

WSR 10-04-033
AGENDA
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH
 [Filed January 27, 2010, 9:12 a.m.]

January 2010
Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at (360) 236-4044. If you have any questions regarding SBOH rule-making activities please contact Craig McLaughlin at (360) 236-4106.

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

SBOH
Rule Making

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR# and Date	Program Staff Contact
RCW 28A.165.025	State board of health	Chapter 246-760 WAC, Vision screening in schools.			Anticipate Filing 2/2010		Teresa Cooper (360) 236-3530
RCW 43.20.050	State board of health	WAC 246-100-191 Animals, birds, pets—Measures to prevent human disease. WAC 246-100-201 Birds—Measures to prevent psittacosis.	07-10-117 5/2/2007	Anticipate Filing 7/2010			Liz Dykstra (360) 236-3223
RCW 43.20.050	State board of health	Chapter 246-101 WAC, Notifiable conditions.	9-18-008 8/20/2009	Anticipate Filing 5/2010			Pamela Lovinger (360) 236-4225
RCW 43.20.050	State board of health	Chapter 246-272A WAC, On-site sewage systems. This rule making will explore creation of a process for the approval and state registration of drain field remediation technologies. The state board of health does not currently regulate remediation technologies.	06-12-108 6/7/2006	On hold			Melissa McEachron (360) 236-3265
RCW 43.20.050	State board of health	Chapter 246-291 WAC, Group B public water supplies.	07-14-147 7/5/2007	Anticipate Filing 10/2010			Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health	Chapter 246-390 WAC, Drinking water laboratory certification.	06-23-077 11/13/2006	Anticipate Filing 10/2010			Theresa Phillips (360) 236-3147

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RCW 43.20.050	State board of health	WAC 246-105-040 Requirements based on national immunization guidelines.	Proposal is exempt under RCW 34.05.310(4)	Anticipate Filing 8/2010		Anticipate Filing 11/2010	Jeff Wise (360) 236-3483
RCW 70.58.055	State board of health	WAC 246-491-039 Confidential information on Washington birth/fetal certificates.	09-18-007 9/23/2009	Anticipate Filing 2/2010			Pamela Lovinger (360) 236-4225
RCW 70.62.240	State board of health	Chapter 246-360 WAC, Transient accommodations.	07-14-148 7/5/2007				John Hilger (360) 236-2929
RCW 43.20.050 and 43.20.145	State board of health	Chapter 246-205 WAC, Food service.	Anticipate Filing 2/2010				Joe Graham (360) 236-3305
RCW 43.20.050, 70.119A.080	State board of health	WAC 246-203-103 Keeping of animals.	09-17-132 8/19/2009				Ned Therien (360) 236-4103
RCW 43.20.050	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Lead and copper.	09-15-040 1/8/2009	Anticipate Filing by 7/2011			Theresa Phillips (360) 236-3147
RCW 43.20.050, 70.119A.080	State board of health (delegated to department of health)	Chapter 246-290 WAC, Group A public water supplies—Groundwater.	07-24-072 12/4/2007	Anticipate Filing 7/2010			Theresa Phillips (360) 236-3147
RCW 43.20.050	State board of health (delegated to department of health)	Chapter 246-260 WAC, Water recreation facilities and chapter 246-262 WAC, Recreational water contact facilities.	Proposal is exempt under RCW 34.05.310(4)	Anticipate Filing 3/2010			Mark Soltman (360) 236-3366

DOH

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RCW 18.35.161	Board of hearing and speech	WAC 246-828-XXX Prohibiting the use of the title "audioprosthologist."	09-11-116 5/20/2009				Jenette [Janette] Benham (360) 236-4857
RCW 18.35.161 (chapter 301, Laws of 2009)	Board of hearing and speech	Chapter 246-828 WAC, Hearing and speech, amending the chapter to add the requirements, including the fees, for the new speech and language pathology assistant profession and for general house-keeping changes.	09-15-114 7/17/2009				Jenette [Janette] Benham (360) 236-4857

RCW or Session Law	Authority	WAC and Rule Title	CR-101 Filing WSR # and Date	CR-102 Filing WSR # and Date	CR-105 Filing WSR # and Date	CR-103 Filing WSR # and Date	Program Staff Contact
RCW 18.52.071	Board of nursing home administrators	WAC 246-843-010, 246-843-070, 246-843-071, 246-843-073, 246-843-090, 246-843-093, 246-843-095, 246-843-230 and 246-843-231, application for initial license and endorsement.	06-12-109 6/7/2006				Kendra Pitzler (360) 236-4723
RCW 18.54.070	Board of optometry	WAC 246-851-110 Optometry continuing education.			09-23-058 11/12/2009	Anticipate Filing 3/2010	Judy Haenke (360) 236-4947
RCW 18.54.070	Board of optometry	WAC 246-851-XXX Optometry multicultural education.	Anticipate Filing 3/2010				Judy Haenke (360) 236-4947
RCW 18.130.064, 18.13.075	Board of optometry	WAC 246-851-495 How to obtain an optometry temporary practice permit while the national background check [is completed].			10-01-186 12/22/2009	Anticipate Filing 4/2010	Judy Haenke (360) 236-4947
RCW 18.54.070, 18.53.010	Board of optometry	Chapter 246-851 WAC, Prescription of therapeutic contact lenses.	Anticipate Filing 4/2010				Judy Haenke (360) 236-4947
RCW 18.130.050, 18.57.005, 18.57A.020	Board of osteopathic medicine and surgery	Chapter 246-853 WAC, Osteopathic physicians, chapter 246-854 WAC, Osteopathic physician assistants—Sedation and anesthesia.	07-16-141 8/1/2007				Erin Obenland (360) 236-4945
RCW 18.130.050, 18.57.005, 18.57A.020	Board of osteopathic medicine and surgery	Chapter 246-853 WAC, Osteopathic physician, chapter 246-854 WAC, Osteopathic physician assistant. Delegation and supervision of nonsurgical cosmetic procedure.	07-16-143 8/1/2007	Anticipate Filing 4/2010			Erin Obenland (360) 236-4945
RCW 18.64.005(7)	Board of pharmacy	WAC 246-865-060 Extended care facility—Pharmaceutical services, allowing pharmacies to register as a controlled substance registrant to receive outdated, discontinued, or	04-21-078 10/20/2004				Lisa Hodgson (360) 236-2927

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		unwanted controlled substance prescription from extended care facilities.					
RCW 18.64.005	Board of pharmacy	Chapter 246-886 WAC, Animal control—Legend drug sodium pentobarbital.	09-11-049 5/13/2009	Anticipate Filing 6/2010			Doreen Beebe (360) 236-4834
RCW 18.64.005	Board of pharmacy	New chapter 246-852 WAC, Genetic counselors.	09-17-055 8/13/2009				Doreen Beebe (360) 236-4834
RCW 18.64.005, 18.64.165	Board of pharmacy	New chapter 246-874 WAC, Pharmaceutical services—Correctional facilities, the board of pharmacy is considering developing rules that will establish minimum enforceable requirements specifically for Washington correctional facilities in safe handling, storage, recordkeeping and administration of pharmaceuticals.	07-14-145 7/5/2007	Anticipate Filing 3/2010			Doreen Beebe (360) 236-4834
RCW 18.64.005 and 69.41.240	Board of pharmacy	WAC 246-869-100 Prescription record requirements.	09-20-092 10/6/2009				Cathy Williams (360) 236-4875
RCW 18.25.0171, 18.130.050 (1) and (12)	Chiropractic quality assurance commission	Future care contracts prohibited chiropractic quality assurance commission.	Anticipate Filing 4/2010				Leann Yount (360) 236-4856
RCW 18.25.0171, 18.130.050 (1) [and] (12)	Chiropractic quality assurance commission	Chapter 246-808 WAC, Chiropractic quality assurance commission (CQAC) is considering amending the documentation of care rule. In addition, CQAC may amend the continuing education rule as well.	07-20-038 9/25/2007	10-02-079 1/5/2010			Leann Yount (360) 236-4856
RCW 18.32.040, 18.130.064	Dental quality assurance commission	WAC 246-817-XXX Inactive status.	09-03-108 1/21/2009				Jennifer Santiago (360) 236-4893
RCW 18.32.040, 18.130.064	Dental quality assurance commission	WAC 246-817-310 and 246-817-XXX, Maintenance and retention of dental records and dental treatment records.	09-13-097 6/17/2009				Jennifer Santiago (360) 236-4893

