	Adopting new and amended sections to implement state legislation which implements the federal Deficit Reduction Act of 2005 regarding distribution of child support collections.	Nancy Koptur ESA-DCS	WSR 08-20-082 Filed 9/29/08	WSR 08-06-089 Filed 3/5/08	WSR 08-22-028 Hearing 12/23/08	WSR 09-02-059 Effective 1/27/09
Chapter 388-14A WAC	Division of child support rules.	Considering improvements to the conference board process in order to streamline agency procedures, increase efficiency, and increase the level of customer service.	Nancy Koptur ESA-DCS		WSR 08-08-113 Filed 4/2/08		
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		

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<b>ESA - Community Services Division (CSD)</b>							
WAC 388-310-0500 388-310-0900 388-310-1000 388-310-1050	WorkFirst.	Invoking new options under the final Deficit Reduction Act, and maximizing the state's ability to meet the federal work participation rate.	Stephanie Nielsen ESA-CSD	WSR 08-20-097 Filed 9/30/08	WSR 08-20-050 Filed 9/24/08		
WAC 388-310-0800	WorkFirst—Support services.	Removing support services for recipients of diversion cash assistance who are receiving career services through the employment security department.	Ian Horlor ESA-CSD		WSR 08-23-098 Filed 11/19/08		
WAC 388-310-2100	WorkFirst career services program.	Allow parents with dependent children who receive basic food assistance and are working thirty or more hours a week to enroll in the career services program.	Ian Horlor ESA-CSD		WSR 08-20-048 Filed 9/24/08	WSR 08-23-100 Hearing 12/23/08	WSR 09-02-029 Effective 2/1/09
WAC 388-400-0040 388-450-0150 388-450-0162 388-450-0185	WASHCAP and Basic Food.	Reflecting department policy related to income and deduction used to determine a household's eligibility and benefit level under the Washington state combined application program (WASH-CAP), Basic Food, and other assistance programs.	John Camp ESA-CSD		WSR 08-21-082 Filed 10/14/08		
WAC 388-406-0035	How long does the department have to process my application?	Clarifying the section and updating the WACs that should be referenced in regards to applications that are delayed.	Jenny Egan Grayum ESA-CSD		WSR 07-12-030 Filed 5/30/07		
WAC 388-412-0040	Can I get my benefits replaced?	Streamlining and expediting the benefits replacement process for clients, minimizing the amount of time they will be left without any food that is damaged by a disaster event.	Don Winslow ESA-CSD		WSR 09-01-059 Filed 12/11/08		



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WAC 388-418-0005 388-418-0007 388-418-0011 388-416-0005	Simplified reporting.	Amending sections to expand simplified reporting to households as allowed under the 2008 farm bill.	Don Winslow ESA-CSD		WSR 08-15-133 Filed 7/22/08		
WAC 388-418-0020	How does the department determine the date a change affects my benefits?	Revising the rules to make them easier to understand and clarifying the effective date when a change causes an increase in benefits.	Bill Callahan ESA-CSD		WSR 08-04-075 Filed 2/4/08		
WAC 388-428-0010 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-CSD		WSR 06-20-073 Filed 9/29/06		
WAC 388-444-0005 388-444-0040	Food stamp employment and training.	Allowing participants in the food stamp employment and training (FS E&T) program the option to volunteer to participate more than one hundred twenty hours per month.		WSR 08-20-084 Filed 9/29/08	WSR 08-03-095 Filed 1/17/08	WSR 08-23-102 Hearing 12/23/08	
WAC 388-448-0030 388-448-0040	Providing medical evidence.	Amending the description of medical evidence requirements needed to determine incapacity to align the rules with the intent of RCW 74.04.005.	Melissa Mathson ESA-CSD		WSR 08-13-048 Filed 6/12/08	WSR 08-19-044 Hearing 10/21/08	
WAC 388-448-0050	How we determined the severity of mental impairments.	Amending the section to replace obsolete and outdated medical descriptions and references.	Melissa Mathson ESA-CSD		WSR 08-15-131 Filed 7/22/08	WSR 08-22-054 Hearing 12/9/08	
WAC 388-450-0005 388-450-0100 388-450-0106 388-450-0140 388-450-0155 388-450-0156 388-450-0157 388-450-0160 388-470-0060	Sponsor deeming.	Clarifying how sponsor's income and resources are deemed available to the sponsored immigrants.	Tom Berry ESA-CSD		WSR 08-17-114 Filed 8/20/08		

