

WSR 21-11-003
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed May 6, 2021, 2:33 p.m.]

Subject of Possible Rule Making: New WAC 182-130-0100 Family initiated treatment (FIT).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.34.670, 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required in RCW 71.34.670 for family-initiated treatment, the authority intends to adopt rules to define "*appropriately trained professional person*" operating within their scope of practice within Title 18 RCW for the purposes of conducting mental health and substance use disorder evaluations under RCW 71.34.600(3) and 71.34.650(1). During the course of this review, the authority may identify additional related changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The authority welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the authority will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Enos Mbajah, Program Questions, P.O. Box 45056, Olympia, WA 98504-5056, phone 360-725-1879, fax 360-586-9727, TRS 711, email enos.mbahaj@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 6, 2021
Wendy Barcus
Rules Coordinator

WSR 21-11-022
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 11, 2021, 11:22 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0275 Are there limits to the community transition services I may receive?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.39A.400; and 42 C.F.R. § 441.500-590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule making is to amend WAC 388-106-0275 to enable budgetary flexibilities related to funding availability, and to clarify items that may not be purchased under this rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration (AL TSA) will coordinate with the developmental disabilities administration (DDA) during this rule-making process.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victoria Nuesca, CFC Program Manager, AL TSA, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2393, fax 360-438-8633, email victoria.nuesca@dshs.wa.gov; or Manipon Manivanh, CFC Program Manager, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1572, fax 360-407-0955, email manipon.manivanh@dshs.wa.gov.

May 11, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-11-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 11, 2021, 11:41 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-112A-1240; and add a new section in chapter 388-112A WAC, Residential long-term care services training. The department may amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 70.128.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending WAC 388-112A-1240 and adding a new section to chapter 388-112A WAC to establish minimum qualifications for high school teachers with certain endorsements and experience to teach long-term care worker basic training to high school students.

Providing training at the high school level represents the aging and long-term support administration's ongoing commitment to increase the long-term care workforce in order to fully serve the growing population of individuals who require those services in Washington state. Since most high school teachers do not come from a long-term care work environment, different minimum qualifications need to be established for those instructors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the superintendent of public instruction oversees Washington state high school vocational requirements and will be included in the process of drafting the new section.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

May 11, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-11-025

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed May 11, 2021, 3:19 p.m.]

Subject of Possible Rule Making: WAC 246-853-650 Safe and effective analgesia and anesthesia administration in office-based settings, the board of osteopathic medicine and surgery (board) is considering rule amendments in response to a rule petition requesting changes to the definition of the term "minimal sedation." To ensure the entire rule is current and aligns with best practices, the board will also consider other necessary changes to the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a rule petition, the board is considering updates and amendments to WAC 246-853-650. The petition requested the definition of "minimal sedation" include demand flow nitrous oxide systems with a fixed 50/50 mix of oxygen and nitrous oxide. This change will be considered. In review of the rule, the board has determined other general updates may also be needed. All amendments to the rule will ensure providers are regulated by current best practice standards in office-based analgesia and anesthesia administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tracie Drake, P.O. Box 47852, phone 360-236-4766, fax 360-236-2901, TTY 711, email tracie.drake@doh.wa.gov, website www.doh.wa.gov.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

May 11, 2021
Renee Fullerton
Executive Director

WSR 21-11-028
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 12, 2021, 8:14 a.m.]

Subject of Possible Rule Making: WAC 182-526-0010 Definitions, 182-526-0030 Contacting the board of appeals, 182-526-0040 Service of documents on another party, 182-526-0070 Filing documents, 182-526-0340 Hearing location; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is considering amending procedural rules applicable to adjudicative proceedings to permit the use of electronic means to file and serve documents and conduct and attend hearings. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services; United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Kerry Breen, Program Questions, P.O. Box 42700, Olympia, WA 98504-2700, phone 360-725-9970, fax 360-586-9727, TRS 711, email kerry.breen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 12, 2021
Wendy Barcus
Rules Coordinator

WSR 21-11-029
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 12, 2021, 8:19 a.m.]

Subject of Possible Rule Making: WAC 182-526-0195 Prehearing conferences; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-526-0195 to change subsection (4) to specify that the administrative law judge has discretion to grant or deny an agency request for a prehearing conference. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services; United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Kerry Breen, Program Questions, P.O. Box 42700, Olympia, WA 98504-2700, phone 360-725-9970, fax 360-586-9727, TRS 711, email kerry.breen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 12, 2021
Wendy Barcus
Rules Coordinator

WSR 21-11-031
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed May 12, 2021, 8:30 a.m.]