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RCW 18.32.040, 18.130.064	Dental quality assurance commission	WAC 246-817-701 Administration of anesthetics agents for dental procedures; WAC 246-817-722 Defibrillator.	09-15-115 7/17/2009	Anticipate Filing 3/2010			Jennifer Santiago (360) 236-4893
RCW 18.32.040, 18.130.064	Dental quality assurance commission	WAC 246-817-185 and 246-817-186, Temporary practice permits—Dental.		10-01-178 12/22/2009		Anticipate Filing 3/2010	Jennifer Santiago (360) 236-4893
RCW 43.70.110, 43.70.040	Department of health	Chapter 246-314 WAC, Revising the construction review services standards.	09-17-054 8/13/2009				John Hilger (360) 236-2929
Chapters 18.88A, 74.39 RCW, new chapter within Title 18 RCW	Department of health	Chapter 246-XXX WAC, Creating a new chapter to establish certification requirements for home care aides.	09-07-053 3/11/2009	10-03-055 1/15/2010			Kendra Pitzler (360) 236-4723
Chapter 18.135 RCW, chapter 43, Laws of 2009	Department of health	Chapter 246-826 WAC, Expand the scope of practice for health care assistants to administer certain medications.	09-15-189 7/22/2009	Anticipate Filing 4/2010			Erin Obenland (360) 236-4945
RCW 18.130.040	Department of health	New chapter 246-XXX WAC, relating to certification of animal massage practitioners.	07-18-016 8/24/2007				Judy Haenke (360) 236-4828
RCW 18.36A.060	Department of health	WAC 246-836-080 Continuing competency program requirements for naturopathic physicians.	08-17-041 8/14/2008	Anticipate Filing 3/2010			Susan Gragg (360) 236-4941
RCW 18.46.060	Department of health	WAC 246-329-120 Birth center policies and procedures, correcting a WAC reference.		Expedited rule-making notice filed under RCW 34.05.353	09-22-084 11/3/2009	Anticipate Filing 3/2010	John Hilger (360) 236-2929
Chapter 18.84 RCW	Department of health	Chapter 246-926 WAC, Radiologist assistants an [and] advanced level radiological technologist.	08-17-040 8/14/2008	09-24-101 12/1/2009		Anticipate Filings 3/2010	Susan Gragg (360) 236-4941
RCW 18.36A.060 and 18.36A.100	Department of health	Chapter 246-836 WAC, amending accreditation requirements for naturopathic medical educational institutions.	Anticipate Filing by 4/2010				Susan Gragg (360) 236-4941

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RCW 43.70.040, 70.38.135	Department of health	WAC 246-310-XXX Hospital acute care bed methodology.	09-16-118 8/4/2009				John Hilger (360) 236-2929
RCW 43.70.120 and chapter 215, Laws of 2008	Department of health	WAC 246-780-001 through 246-780-060, farmers market nutrition program (FMNP).	08-19-012 9/4/2008	Anticipate Filing 3/2010			Janice Boden (360) 236-3610
RCW 43.70.120 and 7 C.F.R. 246	Department of health	WAC 246-790-060 Women, infant, and children's nutrition program authorized foods.	08-16-036 7/29/2008	Anticipate Filing 3/2010		Anticipate Filing 11/2010	Becky Waite (360) 236-3640
RCW 43.70.150, chapter 70.58 RCW	Department of health	Chapter 246-XXX WAC, Electronic death registration system (EDRS).	07-08-051 3/29/2007				Philip Freeman (360) 236-4330
RCW 43.70.340	Department of health	WAC 246-358-990 Temporary worker housing fee, 246-359-990 Temporary worker housing construction standard fees, 246-361-990 Cherry harvest camp fees.	07-17-171 8/22/2007				John Hilger (360) 236-2929
RCW 70.118B.040	Department of health	Chapter 246-272B WAC, Large on-site sewage system (LOSS) regulations.	08-03-065 1/14/2008	Anticipate Filing 6/2010			Melissa McEachron (360) 236-3265
RCW 70.119.050	Department of health	Chapter 246-292 WAC, Waterworks operator certification.	09-21-043 10/13/2009	Anticipate Filing 3/2011			Theresa Phillips (360) 236-3147
Chapter 70.185 RCW	Department of health	Chapter 246-562 WAC, J-1 Physician visa waiver regulations.	08-14-077 6/26/2008	Anticipate Filing 3/2010			HSQA - Jennell Prentice (360) 236-2814
Chapter 70.225 RCW	Department of health	Title 246 WAC, adding new chapter for prescription monitoring program (PMP).	08-15-085 7/16/2008	Note: Rule making is suspended at this time.			Doreen Beebe (360) 236-4834
RCW 70.119A.170	Department of health	Chapter 246-296 WAC, Drinking water state revolving fund loan program (DWSRF).	Anticipate Filing 3/2010				Theresa Phillips (360) 236-3147
RCW 70.41.030	Department of health	Chapter 246-320 WAC, Hospital licensing regulations construction standards only.	09-20-090 10/6/2009				John Hilger (360) 236-2929
Chapter 70.54 RCW	Department of health	Chapter 246-102 WAC, Cancer registry.	09-15-186 7/22/09	Anticipate Filing 3/2010		Anticipate Filing Spring/ Summer 2010	Katie Golub (360) 236-3624

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RCW 70.54.340	Department of health	Chapter 246-145 WAC, amending the chapter to adopt sterilization and infection control requirements which will be enforced by the department of licensing.	09-21-042 10/13/2009				Patti Rathbun (360) 236-4067
RCW 70.98.050	Department of health	Chapter 246-231 WAC, Packaging and transportation of radioactive material and chapter 246-240 WAC, Radiation protection—Medical use of radioactive material.	Proposal is exempt under RCW 34.05.310(4)	Anticipate Filing 3/2010			Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapters 246-249, 246-250 WAC, Radioactive waste use of the commercial disposal site.	Proposal is exempt under RCW 34.05.310(4)	Anticipate Filing 3/2010			Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapter 246-247 WAC, Radiation protection—Air emission.	05-12-140 6/1/2005	Anticipate Filing 1/2011			Traci Black (360) 236-3259
RCW 70.98.050	Department of health	Chapter 246-255A WAC, Dental X-ray radiation safety and diagnostic imaging quality standards.	09-16-141 8/5/2009	Anticipate Filing 6/2010			Andrew Thatcher (360) 236-3231
RCW 43.70.250, 43.70.110	Department of health	Chapter 246-XXX WAC, Fee increases health professions licensed by the department of health: Accupuncture, dental, denturist, mental health counselor, nursing, nursing assistant, optometry, radiologic technologist, recreational therapy, respiratory therapy, and social worker.	Proposal is exempt under RCW 34.05.310(4)	Anticipate Filing 4/2010			Dianna Staley (360) 236-4997
RCW 90.46.015	Department of health	Chapter 246-XXX WAC, Greywater.	09-15-188 7/22/2009	Anticipate Filing by 7/2010			Lilia Lopez (360) 236-3071