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WAC 388-450-0015 388-470-0045	Counting income when figuring out benefits.	Applying the federal policy regarding economic stimulus rebate payments.	Melissa Mathson ESA-CSD	WSR 09-01-148 Filed 12/22/08	WSR 08-09-112 Filed 4/21/08	WSR 08-24-082 Hearing 1/6/09	
WAC 388-450-0015 388-450-0185	Counting income when figuring benefits.	Assisting low income families in meeting their child support debts while enhancing their supplies of food.	Don Winslow ESA-CSD		WSR 08-14-119 Filed 7/1/08		
WAC 388-450-0040	Native American benefits and payments.	Correctly reflecting how the various Native American payments are to be treated when the department determines eligibility for DSHS programs.	Don Winslow ESA-CSD		WSR 08-15-130 Filed 7/22/08		
WAC 388-452-0005	Do I have to be interviewed in order to get benefits?	Amending rules for Basic Food consistent with approved waivers to interview requirements under 7 CFR § 273.2(e) related to required interviews for the supplemental nutrition assistance program (SNAP).	John Camp ESA-CSD		WSR 08-22-085 Filed 11/4/08		
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-caregivers applying for assistance for unrelated children in their care.	Tom Berry ESA-CSD		WSR 06-09-037 Filed 4/13/06		
WAC 388-454-0015	Temporary absence from the home.	Clarifying the policy regarding situations that do not meet the criteria of a temporary absence as described in subsection (4) of the WAC.	Tom Berry ESA-CSD		WSR 09-02-058 Filed 1/5/09		
WAC 388-478-0015	Need standards for cash assistance.	Revising the basic need standards for cash assistance.	Jenny Grayum ESA-CSD		WSR 08-15-134 Filed 7/22/08	WSR 08-20-081 Hearing 11/4/08	WSR 08-24-070 Effective 1/1/09
WAC 388-489-0025	Can my transitional food assistance benefits end before the end of my five-month transition period?	Correcting a typographical error in the rule.	John Camp ESA-CSD		WSR 08-17-107 Filed 8/20/08	WSR 08-21-104 Hearing 11/25/08	WSR 09-01-049 Effective 1/10/09

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<b>Health and Recovery Services Administration (HRSA)</b>							
<b>HRSA-Division of Alcohol and Substance Abuse (DASA)</b>							
Chapter 388-805 WAC	Certification requirements for chemical depen- dency service providers.	Clarifying rules; updating definition and requirements for chemical dependency service providers.	Deb Cummins HRSA-DASA		WSR 07-24-004 Filed 11/26/07	WSR 08-15-106 Hearing 9/23/08	WSR 08-24-083 Effective 1/1/09
<b>HRSA-Mental Health Division (MHD)</b>							
WAC 388-865-0105 388-865-0410 388-865-0484 388-865-0511 388-865-0526	Community mental health.	Codifying its pol- icy on how it administers com- munity mental health services in the event of a non- participating regional support network.	Kevin Sullivan HRSA-MHD	WSR 09-01-099 Filed 12/17/08	WSR 08-01-107 Filed 12/18/07	WSR 08-18-047 Hearing 10/7/08	WSR 09-02-030 Effective 1/30/09
WAC 388-865-0405 388-865-0452 388-865-0456 388-865-0466 388-865-0468	Community mental health and involuntary treatment pro- grams.	Codifying safety requirements for mental health pro- fessionals who con- duct home visits to stabilize persons in crisis.	Kevin Sullivan HRSA-MHD		WSR 09-03-098 Filed 1/21/09		
<b>HRSA-Medical Assistance (MA)</b>							
WAC 388-416-0015 388-418-0025 388-478-0075 388-505-0210 388-505-0211 388-542-0010 388-542-0020 388-542-0050 388-542-0300	Children's healthcare pro- gram (Apple Health for Kids).	Expanding pre- mium-based chil- dren's healthcare for children in households with incomes up to and including 300% of the federal poverty level.	Jonell O. Blatt HRSA-MA		WSR 08-15-006 Filed 7/3/08	WSR 08-21-105 Hearing 11/25/08	
WAC 388-490-0005	The department requires proof before authoriz- ing benefits for cash, medical, and Basic Food.	Updating the citi- zenship exemptions based on modifica- tions to the Deficit Reduction Act (DRA) final rule and changes to Sec- tion 405 (c)(1) of the Tax Relief and Health Care Act of 2006 (TRHCA).	Kathy Sayre HRSA-MA		WSR 08-20-088 Filed 9/29/08	WSR 08-23-099 Hearing 12/23/08	WSR 09-02-057 Effective 2/5/09
WAC 388-500-0005	Medical defini- tions.	Updating medical definitions to make them consistent with how the terms are used throughout HRSA rules.	Jonell O. Blatt HRSA-MA		WSR 07-20-052 Filed 9/27/07		
WAC 388-501-0055	Health technol- ogy clinical com- mittee assess- ments.	Creating a new WAC to support the health technology assessment pro- gram established by the 2006 legisla- ture.	Kevin Sullivan HRSA-MA		WSR 07-12-061 Filed 6/4/07		

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WAC 388-501-0060 388-501-0065	Healthcare cov- erage.	Correcting errors made in developing the scope of cov- ered services chart in new WAC 388- 501-0060 and 388- 501-0065.	Kevin Sullivan HRSA-MA		WSR 07-12-062 Filed 6/4/07		
WAC 388-502-0160	Billing a client.	Revising the rule to clarify when a pro- vider can and can- not bill a client for medical services.	Wendy Boedigheimer HRSA-MA		WSR 08-01-021 Filed 12/7/07		
WAC 388-505-0230 388-505-0235 388-505-0240 388-505-0245 388-505-0250 388-505-0255 388-505-0260 388-505-0265 388-505-0270	Family medical.	Codifying institu- tional medical eli- gibility for clients who are categori- cally related to the temporary assist- ance for needy families (TANF) program.	Wendy Boedigheimer HRSA-MA	WSR 09-01-152 Filed 12/22/08	WSR 07-12-031 Filed 5/30/07	WSR 09-01-144 Hearing 2/10/09	
WAC 388-519-0100 388-519-0110	Spenddown.	Clarifying lan- guage, updating outdated WAC re- ferences, and adding additional provi- sions to the rules to comply with feder- al regulations relating to expenses an individual can use toward meeting spenddown.	Jonell Blatt HRSA-MA	388-519-0110 WSR 08-21-126 Filed 10/17/08	WSR 08-19-032 Filed 9/9/08	WSR 09-01-181 Hearing 1/27/09	
WAC 388-526-2610	Prehearing reviews for cli- ents who request a fair hearing.	Adding new sec- tions to the chapter that are specific to the HRSA medical care programs in order to expand on and better define administrative hearing rules.	Kathy Sayre HRSA-MA		WSR 08-10-064 Filed 5/5/08		
WAC 388-527-2730 388-527-2737 388-527-2750 388-527-2820	Estate recovery.	Complying with legislation passed in 2008 for state registered domes- tic partners who receive medical services through DSHS. It adds both rights and responsi- bilities for regis- tered partners, rec- ognizing the part- nerships for DSHS medical programs, federally-matched or state-funded.	Wendy Boedigheimer HRSA-MA		WSR 08-21-146 Filed 10/21/08	WSR 09-03-109 Hearing 2/24/09	