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RCW 43.70.040, 70.38.135	Department of health	WAC 246-310-XXX Revising and updating the certificate of need adjudicative proceeding rules.	Anticipate Filing 6/2010				John Hilger (360) 236-2929
RCW 70.168.050, 70.168.060	Department of health	WAC 246-976-001 through 246-976-400, 246-976-890, 246-976-920, 246-976-950, EMS and trauma prehospital rules and standards.	08-16-037 7/29/2008	Anticipate Filing 2/2010			Maura Craig (360) 236-4987
RCW 70.168.050, 70.168.060	Department of health	WAC 246-976-485 through 246-976-887, EMS and trauma system's trauma service designation rules for adult and pediatric trauma care.	08-18-039 8/28/2008	09-18-121 9/2/2009		Anticipate Filing 3/2010	Maura Craig (360) 236-4987
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-480 Retired active credential.	09-20-075 10/21/2009				Julie Kitten (360) 236-2757
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-XXX Definitions and credentialing of physicians for teaching— Research and fellowship limited licenses.	Anticipate Filing 4/2010				Beverly Thomas (360) 236-4788
RCW 18.71.017	Medical quality assurance commission	WAC 246-919-601 Safe and effective analgesia and anesthetic administration in office-based surgical settings. The commission is considering proposed rules for physicians who perform surgery within their offices.	07-03-178 1/24/2007	09-24-109 12/2/2009		Anticipate Filing 3/2010	Beverly Thomas (360) 236-4788
RCW 18.130.064, 18.130.075	Medical quality assurance commission	WAC 246-919-396 Physicians and 246-918-075 Physician assistants permanent temporary practice permits.	Proposal is exempt under RCW 34.05.310(4)	09-24-113 12/2/2009		Anticipate Filing 4/2010	Julie Kitten (360) 236-2757

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RCW 18.130.050, 18.71A.020	Medical quality assurance commission	New sections in chapter 246-918 WAC, Safe and effective analgesia and anesthesia administration in office-based surgery settings as it applies to physician assistants.	07-23-125 11/21/2007				Beverly Thomas (360) 236-4788
RCW 18.130.050, 18.71.017, 18.71A.020	Medical quality assurance commission	Chapter 246-919 WAC, Physicians and chapter 246-918 WAC, Physician assistants. Delegation and supervision of nonsurgical cosmetic procedures.	07-08-103 4/4/2007	09-24-107 12/2/2009		Anticipate Filing by 3/2010	Beverly Thomas (360) 236-4788
RCW 18.130.064	Nursing care quality assurance commission	WAC 246-840-095 Temporary practice permits.	Proposal is exempt under RCW 34.05.310(4)	09-23-084 11/16/2009		Anticipate Filing 3/2010	Terry West (360) 236-4712
RCW 18.79.110, 18.130.050	Nursing care quality assurance commission	Chapter 246-840 WAC, new section early remediation program.	10-01-179 12/22/2009	Anticipate Filing 4/2010			Terry West (360) 236-4712
RCW 18.79.010, 18.79.110	Nursing care quality assurance commission	WAC 246-840-010, 246-840-020, 246-840-111, 246-840-120, definitions, documents issued to nurses in Washington, expired license, inactive credential, continuing competency.	09-23-081 11/16/2009	Anticipate Filing 5/2010			Terry West (360) 236-4712
RCW 18.79.010, 18.79.110	Nursing care quality assurance commission	WAC 246-840-XXX, new rule for the nursing care quality assurance commission mandatory continuing competency for licensed nurses.	08-13-092 6/18/2008	Anticipate Filing 5/2010			Terry West (360) 236-4712
RCW 18.59.090, 18.130.050	Occupational therapy practice board	WAC 246-847-030 Occupational therapists acting in a consulting capacity, 246-847-055 Initial application for individuals who have not practiced within the past four years, 246-847-068 Expired license, 246-847-070 Inactive credential, 246-847-125 Applicants currently licensed in	08-15-088 7/17/2008	Anticipate Filing 4/2010			Janette Benham (360) 236-4857

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		other states or territories, and 246-847-XXX Renewal for those that have not practiced in four years.					
RCW 18.22.015, 18.130.050	Podiatric medical board	Chapter 246-922 WAC, creating rules on the administration of sedation and anesthesia in the offices of podiatric physicians. The rule making may include necessary training and equipment requirements for podiatric physicians to perform office-based surgery.	07-16-139 8/1/2007	Anticipate Filing 4/2010			Erin Obenland (360) 236-4945
RCW 18.22.015, 18.130.050	Podiatric medical board	WAC 246-922-010 Definitions, adding new sections to chapter 246-922 WAC to establish standards for prescribing orthotic devices by podiatrists.	07-16-140 8/1/2007	Anticipate Filing 4/2010			Erin Obenland (360) 236-4945
RCW 18.92.030	Veterinary board of governors	WAC 246-935-XXX, adding a new section to define nondiscretionary functions used in preparation and administration of legend drugs for veterinary medicine.	09-13-106 6/17/2009	10-01-063 12/10/2009		Anticipate Filing 4/2010	Judy Haenke (360) 236-4828
RCW 18.92.030	Veterinary board of governors	WAC 246-933-320, general requirements for all veterinary medical facilities.	06-01-100 12/21/2005	10-01-068 12/11/2009		Anticipate Filing 4/2010	Judy Haenke (360) 236-4828
RCW 18.92.030	Veterinary board of governors	WAC 246-935-100, 246-935-440, nondiscretionary functions.	09-13-106 6/17/2009	10-01-063 12/10/2009		Anticipate Filing by 3/2010	Judy Haenke (360) 236-4828
RCW 18.92.030	Veterinary board of governors	New section WAC 246-935-XXX Identification of veterinary technician standard tasks and procedures that must be included in the experience of a person who qualifies to take the veterinary technician	07-16-142 8/1/2007	Anticipate Filing 2/2010			Judy Haenke (360) 236-4828

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		examination through a period of practical experience.					
RCW 18.130.064, 18.130.075, 18.92.030	Veterinary board of governors	WAC 246-933-255, and 246-933-135, how to obtain a temporary practice permit while the national background check is completed.		10-01-177 12/22/2009		Anticipate Filing 3/2010	Judy Haenke (360) 236-4828

KEY

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

CR-101 is a preproposal statement of inquiry filed under RCW 34.05.310.

CR-102 is a proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

Proposal is Exempt under RCW 34.05.310(4) means a rule that does not require the filing of a CR-101 notice under RCW 34.05.310(4).

CR-105 is an expedited rule-making notice filed under RCW 34.05.353. This is an accelerated rule adoption process with no public hearing required.

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

EMERGENCY rules are temporary rules filed under RCW 34.05.350 and 34.05.380 by using a CR-103 rule-making order. Emergency rules may be used to meet certain urgent circumstances. These rules are effective for one hundred twenty days after the filing date, and may be extended in certain circumstances.

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

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

TBD - To be determined is when a date is still being discussed.

RCW is the Revised Code of Washington.

WAC is the Washington Administrative Code.

WSR number is the Washington state register official filing reference number given by the office of the code reviser when a notice is filed.

DOH is the department of health.

HSQA is the health systems quality assurance division.

EH is the environmental health division.

EHSPHL is the epidemiology health statistics and public health labs division.

CFH is the community family health division.

SBOH is the state board of health.

WSR 10-05-003
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
RETIREMENT SYSTEMS
 (Employee Retirement Benefits Board)
 [Filed February 4, 2010, 8:51 a.m.]

This is to notify you of a change in location for the February 23, 2010, meeting of the employee retirement benefits board (ERBB). The February 23 meeting will be held in the boardroom at the Washington State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA.

If you have any questions or need additional information, please don't hesitate to contact Wilma Eby at 664-7311.

WSR 10-05-004
AGENDA
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed February 4, 2010, 8:51 a.m.]

In accordance with RCW 34.05.314, the office of financial management (OFM) submits this semi-annual agenda for rules under development. During the next six-month period, OFM will be engaged in the rule-making activities set forth below.

The update of chapter 82-60 WAC, for regulating property and liability local government self-insurance programs, resulted in removing the standards for health and welfare programs to be placed in a separate chapter. The new chapter regulating health and welfare local government self-insurance programs has been published for hearing. It is intended to be finalized and in effect by July 2010.

SSB 5665 enacted in 2009 (chapter 314, Laws of 2009), gives affordable housing entities the authority to jointly self-

insure property and liability risks in a multiple state risk-sharing program regulated by the state risk manager. SSB 5665, section 6, requires the state risk manager to adopt rules that include standards for management, operations, and solvency, including frequency of actuarial analyses and claims audits. Rule-making activity to implement this legislation has begun.

If you have any questions, please feel free to contact Roselyn Marcus at (360) 902-0568.

Roselyn Marcus
Director of Legal Affairs
Rules Coordinator

WSR 10-05-005

NOTICE OF PUBLIC MEETINGS PUGET SOUND PARTNERSHIP

(Puget Sound Partnership Leadership Council)

[Filed February 4, 2010, 8:52 a.m.]

REVISED 2010 Meeting Schedule

At a regular meeting on January 28, 2010, the Puget Sound partnership leadership council adopted the following revised meeting schedule:

Date	Day(s)	Location
March 25 18, 2010	Thursday	Edmonds - New Date
April 29 and 30, 2010	Thursday-Friday	TBD - Cancelled
May 20, 2010	Thursday	TBD
June 24, 2010	Thursday	TBD - Cancelled
July 29 and 30, 2010	Thursday-Friday	TBD
September 16 and 17, 2010	Thursday-Friday	TBD
October 21, 2010	Thursday	TBD - Cancelled
November 18 and 19, 2010	Thursday-Friday	TBD
December 2, 2010	Thursday	TBD - Cancelled

WSR 10-05-007

NOTICE OF PUBLIC MEETINGS FRUIT COMMISSION

[Filed February 4, 2010, 11:29 a.m.]

At their December 2009 board meeting, the Washington state fruit commission (WSFC) approved the following meeting dates and places for the 2010 year:

March 17, 2010	1:00 p.m.	Yakima, Washington
May 19, 2010	9:00 a.m.	Pasco, Washington
July 28, 2010	11:00 a.m.	Wenatchee, Washington
December 15, 2010	11:00 a.m.	Yakima, Washington

If there are any questions, please contact the WSFC offices at (509) 453-4837.

WSR 10-05-008

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed February 4, 2010, 1:25 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 (DSHS).

Health and Recovery Services Administration (HRSA) Division of Legal Services

Document Title: # Memo 10-05.

Subject: Prescription drug program: Maximum allowable cost (MAC) update.

Effective Date: March 1, 2010.

Document Description: Effective for dates of service on and after March 1, 2010, DSHS will implement the following changes to the prescription drug program:

1. New additions to the MAC list;
2. Adjustments to existing MACs; and
3. MAC deletions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 10-05-009

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed February 4, 2010, 1:25 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 (DSHS).

Health and Recovery Services Administration (HRSA) Division of Legal Services

Document Title: # Memo 10-03.

Subject: Use of the mother's ProviderOne client ID for a newborn.

Effective Date: 00/00/00.

Document Description: Effective upon ProviderOne implementation, DSHS requires the correct ProviderOne client ID when billing for services provided to the newborn infant of a DSHS client.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 10-05-010
NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION

[Filed February 4, 2010, 1:38 p.m.]

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington state sentencing guidelines commission for calendar year 2010.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information, www.sgc.wa.gov.

2010

Date	Location
January 8, 2010	SeaTac area
February 12, 2010	SeaTac area
March 12, 2010	SeaTac area
April 9, 2010	SeaTac area
May 14, 2010	SeaTac area
June 11, 2010	SeaTac area
July 9, 2010	SeaTac area
August 13, 2010	SeaTac area
September 10, 2010	SeaTac area
October 8, 2010	SeaTac area
November 12, 2010	SeaTac area
December 10, 2010	SeaTac area

WSR 10-05-011
NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION

(Sex Offender Policy Board)
 [Filed February 4, 2010, 1:39 p.m.]

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington state sex offender policy board for calendar year 2010.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information www.sgc.wa.gov.

2010

Date	Location
January 21, 2010	Seattle area
February 18, 2010	Olympia area
March 18, 2010	Seattle area
April 15, 2010	Seattle area
May 20, 2010	Seattle area
June 17, 2010	Seattle area
July 15, 2010	Seattle area
August 19, 2010	Seattle area
September 16, 2010	Seattle area

Date	Location
October 21, 2010	Seattle area
November 18, 2010	Seattle area
December 16, 2010	Seattle area

WSR 10-05-012
NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION
 (Sex Offender Registration and Notification Committee)

[Filed February 4, 2010, 1:40 p.m.]

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington state sex offender policy board registration and notification committee for calendar year 2010.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information www.sgc.wa.gov.

2010

Date	Location
February 9, 2010	Olympia area (cancelled)
March 9, 2010	Olympia area
April 13, 2010	Olympia area
May 11, 2010	Olympia area
June 8, 2010	Olympia area
July 13, 2010	Olympia area
August 10, 2010	Olympia area
September 14, 2010	Olympia area
October 12, 2010	Olympia area
November 9, 2010	Olympia area
December 14, 2010	Olympia area

WSR 10-05-013
NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION

(Benchmarks Committee)
 [Filed February 4, 2010, 1:41 p.m.]

In accordance with RCW 42.30.075, following is a schedule of regular meeting[s] of the Washington state sex offender policy board benchmarks committee for calendar year 2010.

If you have question[s] or need additional information, please contact Andi May at (360) 407-1050 or via e-mail andim@sgc.wa.gov.

See web site for more information www.sgc.wa.gov.

2010

Date	Location
January 26, 2010	Olympia area

Date	Location
February 23, 2010	Olympia area
March 23, 2010	Olympia area
April 27, 2010	Olympia area
May 25, 2010	Olympia area
June 22, 2010	Olympia area
July 27, 2010	Olympia area
August 24, 2010	Olympia area
September 28, 2010	Olympia area
October 26, 2010	Olympia area
November 23, 2010	Olympia area
December 28, 2010	Olympia area

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: Policy Clarification Memo 10-001: Colville Tribal Child Support Program SEMS Access.

Subject: Colville tribal child support program support enforcement management system (SEMS) access.

Effective Date: February 3, 2010.

Document Description: This policy clarification memo (PCM) explains how the DCS extended use of SEMS to the Colville tribal child support program.

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 10-05-015

INTERPRETIVE AND POLICY STATEMENT

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed February 4, 2010, 2:58 p.m.]

In accordance with RCW 34.05.230(12), following are the policy and interpretive statements issued by the department regarding the specialty compliance services division policies.

If you have any questions or need additional information please call Naomi Goodman at (360) 902-4211.

Specialty Compliance Services: Employment Standards.

Amended Policy ES.C.10, chapter 296-130 WAC.

The purpose of this policy is to provide answers to the frequently asked questions about the Family Care Act. The changes will implement 2009 ESSB 5688, and later Referendum 71, which changed the Family Care Act to include registered domestic partners. Additionally, the new telephone number for the protected leave unit is included.

Contact: David Johnson, Industrial Relations Specialist, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-4930, e-mail jdc235@lni.wa.gov.

Naomi Goodman

WSR 10-05-020

INTERPRETIVE OR POLICY STATEMENT

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed February 5, 2010, 8:24 a.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.

WSR 10-05-021

NOTICE OF PUBLIC MEETINGS

FIRE PROTECTION POLICY BOARD

[Filed February 5, 2010, 9:08 a.m.]

Following is the updated schedule for 2010 meetings and work sessions of the fire protection policy board. This schedule reflects the date change of the April meeting to April 13, 2010.