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
WAC 388-530-1000 388-530-2000 388-530-2100	Outpatient drug program.	Updating a cross reference and to clarify that the department does not cover over-the-counter drugs, vitamins, and minerals except when determined by the department to be the least costly therapeutic alternative for a medically accepted indication.	Jonell O. Blatt HRSA-MA		WSR 08-10-109 Filed 5/7/08	WSR 08-24-078 Hearing 1/6/09	
WAC 388-533-0300 388-533-0310 through 388-533-0345 388-533-0360 through 388-533-0386	Infant case management and maternity support services.	Clarifying provider qualifications, client eligibility and services reimbursed for infant case management and maternity support services.	Jonell O. Blatt HRSA-MA		WSR 07-21-106 Filed 10/19/07		
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		
WAC 388-533-1000	First steps childcare program.	Eliminating the First steps childcare program.	Kevin Sullivan HSRA-MA		WSR 09-01-143 Filed 12/22/08		
Chapter 388-537 WAC	School services.	Amending the chapter to bring the program into compliance with federal medicaid regulations and policies.	Wendy Boedigheimer HRSA-MA		WSR 07-03-057 Filed 1/12/07	WSR 08-15-129 Filed 7/22/08 Supplemental WSR 08-19-100 Hearing 10/21/08	
Chapter 388-541 WAC	Children's full premium (CFP) program.	Creating rules to give families whose income is greater than 300% of the federal poverty level the opportunity to purchase healthcare coverage for their children.	Kevin Cornell HRSA-MA		WSR 08-13-003 Filed 6/5/08		
WAC 388-543-1200	Providers who are eligible to provide services.	Removing the requirement for durable medical equipment providers to have "appropriately trained, qualified staff."	Wendy Boedigheimer HRSA-MA		WSR 08-22-021 Filed 10/28/08	WSR 09-01-174 Hearing 1/27/09	

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
WAC 388-544-1010 388-544-1100 388-544-1200 388-544-1300 388-544-1400	Hearing aid services.	Revising rules to move the hearing aid rules into their own chapter 388-547 WAC; creating clear section titles and clarifying text; and including digital hearing aids under covered services to align with industry standards.	Wendy Boedigheimer HRSA-MA		WSR 07-05-011 Filed 2/9/07		
WAC 388-546-5500	Modifications of privately owned vehicles.	Repealing this rule due to budget constraints.	Jonell O. Blatt HRSA-MA		WSR 09-03-099 Filed 1/21/09		
Chapter 388-548 WAC	Federally qualified health centers.	Implementing the federal payment methodology for federally qualified health centers. The federal benefit improvement and Protection Act of 2000 replaced cost-based reimbursement methodology with medicaid FQHC prospective payment system.	Wendy Boedigheimer HRSA-MA		WSR 08-14-125 Filed 7/1/08		
Chapter 388-550 WAC	Hospital services—Disproportionate share hospitals.	Update and clarify sections in chapter 388-550 WAC that pertain to the disproportionate share hospital program.	Kathy Sayre HRSA-MA		WSR 08-22-023 Filed 10/28/08		
<b>Juvenile Rehabilitation Administration (JRA)</b>							
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.	More accurately reflecting gross personal income levels used to calculate obligation to reimburse the department and current costs of institutional care for juveniles in legal custody of the department.	Lee Mosley JRA		WSR 09-01-073 Filed 12/15/08		
Chapter 388-745 WAC	Transfer of juvenile offenders to the department of corrections (DOC).	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 Moses Trent Phillips 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	Preproposal Notice	Proposed Rule	Permanent (Final) Rule
<b>Executive Programs (Exec)</b>							
<b>Exec - Management Services</b>							
Chapter 388-02 WAC	Hearing rules.	Making rules consistent with case law, facilitating timely processing of administrative hearings, promoting consistency in administrative hearing decisions, and clarifying rules.	Brian Lindgren MS-Board of Appeals		WSR 08-22-051 Filed 11/3/08		
WAC 388-02-0025	Where is the office of administrative hearings located?	Correcting two outdated addresses for the office of administrative hearings.	Brian Lindgren MS-Board of Appeals			Expedited notice CR-105 WSR 08-16-101 Comment deadline: 10/6/08	
Chapter 388-03 WAC	Rules and regulations for the certification of DSHS spoken language interpreters and translators.	Updating references to units of DSHS (such as language interpreter services and translations, or LIST) that have been reorganized and renamed to change timeframes for DSHS mailing of letters notifying applications [applicants] of their test dates, reviewing the chapter for other necessary changes.	Hungling Fu Katherine Vasquez MS-Language testing and certification		WSR 08-12-067 Filed 6/3/08		
WAC 388-06-0110 388-06-0150 388-06-0160	Background checks.	Updating background check requirements for certain child care providers and children returning to their home and complying with the federal Adam Walsh Act of 2006.	Cindy LaRose MS-Background check central unit	WSR 08-23-010 Filed 11/6/08	WSR 07-11-097 Filed 5/16/07	WSR 08-24-080 Hearing 1/6/08	
WAC 388-06-0010 388-06-0600 388-06-0605 388-06-0610 388-06-0615 388-06-0620 388-06-0625 388-06-0630 388-06-0635 388-06-0640	Background checks.	Replacing department of personnel rules regarding DSHS employees that were repealed effective July 22, 2007, with chapter 387, Laws of 2007.	Cindy LaRose MS-Background check central unit	WSR 08-23-009 Filed 11/6/08	WSR 07-11-097 Filed 5/16/07	WSR 08-22-039 Hearing 12/9/08	WSR 09-03-003 Effective 2/8/09
<b>Exec - Office of Deaf and Hard of Hearing Services</b>							
Chapter 388-818 WAC	Deaf and hard of hearing services.		No current rule-making activity.				