If you have any questions, or require additional information, please contact Ms. Ellen Tombleson at (360) 596-3902.

2010

MEETING/WORK SESSION SCHEDULE

January 27, 2010 9:00 a.m.	Work Session	General Administration Building Room 326 210 11th Street S.W. Olympia, WA
February 24, 2010 9:00 a.m.	Regular Meeting	General Administration Building WSP Conference Room 210 11th Street S.W. Olympia, WA
April 13, 2010 9:00 a.m.	Work Session	General Administration Building WSP Conference Room 210 11th Street S.W. Olympia, WA
May 26, 2010 9:00 a.m.	Regular Meeting	General Administration Building WSP Conference Room 210 11th Street S.W. Olympia, WA
July 28, 2010 9:00 a.m.	Work Session	General Administration Building WSP Conference Room 210 11th Street S.W. Olympia, WA
August 25, 2010	Regular Meeting	General Administration Building WSP Conference Room 210 11th Street S.W. Olympia, WA

October 27, 2010 9:00 a.m.	Work Session	General Administration Building WSP Conference Room 210 11th Street S.W. Olympia, WA
November 17, 2010 9:00 a.m.	Regular Meeting	General Administration Building Room G-3 210 11th Street S.W. Olympia, WA

For information regarding fire protection policy board meetings, please contact Ellen Tombleson, Washington state patrol, fire protection bureau, at (360) 596-3902.

WSR 10-05-022
NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD
 [Filed February 5, 2010, 10:52 a.m.]

Public Meeting Schedule for January - December 2010

Meeting Location: WSLCB Board Offices, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1600.

Board Caucus Conference Room 105 11 a.m. - 12 p.m.	Board Meeting Boardroom 10 a.m. - 12 p.m.	Executive Management Team Meeting Boardroom 1:30 p.m. - 5 p.m.
January 5, 2010	January 6, 2010	January 6, 2010
January 12, 2010	January 13, 2010	January 13, 2010
January 19, 2010	January 20, 2010 (cancelled)	January 21, 2010
January 26, 2010	January 27, 2010	January 27, 2010
February 2, 2010	February 3, 2010	February 3, 2010
February 9, 2010	February 10, 2010	February 10, 2010
February 16, 2010	February 17, 2010	February 17, 2010
February 23, 2010	February 24, 2010	February 24, 2010
March 2, 2010	March 3, 2010	March 3, 2010
March 9, 2010 (cancelled)	March 10, 2010 (cancelled)	March 10, 2010 (cancelled)
March 16, 2010	March 17, 2010	March 17, 2010
March 23, 2010	March 24, 2010	March 24, 2010
March 30, 2010	March 31, 2010	March 31, 2010
April 6, 2010	April 7, 2010	April 7, 2010
April 13, 2010	April 14, 2010	April 14, 2010
April 20, 2010	April 21, 2010	April 21, 2010
April 27, 2010	April 28, 2010	April 28, 2010
May 4, 2010	May 5, 2010	May 5, 2010
May 11, 2010	May 12, 2010	May 12, 2010
May 18, 2010	May 19, 2010 (cancelled)	May 19, 2010 (cancelled)
May 25, 2010	May 26, 2010	May 26, 2010
June 1, 2010	June 2, 2010	June 2, 2010
June 8, 2010	June 9, 2010	June 9, 2010
June 15, 2010	June 16, 2010	June 16, 2010
June 22, 2010	June 23, 2010	June 23, 2010
June 29, 2010	June 30, 2010 (cancelled)	June 30, 2010 (cancelled)
July 6, 2010	July 7, 2010	July 7, 2010

Board Caucus Conference Room 105 11 a.m. - 12 p.m.	Board Meeting Boardroom 10 a.m. - 12 p.m.	Executive Management Team Meeting Boardroom 1:30 p.m. - 5 p.m.
July 13, 2010	July 14, 2010	July 14, 2010
July 20, 2010	July 21, 2010	July 21, 2010
July 27, 2010	July 28, 2010	July 28, 2010
August 3, 2010	August 4, 2010	August 4, 2010
August 10, 2010	August 11, 2010	August 11, 2010
August 17, 2010	August 18, 2010	August 18, 2010
August 24, 2010	August 25, 2010	August 25, 2010
August 31, 2010		
	September 1, 2010	September 1, 2010
September 7, 2010	September 8, 2010	September 8, 2010
September 14, 2010	September 15, 2010	September 15, 2010
September 21, 2010	September 22, 2010	September 22, 2010
September 28, 2010	September 29, 2010	September 29, 2010
October 5, 2010	October 6, 2010	October 6, 2010
October 12, 2010	October 13, 2010	October 13, 2010
October 19, 2010	October 20, 2010	October 20, 2010
October 26, 2010	October 27, 2010	October 27, 2010
November 2, 2010	November 3, 2010	November 3, 2010
November 9, 2010	November 10, 2010	November 10, 2010
November 16, 2010	November 17, 2010	November 17, 2010
November 23, 2010	November 24, 2010	November 24, 2010
November 30, 2010		
	December 1, 2010	December 1, 2010
December 7, 2010	December 8, 2010	December 8, 2010
December 14, 2010	December 15, 2010	December 15, 2010
December 21, 2010	December 22, 2010	December 22, 2010
December 28, 2010	December 29, 2010	December 29, 2010

Persons who need accommodation to participate call (360) 664-1783.

Note: This meeting schedule is subject to change. For more information about liquor control board meetings, please check our web site www.lcb.wa.gov or dial (360) 664-1717.

WSR 10-05-025
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
 [Filed February 8, 2010, 11:05 a.m.]

**Board Meeting Schedule Revision
2010**

The following regular scheduled board meetings on November 9 and December 8 have been changed. The new dates are as follows:

DATE	LOCATION	TIME
November 2	Holiday Inn Hotel 3105 Pine Street Everett, WA 98201	TBD
December 7-8	WA Dairy Center	9:30 a.m.

Note: Please confirm meeting times with Celeste Piette at (425) 672-0687 prior to meeting. In addition, some meeting location[s] and times are still to be determined.

WSR 10-05-026
NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION
 (Farmland Preservation Task Force)
 [Filed February 9, 2010, 8:53 a.m.]

2010 PUBLIC NOTICE MEETING SCHEDULE

The farmland preservation task force will be holding two public meetings in 2010. Below are the dates, times and locations:

Dates	Times	Dinner Location
May 12, 2010	1:00 - 5:00 p.m. Field Tour	Hector's Restaurant 112 Lake Street South Kirkland, WA 98033
	6:00 - 8:00 p.m. Interaction Dinner	
May 13, 2010	9:00 a.m. - 4:00 p.m. Task Force Meeting	Meeting Location La Quinta Inn & Suites 10530 N.E. Northup Way Kirkland, WA 98033
Dates	Times	Dinner Location
September 22, 2010	1:00 - 5:00 p.m. Field Tour	Sterling's Famous Steak House 890 George Washington Way Richland, WA 99352
	6:00 - 8:00 p.m. Interaction Dinner	
September 23, 2010	9:00 a.m. - 4:00 p.m. Task Force Meeting	Meeting Location Richland Community Center 505 Swift Boulevard Richland, WA 99352

Please note that the times listed above are estimated and may vary. Every effort will be made to adhere to the proposed timelines.

If you are a person with a disability and need special accommodations, please contact the conservation commission at (360) 407-6200.

WSR 10-05-035
AGENDA
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed February 9, 2010, 2:00 p.m.]

SEMI-ANNUAL
 RULE DEVELOPMENT AGENDA
per RCW 34.05.314
 January 1 - June 30, 2010

This agenda reflects anticipated rule-making activity by the department of retirement systems (DRS) for January 1 through June 30, 2010. DRS reserves the right to change this work schedule because of legislative action, judicial deci-

sions, requests by employers, members, or other stakeholders and impacted parties.