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
<b>Exec - Office of Risk Management (ORM)</b>							
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 Privacy Officer		Planned for future action.		
<b>Exec - Planning, Performance and Accountability (PPA)</b>							
Chapter 388-04 WAC	Protection of human research subjects.		No current rule-making activity.				
<b>Exec - Special Commitment Center (SCC)</b>							
Chapter 388-885 WAC	Civil commitment cost.	Updating reimbursement fee schedules for allowable activities under chapter 71.09 RCW.	Mark Davis Special commitment center		WSR 04-10-092 Filed 5/4/04		
<b>Vocational Rehabilitation (DVR)</b>							
Chapters 388-891 388-892 WAC			No current rule-making activity.				

**Notes and Definitions**

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 120 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 2008," 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 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.

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 notices by postal mail, please contact Jennisha Johnson, RPAU rules consultant, at (360) 664-6094, or by e-mail at [johnsj14@dshs.wa.gov](mailto:johnsj14@dshs.wa.gov).

Stephanie Schiller  
Rules Coordinator

**WSR 09-06-008**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
(Industrial Insurance Medical Advisory Committee)  
[Filed February 19, 2009, 10:18 a.m.]

To comply with chapter 42.30 RCW, the Open Public Meetings Act, this memo gives notice that the industrial

insurance medical advisory committee is scheduled to meet as follows:

DATE	TIME	LOCATION
April 23, 2009	1:00 - 5:00 p.m.	Washington Mutual Leadership Center at Cedarbrook 18525 36th Avenue South SeaTac, WA 98188
July 23, 2009	1:00 - 5:00 p.m.	Washington Mutual Leadership Center at Cedarbrook 18525 36th Avenue South SeaTac, WA 98188
October 22, 2009	1:00 - 5:00 p.m.	Washington Mutual Leadership Center at Cedarbrook 18525 36th Avenue South SeaTac, WA 98188

Please call Pattie Phillips at (360) 902-6298 if you have any questions about these meetings.

**WSR 09-06-009**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
(Industrial Insurance Chiropractic Advisory Committee)  
[Filed February 19, 2009, 10:24 a.m.]

To comply with chapter 42.30 RCW, the Open Public Meetings Act, this memo gives notice that the industrial insurance chiropractic advisory committee is scheduled to meet as follows:

DATE	TIME	LOCATION
		All at Labor and Industries 7273 Linderson Way S.W. Tumwater, WA 98501
February 19, 2009	8-12	Room S130
March 19, 2009	8-12	Room S130
April 16, 2009	8-12	Room S130
May 21, 2009	8-12	Room S130
June 18, 2009	8-12	Room S130
September 17, 2009	8-12	Room S129
October 15, 2009	8-12	Room S130
November 19, 2009	8-12	Room N209
December 17, 2009	8-12	Room S130

Please call Pattie Phillips at (360) 902-6298 if you have any questions about these meetings.

**WSR 09-06-011**  
**NOTICE OF PUBLIC MEETINGS**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**  
[Filed February 20, 2009, 10:21 a.m.]

Pursuant to RCW 36.70A.270(9) and WAC 242-02-076(2), the growth management hearings boards will conduct their joint board semi-annual meeting on **Thursday, April**

**30, 2009, starting at 9:00 a.m.** The meeting will take place at The Phoenix Inn, 415 Capitol Way North, Olympia, WA 98501.

The agenda for the April 2009 joint board semi-annual meeting shall be posted on the boards' web site, <http://www.gmhb.wa.gov>, no later than one week prior to the meeting date.

If you have any questions please contact Paulette Yorke, executive assistant to the western board, at (360) 586-0260 or [paulettey@wwgmhb.wa.gov](mailto:paulettey@wwgmhb.wa.gov).

**WSR 09-06-012**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 20, 2009, 11:24 a.m.]

NOTICE OF CHANGES TO STATE OF WASHINGTON  
NURSING FACILITY MEDICAID PAYMENT RATE  
METHODOLOGY

The 2009 state legislature has passed changes to the method for determining facility-specific, per resident day medicaid payment rates for nursing facility care in Washington. The changes are effective February 18, 2009. This notice includes a justification, description, and estimated rate impact of the changes.

Please address any comments or questions concerning the changes to Edward H. Southon, Department of Social and Health Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2469, fax (360) 493-9484. Comments should be submitted within fourteen days after appearance of this notice.

JUSTIFICATION

The changes are mandated by the 2009 Washington state legislature in the amended state Operating Budget Supplemental Appropriations Act. The bill number of the act is ESHB 1694. It was passed by the legislature on February 18, 2009, and signed by the governor the same day [day]. It included an emergency clause making it effective immediately.

NEW RATES AND PROPOSED CHANGES  
TO RATE METHODOLOGY

In combination with a variety of other factors, including changes in the allowed costs of care, the methodological changes are estimated to result in a statewide average nursing facility medicaid payment rate of \$163.72 per resident day, at a maximum, for state fiscal year 2009, running from July 1, 2008, to June 30, 2009.

**WSR 09-06-013**

**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**CIVIL LEGAL AID**

(Civil Legal Aid Oversight Committee)

[Filed February 20, 2009, 11:31 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 27, 2009.

**What:** Quarterly Meeting of the Civil Legal Aid Oversight Committee  
**When:** Friday, March 27, 2009  
**Time:** 10:00 a.m. - 2:00 p.m.  
**Where:** Chief Justice's Reception Room  
Washington Supreme Court  
415 12th Avenue S.W.  
Olympia, WA 98504-0929

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 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.

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](mailto:jim.bamberger@ocla.wa.gov).

**WSR 09-06-014**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 20, 2009, 12:53 p.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration**  
**Division of Child Support**

Document Title: Administrative Policy 1.23: When Staff May Not Participate in Purchasing Property That DCS Has Seized.

Subject: When staff may not participate in purchasing property that DCS has seized.

Effective Date: February 18, 2009.

Document Description: This administrative policy explains that division of child support (DCS) staff may not participate in purchasing property that DCS has seized pursuant to a collection action.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

**WSR 09-06-016**

**PUBLIC RECORDS OFFICER  
RULES COORDINATOR  
WASHINGTON STATE  
HISTORICAL SOCIETY**

[Filed February 20, 2009, 1:38 p.m.]

Effective October 1, 2008, Marie DeLong is no longer employed by the Washington state historical society and therefore no longer serves as the rules coordinator and public records officer for the agency.

Please remove Marie DeLong as the designated rules coordinator and public records officer for the Washington state historical society.

David Nicandri  
Director

**WSR 09-06-017**

**PUBLIC RECORDS OFFICER  
RULES COORDINATOR  
WASHINGTON STATE  
HISTORICAL SOCIETY**

[Filed February 20, 2009, 1:39 p.m.]

**DESIGNATION OF NEW RULES COORDINATOR AND PUBLIC  
RECORDS OFFICER**

Misty Dawn Reese serves as the point of contact for the Washington state historical society to whom members of the public may direct requests for public disclosure and oversees the agency's compliance with the public disclosure requirements.

Her contact information is Misty Dawn Reese, Assistant Director of Human Resources and Administration, Washington State Historical Society, 1911 Pacific Avenue, Tacoma, WA 98402, phone (253) 798-5901, fax (253) 272-9518, [mreese@wshs.wa.gov](mailto:mreese@wshs.wa.gov).

David Nicandri  
Director

**WSR 09-06-019**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON SCHOOL FOR THE DEAF**

[Filed February 23, 2009, 8:41 a.m.]

The Washington School for the Deaf board of trustees will hold its May 2009 activities as follows:

May 7, 2009, 6:30 - 8:30 p.m., meeting with community members and stakeholders (no action will be taken during this event).

May 8, 2009, 9:00 a.m. - 2:00 p.m., board of trustees meeting.

Both meetings will be held at North Central ESD 171, 430 Olds Station Road, Wenatchee, WA 98807.

**WSR 09-06-020**

**PUBLIC RECORDS OFFICER  
FOREST PRACTICES BOARD**

[Filed February 23, 2009, 12:40 p.m.]

Pursuant to RCW 42.56.580, Patricia Anderson is designated as the public records officer for the forest practices board. Patricia's contact information is Patricia Anderson, Forest Practices Board, c/o Department of Natural Resources, P.O. Box 47012, Olympia, WA 98504-7012, e-mail [patricia.anderson@dnr.wa.gov](mailto:patricia.anderson@dnr.wa.gov), phone (360) 902-1413, fax (360) 902-1428.

Peter Goldmark  
Chair

**WSR 09-06-021**

**RULES COORDINATOR  
FOREST PRACTICES BOARD**

[Filed February 23, 2009, 12:42 p.m.]

Pursuant to RCW 34.05.312, Patricia Anderson is designated as the rules coordinator for the forest practices board. The office and mailing address for the rules coordinator is Patricia Anderson, Forest Practices Board, c/o Department of Natural Resources, P.O. Box 47012, Olympia, WA 98504-7012, e-mail [patricia.anderson@dnr.wa.gov](mailto:patricia.anderson@dnr.wa.gov).

Peter Goldmark  
Chair

**WSR 09-06-023**

**NOTICE OF PUBLIC MEETINGS  
WASHINGTON STATE UNIVERSITY**

[Filed February 23, 2009, 2:34 p.m.]

The executive committee of the Washington State University board of regents will hold a special meeting on February 24, 2009, beginning at 3:00 p.m. The purpose of the meeting is to seek approval of supplemental allocations to the WSU Spokane Riverpoint Campus Academic Center and the WSU Spokane Riverpoint Campus Nursing Building, and to allow the inclusion of improvements to both of the original

programs. The meeting will be held in French Administration, Room 422, on the WSU Pullman campus. The regents executive committee will participate in the meeting via teleconference. Other members of the board of regents may also attend the meeting.