If you have questions about this rule-making schedule or the DRS rule-making process, please contact Ken Goolsby, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, TTY (360) 586-5450, Rules@drs.wa.gov.

WAC Chapter	Why rule making is needed	Anticipated rule-making action
415-02, 415-103, 415-111	To amend rules concerning actuarial tables, schedules, and administrative factors.	File CR-101 file CR-102 hold public hearing file CR-103
415-02, 415-103, 415-104, 415-106, 415-108, 415-110, and 415-112	To amend rules concerning flexible survivor options for retirees of the Washington state patrol retirement system (WSPRS), the law enforcement officers' and firefighters' retirement system (LEOFF), the public safety officers' retirement system (PSERS), the public employees' retirement system (PERS), the school employees' retirement system (SERS), and the teachers' retirement system (TRS).	File CR-102 hold public hearing file CR-103
415-08-015	To amend rules to streamline the deferred compensation program appeals process.	File CR-101 [file] CR-102 hold public hearing file CR-103
415-110 and 415-112	To amend and develop rules to implement HB 3019 of 2008 regarding half time service credit for members of SERS Plans 2 and 3, and TRS Plans 2 and 3.	File CR-102 hold public hearing file CR-103
415-110 and 415-112	To amend rules to implement EHB 2391 of 2007 regarding retirement plan choice options for new employees of SERS and TRS.	File CR-102 hold public hearing file CR-103

WAC Chapter	Why rule making is needed	Anticipated rule-making action
415-112	To amend and develop rules to implement ESHB 2680 of 2006 regarding TRS Plans 2 and 3 members purchasing TRS service credit for teaching in another state or for the federal government.	File CR-102 hold public hearing file CR-103

February 9, 2010
 Ken Goolsby
 Rules Coordinator

WSR 10-05-036
 INTERPRETIVE OR POLICY STATEMENT
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 [Filed February 9, 2010, 3:19 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 (DSHS).

**Health and Recovery Services Administration (HRSA)
 Division of Legal Services**

Document Title: # Memo 10-04.

Subject: Wheelchairs, durable medical equipment (DME) and supplies; and nondurable medical supplies and equipment (MSE): Transcutaneous electrical nerve stimulation (TENS) devices and related supplies: No longer covered and updates to DME and MSE coverage tables.

Effective Date: April 1, 2010.

Document Description: Effective for dates of service on and after April 1, 2010, DSHS:

- Notifies providers that TENS devices and related supplies will be noncovered for independent in-home use; and
- Updates the coverage table in the current wheelchairs, DME, and supplies billing instructions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

WSR 10-05-037
 NOTICE OF PUBLIC MEETINGS
 OFFICE OF
 PUBLIC DEFENSE
 [Filed February 9, 2010, 3:56 p.m.]

Washington state office of public defense's (OPD) March 24, 2010, meeting date has been changed to April 8, 2010.

The meeting will **not** be held at the Administrative Office of the Courts' Kilroy Center in SeaTac. It will be held from 9:30 a.m. - 11:30 a.m. at the Radisson Gateway Hotel Seattle-Tacoma Airport, 18118 International Boulevard, SeaTac, WA 98188.

Please contact OPD at (360) 586-3164, extension 100 if you have questions regarding the above meeting date and place change.

WSR 10-05-038
 NOTICE OF PUBLIC MEETINGS
 LIFE SCIENCES
 DISCOVERY FUND AUTHORITY
 [Filed February 9, 2010, 6:42 p.m.]

Please note the updated information struck out below for the life sciences discovery fund authority (agency #3560) 2010 board meetings. Note as well that we will post our public meeting agenda and any call-in information as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

2010 Public Board Meeting Dates

(times are approximate and subject to change)

Tuesday, February 16 MEETING CANCELLED	10:30 a.m. - 11:00 a.m.	(via telecon)
Tuesday, April 6	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, June 1	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, July 13	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, July 20	10:30 a.m. - 11:00 a.m.	(via telecon)
Tuesday, September 14	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, December 7	8:30 a.m. - 5 p.m.	Talaris Conference Center 4000 N.E. 41st Street Seattle, WA
Tuesday, December 14	10:30 a.m. - 11:00 a.m.	(via telecon)

WSR 10-05-052

PROCLAMATION

OFFICE OF THE GOVERNOR

[February 7, 2010]

**PROCLAMATION BY THE GOVERNOR
10-02**

WHEREAS, a significant rain event with over 300 percent of normal precipitation occurred in parts of western and central Washington from January 11, 2010, to January 17, 2010; and

The extreme rainfall during this period contributed to landslides, rock falls and washouts causing emergency hazardous road conditions and closures on US 2 in Chelan County, Quinault South Shore Road in Jefferson County, SR 18 in King County, and SR 20 in Okanogan County. The estimated cost to repair the damage is in excess of \$2,500,000, and the damage has restricted vehicle travel, interrupted provision of public utilities, limited access to public facilities, and caused inconvenience affecting public health and safety; and

The Washington Department of Transportation and local jurisdictions are coordinating resources to repair the roadways, continuing to assess the damage caused by these events, and working closely to implement damage repairs; and

The roadway damage and its effects continue to impact the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, and is a public disaster that affects life, health, and property.

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, as a result of the above-noted situation and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Chelan, Jefferson, King, and Okanogan Counties in the state of Washington, and direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the event.

Signed and sealed with the official seal of the state of Washington this 7th day of February, A.D. Two Thousand and Ten at Olympia, Washington.

By:

Christine O. Gregoire
Governor

BY THE GOVERNOR:

Sam Reed
Secretary of State

WSR 10-05-054

NOTICE OF PUBLIC MEETINGS

HEALTH CARE AUTHORITY

(Health Insurance Partnership Board)

[Filed February 11, 2010, 9:31 a.m.]

2010 Meeting Schedule

The Washington health insurance partnership board will meet on Tuesday, March 30, 2010, at 9:00 a.m. to 1:00 p.m., at the Uniform Medical Plan Offices, 1511 3rd Avenue, Suite 201, Seattle, WA 98101-3662.

If you are a person with a disability and need a special accommodation, please contact Jennifer Willms, (360) 923-2939, Jennifer.Willms@hca.wa.gov.

WSR 10-05-057

NOTICE OF PUBLIC MEETINGS

EDMONDS COMMUNITY COLLEGE

[Filed February 11, 2010, 1:07 p.m.]

Following is a revision to the 2010 regular meeting schedule of the Edmonds Community College board of trustees.

The meeting scheduled for April 8 has been rescheduled to April 14, at 4:30 p.m.

If you have any questions, please feel free to contact Patty Michajla at (425) 640-1516.

WSR 10-05-062

NOTICE OF PUBLIC MEETINGS

**LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

[Filed February 12, 2010, 8:48 a.m.]

The law enforcement officers' and firefighters' plan 2 retirement board has cancelled the February 24, 2010, board meeting.

The next regularly scheduled meeting is **Wednesday, March 24**, at 9:30 a.m. located in the Washington state investment board room.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or by e-mail at jessica.burkhart@leoff.wa.gov should you have any questions.

WSR 10-05-069

NOTICE OF PUBLIC MEETINGS

HORSE RACING COMMISSION

[Filed February 12, 2010, 2:08 p.m.]

The Washington horse racing commission at its regularly scheduled meeting on September 10, 2009, adopted meeting dates for 2010. The date for the April 2010 meeting has been changed to April 9, 2010, in Auburn, Washington.

WSR 10-05-087
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
RETIREMENT SYSTEMS
(Employee Retirement Benefits Board)
[Filed February 16, 2010, 8:55 a.m.]

Rescheduled Meeting Date

In compliance with the Open Public Meetings Act, please be advised that the regular meeting of the employee retirement benefits board will convene at 9:30 a.m., Tuesday, March 23, 2010, in the board room of the Washington State Investment Board, 2100 Evergreen Park Drive S.W., Olympia, WA.

Interpreters for individuals with hearing impairments and information that is taped or in Braille, for individuals with visual impairments, can be provided. Please contact Wilma Eby at (360) 664-7311 by Friday, March 19, 2010, if one of these services is required. Every effort will be made to provide reasonable accommodations and accessibility to the public. The meeting site is barrier free.

WSR 10-05-089
RULES OF COURT
STATE SUPREME COURT
[February 12, 2010]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO JISCR 2-) NO. 25700-A-947
COMPOSITION)

The JIS Committee having recommended the adoption of the proposed amendment to JISCR 2-Composition, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as shown below is adopted.

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

DATED at Olympia, Washington this 12th day of February, 2010.

Madsen, C.J.
C. Johnson, J. Owens, J.
Alexander, J. Fairhurst, J.
Sanders, J. J. M. Johnson, J.
Chambers, J. Stephens, J.

JISCR 2 (suggested amendments)
COMPOSITION

(a) Membership. The Judicial Information System Committee (JISC) shall be appointed by the Chief Justice. The Chief Justice will consider for appointment those individuals who have been suggested by representative groups and associations from within the judicial system but shall not be bound thereby. In addition, the Chief Justice shall consider for appointment only those individuals who have demonstrated an interest and commitment to judicial administration and to automation of judicial systems and functions. The committee shall be composed of four members from the appellate court level (Supreme Court and Court of Appeals), five members from the superior court level, two of whom shall be members of the Superior Court Judges' Association, and one of whom shall be a member of the Washington Association of Juvenile Court Administrators, five four members from the courts of limited jurisdiction level, one of whom shall be a member of the Misdemeanant Corrections Association, and three at large members from outside the judiciary, one of whom will be a member of the Washington State Bar Association, one of whom will be a member of the Washington Association of Sheriffs and Police Chiefs, and one of whom will be a member of the Washington State Association of Prosecuting Attorneys.

(b) Terms of Office. The term of membership for those who are appointed to represent specific organizations shall be for a term of 3 years with the initial term as determined by lot, staggered so as to insure that an equal number of terms expire each year. Any vacancy in the membership of the committee shall be filled in the same manner in which the original appointment was made and the term of membership shall expire on the same date as the original appointment expiration date.

(c) Operation. The Supreme Court Justice shall be the chairperson. The members of the committee shall elect a vice-chairperson from among themselves. Meetings of the committee shall be called regularly and at a minimum of four times per year at the discretion of the chair. Any members with two unexcused absences from regularly scheduled JISC meetings during any calendar year shall be requested to resign and the respective association shall appoint a successor to fulfill the unexpired term. User advisory committees shall be established for each level of court and will be representative of the users at each level. Ad hoc committees shall also be established for the purpose of monitoring specific projects undertaken by the Judicial Information System.

WSR 10-05-090
RULES OF COURT
STATE SUPREME COURT
[February 12, 2010]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CR 43-TAK-) NO. 25700-A-948
ING OF TESTIMONY)

The Washington State Bar Association having recommended the adoption of the proposed amendments to CR 43-

Taking of Testimony, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, and on the Washington State Bar Association and Office of the Administrator for the Courts' websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by not later than April 30, 2010. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 12th day of February, 2010.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

**Suggested Amendment
SUPERIOR COURT CIVIL RULES (CR)
Rule 43 - Taking of Testimony**

(Allowing for testimony by contemporaneous means)

**Submitted by the Board of Governors of the Washington
State Bar Association**

A. Purpose: In 1996, the following provision was added to Federal Rule of Civil Procedure 43(a): "For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location." Most states have adopted the substance of this provision. *See Greener v. Killough*, 1 So.3d 93, 102 (Ala. Civ. App. 2008). A sampling of reported and unreported federal District Court decisions demonstrates that, even though courts respect the general rule that testimony should be taken in person in open court, they will invoke this provision to allow for video or telephonic testimony if necessary to avoid undue hardship and if no party will be prejudiced. *See, e.g.:*

- ❑ In re Vioxx Products Liability Litigation, 439 F.Supp.2d 640, 641-44 (E.D.La. 2006) (allowing contemporaneous transmission of testimony where witness possessed information highly relevant to plaintiff's claims, action was a bellwether trial for multidistrict litigation involving thousands of lawsuits over damage allegedly caused by a drug pre-

scribed to millions of patients in every state, the plaintiff steering committee offered to pay witness's travel expenses, the defendant's refusal to voluntarily produce the witness was for purely tactical advantage, and the defendant would not suffer any true prejudice in having witness testify by contemporaneous videoconferencing);

- ❑ Sussel v. Wynne, 2006 WL 2860664 at 4-(D. Hawaii 2006) (allowing contemporaneous transmission of testimony by a witness in Alabama where it would be difficult and costly for him to appear at a trial in Hawaii);
- ❑ Dagen v. CFC Group Holdings Ltd., 2003 WL 22533425 (S.D.N.Y. 2003) (allowing contemporaneous transmission of testimony from employees residing in Hong Kong because employer potentially would have suffered incurable prejudice if the court excluded testimony of those witnesses, and the employer raised international travel considerations, legitimate business concerns, and cost rationales for its request); and
- ❑ Edwards v. Logan, 38 F. Supp.2d 463, 465-68 (D. Va. 1999) (allowing contemporaneous transmission of testimony where the relevant issue was relatively straightforward and thus amendable to effective video presentation, transporting the inmate-witness from New Mexico to Virginia would be an expensive security risk, and staying the action until the prisoner's release could cause a decade-long delay).

Federal appellate courts and appellate courts in states that have adopted the substance of the federal provision apply an "abuse of discretion" standard to review, and generally affirm, trial court decisions to either grant or deny motions to present testimony by contemporaneous transmission. *See, e.g.:*

- ❑ El-Hadad v. United Arab Emirates, 496 F.3d 658, 668-69 (D.C. Cir. 2007), cert. den. 128 S.Ct. 1872, 170 L.Ed.2d 744 (2008) (affirming a decision to allow testimony from Egypt where the district court required the plaintiff to "prove he had pursued and repeatedly been denied a visa to the United States (as well as show careful preparations for translation and teleconferencing)");
- ❑ Air Turbine Technology, Inc. v. Atlas Copco AB, 410 F.3d 701, 714 (11th Cir. 2005) (affirming denial of a motion for video testimony—"a matter expressly reserved to the sound discretion of the trial court"—where no compelling circumstances were shown and the motion was brought just one month before trial);
- ❑ Lawrence v. Delkamp, 750 N.W.2d 452, 455-57 (N.D. 2008) (affirming trial court's decision to disallow telephonic testimony because there were not adequate safeguards in place, including someone on site with the witness to administer the oath); and
- ❑ Dunsmore v. Dunsmore, 173 P.3d 389, 392-93 (Wyo. 2007) (affirming the trial court's decision to rescind its order to allow telephonic testimony because it was within the court's discretion).

Washington is among the minority of states that has not adopted the substance of this provision. In *Kinsman v. Englander*, 140 Wn. App. 835, 167 P.3d 622 (2007), the trial court admitted the deposition testimony of an "unavailable" witness. Later in the trial, the court allowed, over one party's objection, that same witness to testify telephonically in rebuttal. The Court of Appeals, Division III, held that telephonic/video testimony is not allowed in Washington unless both parties consent. *Id.*, 140 Wn. App. at 844. The court noted that CR 43 does not have language expressly authorizing such testimony, as does the parallel federal rule. *Id.* n.8. *Accord Greener*, 1 So.3d at 102-03 (citing *Kinsman* to reach the same result in Alabama, which also lacks language similar to the federal rule).