This notice is being sent by the direction of the chair of the board of regents pursuant to the requirements of the Open [Public] Meeting[s] Act of 1971 (chapter 250, Laws of 1971 1st ex. sess.), as amended.

Questions about this special meeting may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-6615.

#### WSR 09-06-033

##### NOTICE OF PUBLIC MEETINGS RECREATION AND CONSERVATION OFFICE

(Recreation and Conservation Funding Board)

[Filed February 24, 2009, 9:10 a.m.]

The next public meeting of the recreation and conservation funding board will be Thursday, March 26, 2009, from 9:00 a.m. to 5:00 p.m., at the Natural Resources Building, Room 172, Olympia, Washington.

For further information, please contact Patty Dickason at (360) 902-3085 or check Recreation and Conservation Office's (RCO) web page at <http://www.rco.wa.gov/rcfb/board/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Patty Dickason at least two weeks prior to the meeting date at the number listed above or by e-mail at [Patty.Dickason@rco.wa.gov](mailto:Patty.Dickason@rco.wa.gov).

#### WSR 09-06-034

##### OFFICE OF THE GOVERNOR

[Filed February 24, 2009, 9:10 a.m.]

#### Lowering of the Washington State and United States Flags

I hereby direct that Washington State and United States flags at all Washington State agency facilities be lowered to half-staff on **Tuesday, February 24**, in memory of Erik Anderson, a Spokane Community College instructor and state employee. Erik was killed yesterday in a tragic work related accident on the college campus.

**Please notify your staff and all of your field offices and facilities around the state.**

Flags should remain at half-staff until sunset Tuesday or first thing Wednesday morning, February 25.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire  
Governor

#### WSR 09-06-037

##### NOTICE OF PUBLIC MEETINGS WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Filed February 25, 2009, 8:54 a.m.]

The workforce training and education coordinating board will conduct a special board meeting on March 4, 2009, in the workforce board's main conference room to take action on the rapid redeployment of the unobligated WIA 10% funds.

Please feel free to contact Julie Anderson, (360) 753-5677 or [janderson@wtb.wa.gov](mailto:janderson@wtb.wa.gov), if you have any questions.

#### WSR 09-06-045

##### RULES COORDINATOR HUMAN RIGHTS COMMISSION

[Filed February 25, 2009, 1:52 p.m.]

This letter is to supply your office with the contact information for the rules coordinator of the Washington state human rights commission. Pursuant to RCW 34.05.312, the information to be printed in the Washington state register is as follows: Seth Kirby, 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490, e-mail [skirby@hum.wa.gov](mailto:skirby@hum.wa.gov), phone (360) 359-4922, fax (360) 586-2282.

Sharon Ortiz  
Interim Executive Director

#### WSR 09-06-051

##### INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed February 25, 2009, 3:43 p.m.]

##### INTERPRETIVE STATEMENT ISSUED

#### ETA 3157.2009

##### Information Technology Services and the Preferential B&O Rate Under RCW 82.04.263

RCW 82.04.263 provides a preferential business and occupation (B&O) tax rate for persons engaged in the business of cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development for the United States or its instrumentalities. For the purposes of the preferential rate, "cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development" means the activities of handling, storing, treating, immobilizing, stabilizing, or disposing of radioactive waste, radioactive tank waste and capsules, non-radioactive hazardous solid and liquid wastes, or spent nuclear fuel; spent nuclear fuel conditioning; removal of contamination in soils and ground water; decontamination and decommissioning of facilities; and activities integral and necessary to the direct performance of cleanup.

This excise tax advisory (ETA) discusses how this preferential B&O tax rate applies to information technology services.

A copy of this document is available via the internet at <http://dor.wa.gov/content/FindALawOrRule/>.

Alan R. Lynn  
Rules Coordinator

Executive Session                    11:40 a.m.    Cheney  
TAW 215A

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 09-06-052**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed February 25, 2009, 3:49 p.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Health and Recovery Services Administration**  
**Division of Rates and Finance**

Document Title: Public Notice.  
Subject: Medicaid state plan amendment.  
Effective Date: April 1, 2009.

Document Description: The department of social and health services (DSHS), health and recovery services administration (HRSA) is updating the Title XIX medicaid state plan with the following changes to the prescription drug program:

- \*Delete references to First Databank as drug file carrier; and
- \*Update pharmacy payment rate for estimated acquisition cost (EAC). Effective April 1, 2009, EAC will pay at AWP-20%.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504, phone (360) 725-1345, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [myersea@dshs.wa.gov](mailto:myersea@dshs.wa.gov).

**WSR 09-06-054**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed February 26, 2009, 9:05 a.m.]

**BOARD OF TRUSTEES**

**Friday**  
**February 27, 2009**

Committee of the Whole	12:45 p.m.	Cheney TAW 215 B&C
Open Public Session	1:15 p.m.	Cheney TAW 215 B&C

**WSR 09-06-055**  
**OFFICE OF THE GOVERNOR**

[Filed February 26, 2009, 1:34 p.m.]

**Lowering of the Washington State and United States Flags**

I hereby direct that Washington State and United States flags at all state agency facilities be lowered to half-staff on **Friday, February 27, 2009**, in memory of U.S. Air Force Staff Sergeant Timothy P. Davis of Aberdeen who was killed on February 20, when his convoy was struck with an IED near Bagram, Afghanistan.