The suggested amendment would add the language found lacking in *Kinsman* and would expressly give Washington courts the authority to allow testimony by contemporaneous means in an appropriate case, even if all parties do not consent. The suggested language mirrors the federal provision. The drafters of the suggested amendment intend that Washington courts should seek guidance from federal court interpretations of the federal provision and from the 1996 Advisory Committee Note to Federal Rule of Civil Procedure 43 when interpreting this provision. For reference, the Note provides in relevant part:

Contemporaneous transmission of testimony from a different location is permitted only on showing good cause in compelling circumstances. The importance of presenting live testimony in court cannot be forgotten. The very ceremony of trial and the presence of the factfinder may exert a powerful force for truth-telling. The opportunity to judge the demeanor of a witness face-to-face is accorded great value in our tradition. Transmission cannot be justified merely by showing that it is inconvenient for the witness to attend the trial.

The most persuasive showings of good cause and compelling circumstances are likely to arise when a witness is unable to attend trial for unexpected reasons, such as accident or illness, but remains able to testify from a different place. Contemporaneous transmission may be better than an attempt to reschedule the trial, particularly if there is a risk that other—and perhaps more important—witnesses might not be available at a later time.

Other possible justifications for remote transmission must be approached cautiously. Ordinarily depositions, including video depositions, provide a superior means of securing the testimony of a witness who is beyond the reach of a trial subpoena, or of resolving difficulties in scheduling a trial that can be attended by all witnesses. Deposition procedures ensure the opportunity of all parties to be represented while the witness is testifying. An unforeseen need for the testimony of a remote witness that arises during trial, however, may establish good cause and compelling circumstances. Justification is particularly likely if the need arises from the interjection of new issues during trial or from the unexpected inability to present testimony as planned from a different witness.

Good cause and compelling circumstances may be established with relative ease if all parties agree that testimony should be presented by transmission. The court is not bound

by a stipulation, however, and can insist on live testimony. Rejection of the parties' agreement will be influenced, among other factors, by the apparent importance of the testimony in the full context of the trial.

A party who could reasonably foresee the circumstances offered to justify transmission of testimony will have special difficulty in showing good cause and the compelling nature of the circumstances. Notice of a desire to transmit testimony from a different location should be given as soon as the reasons are known, to enable other parties to arrange a deposition, or to secure an advance ruling on transmission so as to know whether to prepare to be present with the witness while testifying.

No attempt is made to specify the means of transmission that may be used. Audio transmission without video images may be sufficient in some circumstances, particularly as to less important testimony. Video transmission ordinarily should be preferred when the cost is reasonable in relation to the matters in dispute, the means of the parties, and the circumstances that justify transmission. Transmission that merely produces the equivalent of a written statement ordinarily should not be used.

Safeguards must be adopted that ensure accurate identification of the witness and that protect against influence by persons present with the witness. Accurate transmission likewise must be assured.

Other safeguards should be employed to ensure that advance notice is given to all parties of foreseeable circumstances that may lead the proponent to offer testimony by transmission. Advance notice is important to protect the opportunity to argue for attendance of the witness at trial. Advance notice also ensures an opportunity to depose the witness, perhaps by video record, as a means of supplementing transmitted testimony.

**SUGGESTED AMENDMENT
SUPERIOR COURT CIVIL RULES (CR)
CR 43 - Taking of Testimony**

(a) Testimony.

(1) *Generally.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute. For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.

(2) *Multiple Examinations.* [unchanged]

[(b) - (k) unchanged]

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

WSR 10-05-091

**INTERPRETIVE OR POLICY STATEMENT
ATTORNEY GENERAL'S OFFICE**

[Filed February 16, 2010, 8:56 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 8.25.290 (4)(b), following is the interpretive statement by the office of the Washington state attorney general.

Condemnation final actions—Notice required—"Final action" defined.

Document Title: Adoption of a definition for "Final Action" for select state agencies as required by RCW 8.25.290 (4)(b).

Subject: Condemnation "final action" definition.

Effective Date: February 15, 2010.

Document Description: The legislature has directed the attorney general's office (AGO) to publish procedures that define "final action" for state agencies not subject to the Open Public Meetings Act (OPMA) (chapter 42.30 RCW) in order "to ensure that property owners of record are provided with notice and opportunity for comment before the agency makes a final decision to authorize the condemnation of specific property." RCW 8.25.290 (4)(b). The AGO hereby defines "final action" as the action taken by the agency officer or employee with the highest level of authority to approve or deny a proposed decision to proceed with the condemnation of a specific property. This definition applies only to select state agencies not subject to the OPMA, chapter 42.30 RCW.

To receive a copy of the interpretive or policy statements, contact Tim Ford, Ombudsman for the Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-000 [98504-0100], phone (360) 586-4802, fax (360) 664-0228, e-mail TimF@atg.wa.gov, web site <http://www.atg.wa.gov>. This interpretive statement may also be viewed at http://www.atg.wa.gov/Eminent_Domain.aspx.

WSR 10-05-095

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN PACIFIC AMERICAN AFFAIRS**

[Filed February 16, 2010, 11:12 a.m.]

The commission on Asian Pacific American affairs has changed the following regular meetings:

From: February 12, 2010, March 27, 2010, May 1, 2010, June 26, 2010, and November 6, 2010; to: February 12, 2010, March 20, 2010, June 19, 2010, September 18, 2010, and November 20, 2010.

If you need further information contact Phillip Sit, 210 11th Avenue S.W., Suite 301A, P.O. Box 40925, (360) 725-5667, psit@capaa.wa.gov, <https://capaa.wa.gov>.

WSR 10-05-099

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed February 16, 2010, 11:34 a.m.]

Prevailing Rate of Wage

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on February 1, 2010, the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after March 3, 2010.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our web site at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335.

David Soma
Prevailing Wage Manager
Industrial Statistician

WSR 10-05-101

**NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN PACIFIC AMERICAN AFFAIRS**

[Filed February 16, 2010, 4:12 p.m.]

The commission on Asian Pacific American affairs has changed the following regular meetings: From: February 12, 2010, March 27, 2010, May 1, 2010, June 26, 2010, and November 6, 2010; to:

Date	County	Location
February 12, 2010 12:00 - 1:30 p.m.	Thurston	Legislative Building Columbia Room 416 Sid Snyder Avenue S.W. Olympia, WA 98504-2525
March 20, 2010 10:00 - 2:00 p.m.	Spokane	Spokane Downtown Library 906 West Main Avenue Spokane, WA 99201-0976
June 19, 2010 10:00 - 2:00 p.m.	Snohomish	Snohomish County Administration Building, Room #2 3000 Rockefeller Avenue Everett, WA 98201
September 18, 2010 10:00 - 2:00 p.m.	Pierce	Korean Women's Association 123 East 96th Street Tacoma, WA 98445
November 20, 2010 10:00 - 2:00 p.m.	King	Redmond Senior Center 8703 160th Avenue N.E. Redmond, WA 98502-7510

If you need further information contact Phillip Sit, 210
11th Avenue S.W., Suite 301A, P.O. Box 40925, (360) 725-
5667, psit@capaa.wa.gov, <https://capaa.wa.gov>.

WSR 10-05-106
INTERPRETIVE STATEMENT
WASHINGTON STATE UNIVERSITY
[Filed February 17, 2010, 8:47 a.m.]

Interpretive Guideline

Washington State University has created the following interpretive guideline: "Good Samaritan Guideline," effective March 15, 2010. This guideline seeks to ensure that there are no impediments to seeking prompt and appropriate attention and assistance for students experiencing drug or alcohol intoxication.

To view the guideline on-line, access the university's student conduct web site <http://www.conduct.wsu.edu>.

To request a paper copy of the guideline, contact Christian Wuthrich, Dean of Students, Washington State University, P.O. Box 641066, Pullman, WA 99164-1066.

Date of Submittal: February 17, 2010.

Ralph T. Jenks, Director
Procedures, Records and Forms
University Rules Coordinator