**Please notify your staff and all of your field offices and facilities around the state.**

Flags should remain at half-staff until close of business on Friday.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire  
Governor

**WSR 09-06-057**  
**NOTICE OF PUBLIC MEETINGS**  
**LAKE WASHINGTON**  
**TECHNICAL COLLEGE**

[Filed February 27, 2009, 8:54 a.m.]

**Revised 2009 LWTC Board Meeting Dates**

Pursuant to RCW 42.30.075, we are hereby notifying you of the following 2009 board meeting dates for the Lake Washington Technical College board of trustees.

There is also one amended board meeting date:

Original date March 9, 2009 - new date March 2, 2009.

Appropriate advertising of this meeting change will take place ten days prior to the meeting. Work sessions begin at 5:00 p.m. in Room W302E at the college; the regular meeting agenda begins at 5:45 p.m. in Room W305 at the college.

**WSR 09-06-059**  
**NOTICE OF PUBLIC MEETINGS**  
**LEGISLATIVE ETHICS BOARD**

[Filed February 27, 2009, 2:56 p.m.]

The ethics board has established the following meeting schedule for 2009:

March 19	Olympia	12 p.m.	Senate Hearing Room 3
April 16	Olympia	12 p.m.	Senate Hearing Room 3
May 20	Olympia	12 p.m.	Senate Hearing Room 3
June 18	Location to be determined	12 p.m.	
July 16	Location to be determined	12 p.m.	
August 20	Location to be determined	12 p.m.	
September 24	Olympia	12 p.m.	
October 15	Olympia	12 p.m.	
December 3	Olympia	12 p.m.	

**WSR 09-06-061**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**  
 [Filed February 27, 2009, 4:45 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled March board meeting on Monday, March 9, 2009, at 2 p.m. on the campus of Whatcom Community College in the Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. Board of trustees meetings are open to the public.

**WSR 09-06-066**  
**NOTICE OF PUBLIC MEETINGS**  
**BIG BEND**  
**COMMUNITY COLLEGE**  
 [Filed March 2, 2009, 9:11 a.m.]

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: April 7, 2009, 1:30 p.m. meeting will be moved to April 14, 2009, at 7:00 p.m.

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

**WSR 09-06-070**  
**NOTICE OF PUBLIC MEETINGS**  
**WHATCOM COMMUNITY COLLEGE**  
 [Filed March 2, 2009, 4:44 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled March board meeting on Monday, March 9, 2009, at 2 p.m. on the campus of Whatcom Community College, 237 West Kellogg Road, Bellingham, WA 98226. The meeting location has been changed to the Syre Student Center, Rooms 107/108, to accommodate the anticipated additional guests including tenure committee members and the families of the probationary faculty. Board of trustees meetings are open to the public.

**WSR 09-06-088**  
**DEPARTMENT OF ECOLOGY**  
 [Filed March 3, 2009, 3:30 p.m.]

**PUBLIC NOTICE**  
**Announcing the Modifications of Phase I Municipal**  
**Stormwater General Permit for Public Review**  
**and Comment**

**The Proposed Permit Modification:** The department of ecology (ecology) is proposing to issue a modified general permit for public review and comment on March 18, 2009, for the Phase I municipal stormwater general permit, issued on January 17, 2007. The proposed modification implements orders of the pollution control hearings board and settlement agreements as outcomes of permit appeals.

**Purpose of the Municipal Stormwater General Permit:** Federal and state water quality laws require a permit for the discharge of stormwater (see Federal Water Pollution Control Act Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act, chapter 90.48 RCW and Washington waste discharge general permit regulation, WAC 173-226-130). The permits address these legal requirements and control the discharge of pollutants to protect surface water and ground water quality in Washington state. The permits require municipalities and secondary permittees covered by the permit to develop and implement a stormwater management program to control stormwater runoff into and from their storm sewer system.

**Applying for a Permit and Coverage Areas:** The permit remains in effect during this modification process. Geographic areas of permit coverage are available at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html>.

**Requesting Copies of the Proposed Permit Modification:** Beginning March 18, 2009, you may request copies of the permit modification and fact sheet or download copies from the web site at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>.

**Ecology Contact:** Julie Lowe, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6470, fax (360) 407-6426, e-mail [jlow461@ecy.wa.gov](mailto:jlow461@ecy.wa.gov).

**Submitting Written and Oral Comments:** Ecology will accept written and oral comments on the draft permit and fact sheet until **5 p.m., May 1, 2009**. Ecology prefers comments to be submitted by e-mail. Comments should reference the specific permit and specific text when possible.

**Submit Written Comments To:** Municipal Permit Comments, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail SWPermitComments@ecy.wa.gov.

Written comments must be postmarked no later than **5 p.m., May 1, 2009**. You must send e-mail comments before **5 p.m., May 1, 2009**. You may provide oral testimony at the public hearing.

**Hearings and Workshops:** The public hearing and workshop on the permit modifications are scheduled to be held in Tacoma, Washington. At the workshop ecology will explain the permit modification and answer questions. A hearing will immediately follow the workshop. The hearings will provide the opportunity for formal oral testimony and comments on the proposed permit(s).

**April 23, 2009, 2 p.m., Tacoma,** Pierce County Library System, 3005 112th Street East, Tacoma, WA, (253) 536-6500.

Ecology has scheduled two additional informational workshops in Phase I areas. For more information go to <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>.

**Issuing the Final Modified Permits:** After ecology receives and considers all public comments, it will issue the modified permit. If public comments cause a substantial change in the permit conditions from the original permit modification, another public notice of draft and comment period will occur. If there is no substantial change to the draft ecology expects to issue the modified permit in the summer of 2009. The permit will be effective thirty days later. When issued, ecology will send a copy of the notice of issuance and ecology's responses to the comments to all persons who submitted written comment or gave oral testimony at the public hearing.

#### WSR 09-06-089

#### DEPARTMENT OF ECOLOGY

[Filed March 3, 2009, 3:32 p.m.]

#### PUBLIC NOTICE

#### Announcing the Modifications of Eastern Washington Phase II and Western Washington Phase II Municipal Stormwater General Permits for Public Review

**The Proposed Permit Modifications:** The department of ecology (ecology) is proposing to issue two modified general permits for public review and comment on March 18, 2009. These permits include the Phase II western Washington and eastern Washington municipal stormwater general permits issued on January 17, 2007. Ecology is modifying the permits to implement the outcomes of permit appeals.

**Purpose of the Municipal Stormwater General Permits:** Federal and state water quality laws require a permit for the discharge of stormwater (see Federal Water Pollution

Control Act Title 22 United States Code, Section 1251 et seq., state Water Pollution Control Act, chapter 90.48 RCW and Washington waste discharge general permit regulation, WAC 173-226-130). The permits address these legal requirements and control the discharge of pollutants to protect surface water and ground water quality in Washington state. The permits require municipalities and secondary permittees to develop and implement a stormwater management program to control stormwater runoff into and from their storm sewer system.

**Applying for a Permit and Coverage Areas:** The permits remain in effect during this modification process. Geographic areas of permit coverage are available at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/index.html>.

**Requesting Copies of the Proposed Permit Modifications:** Beginning March 18, 2009, you may request copies of the permit modifications and fact sheet or download copies from the web site at <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>.

**Ecology Contact:** Harriet Beale, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6457, fax (360) 407-6426, e-mail [hbea461@ecy.wa.gov](mailto:hbea461@ecy.wa.gov).

**Submitting Written and Oral Comments:** Ecology will accept written and oral comments on the draft permits and fact sheet until **5 p.m., May 1, 2009**. Ecology prefers comments to be submitted by e-mail. Comments should reference the specific permit(s) and specific text when possible.

**Submit Written Comments to:** Municipal Permit Comments, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail SWPermitComments@ecy.wa.gov.

Written comments must be postmarked no later than **5 p.m., May 1, 2009**. You must send e-mail comments before **5 p.m., May 1, 2009**. You may provide oral testimony at either public hearing.

**Hearings and Workshops:** The public hearings and workshops on the permit modifications are scheduled to be held in Tacoma and Moses Lake, Washington. A hearing will immediately follow each workshop to provide the opportunity for formal oral testimony and comments on the proposed permit(s).

**On April 22, 2009, at 2:30 p.m., Moses Lake,** Moses Lake Fire Station, 701 East Third Street, Moses Lake, WA, (509) 765-2204, *Phase II EWA permit only*.

**On April 23, 2009, 2 p.m., Tacoma,** Pierce County Library System, 3005 112th Street East, Tacoma, WA, (253) 536-6500, *Phase I and Phase II WWA permits only*.

Ecology has scheduled three additional informational workshops around the state. For more information go to <http://www.ecy.wa.gov/programs/wq/stormwater/municipal/permitMOD.html>.

**Issuing the Final Modified Permits:** After ecology receives and considers all public comments, it will issue the modified permits. If public comments cause a substantial change in the permit conditions from the original permit modifications, another public notice of draft and comment period will occur. If there is no substantial change to the drafts ecology expects to issue the modified permits in the

summer of 2009. The permits will be effective thirty days later. When issued, ecology will send a copy of the notice of issuance and ecology's responses to the comments to all persons who submitted written comment or gave oral testimony at the public hearings.

**WSR 09-06-090**

**NOTICE OF PUBLIC MEETINGS**

**EASTERN WASHINGTON UNIVERSITY**

[Filed March 4, 2009, 8:58 a.m.]

The board of trustees of Eastern Washington University will hold regular meetings at the Cheney campus on Thursday and Friday, February 26 and 27, 2009, according to the schedule below. The board will convene an executive session according to RCW 42.30.110 and/or 42.30.140 on Friday, February 27 at 11:40 a.m. The board will convene in open session on Friday, February 27 at 1:15 p.m. to discuss and take action on agenda items.

**Thursday, February 26, 2009**

3:00 - 5:00 p.m.	Student Affairs Committee	PUB 206
4:00 - 6:00 p.m.	Advancement Committee	PUB 261
6:45 p.m.	Dinner - on your own	

**Friday, February 27, 2009**

7:30 - 9:30 a.m.	Academic Affairs Committee	PUB 206
9:30 - 11:30 a.m.	Business and Finance Committee	PUB 261
11:40 a.m. - 12:40 p.m.	Board Executive Session and Lunch	TAW 215 A
12:45 - 1:10 p.m.	Board Committee of the Whole	TAW 215 B&C
1:15 - 3:15 p.m.	Board of Trustees Open Meeting	TAW 215 B&C
3:15 - 4:30 p.m.	Trustee Tour of Hargreaves Hall	Start from TAW

**February 27, 2009**

Committee of the Whole	12:45 p.m.	Cheney, TAW 215 B&C
Open Public Session	1:15 p.m.	Cheney, TAW 215 B&C
Executive Session	11:40 a.m.	Cheney, TAW 215 A

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