Subject of Possible Rule Making: In 2020, the legislature enacted SHB 2308, which goes into effect on October 1, 2021, and requires employers to include the standard occupational classification (SOC) code or job title of each worker in their quarterly tax reports to the employment security department (ESD). ESD is seeking to adopt rules that implement the requirement for employers to report SOC codes or job titles for workers when reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD. SHB 2308, section 2, is the law requiring employers to include the SOC code or job title of each worker in their quarterly tax reports to ESD.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESD seeks to provide clear and usable guidance for the public regarding reporting requirements for SOC and job titles.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

May 12, 2021
Dan Zeitlin
Employment Security
Policy Director

WSR 21-11-035
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 12, 2021, 10:47 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering rule making to implement E2SHB 1480 (chapter 48, Laws of 2021), relating to extending certain privileges granted to liquor licensees to mitigate the impact of the coronavirus (COVID-19) pandemic, which took effect on April 14, 2021. As part of this rule making, WSLCB is considering creating new rule sections and making revisions throughout Title 314 WAC as necessary to implement E2SHB 1480.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030; E2SHB 1480 (sections 2 and 3, chapter 48, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement E2SHB 1480, which allows specifically listed privileges (or allowances) for certain liquor licensees to continue until June 30, 2023.

The following allowances are included among those temporarily authorized by the bill:

- Spirits, beer and wine restaurants may serve cocktails to go (premixed, or as a kit with ingredients for the customer to assemble at home) for takeout, curbside service, or delivery;
- Alcohol products may be sold for takeout, curbside service or delivery by restaurants, taverns, domestic breweries and microbreweries, domestic wineries, distilleries, snack bars, nonprofit arts licensees, and caterers;
- Licensees previously allowed to sell growlers for on-premises consumption may sell them for off-premises consumption through takeout, curbside service, or delivery; and
- Beer and wine specialty shops may sell prefilled growlers for off-premises consumption through takeout or curbside service and delivery provided they are filled the same day they are sold.

Additionally, E2SHB 1480 directs WSLCB to:

- Implement the provisions of E2SHB 1480 related to the temporary allowances as expeditiously as possible;
- Revise rules to allow for outdoor service by on-premises licensees holding specified license types: Restaurants, taverns, breweries, wineries, distilleries, snack bars, and private clubs; and
- Consider revising rules to provide more flexible and more financially feasible food service requirements for licensees that currently have food service requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Audrey Vasek, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1758, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written

comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

May 12, 2021
David Postman
Chair

WSR 21-11-036
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 12, 2021, 11:00 a.m.]

Subject of Possible Rule Making: WAC 314-55-XXX Marijuana additives, solvents, ingredients, or compounds, the Washington state liquor and cannabis board (WSLCB) is considering establishing a new rule section that would allow the WSLCB to evaluate additives, solvents, ingredients, or compounds used in the production and processing of marijuana products other than Delta-9 tetrahydrocannabinol (THC) to determine whether such substances pose a risk to public health or youth access.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 (1)(m), 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WSLCB has become aware of products entering the regulated market with labeling noting the presence of cannabinoids other than Delta-9 THC and CBD additives. These products include, but are not limited to marijuana infused edibles and marijuana concentrates. WSLCB is also aware of products with labeling noting the presence of THC compounds other than Delta-9 THC in markets it does not regulate.

WSLCB reviews and preapproves marijuana-infused labeling for edible products that will be sold in licensed retail marijuana stores. WSLCB does not review or approve labeling for marijuana concentrates, usable marijuana, marijuana mix, or marijuana topical products that will be sold in licensed retail marijuana stores. WSLCB does not have statutory or regulatory authority for products containing marijuana compounds other than Delta-9 THC sold outside the licensed marijuana system it regulates.

WSLCB has learned that CBD isolate from hemp and other sources is being genetically or chemically altered to result in potentially intoxicating, psychoactive compounds not derived from marijuana as defined in RCW 69.50.101 (y) and (uu), or synthetic equivalents of substances contained in the cannabis plant. WSLCB has also learned that these compounds and compounds other than Delta-9 THC have appeared in the marijuana system it regulates. Currently, there are no mandatory testing standards for these compounds, and no potency or concentration limits have been established in statute or regulation concerning these compounds in Washington state. The impact of these different chemicals on health are unknown and could be harmful.

Washington state statute and the rules that implement those statutes provide a framework for the types of activities that marijuana licensees may engage in. The only products that can be sold in licensed marijuana retail stores are marijuana concentrates, usable marijuana, marijuana infused products and paraphernalia. Rules are needed to allow WSLCB to evaluate additives, solvents, ingredients or compounds used in production and processing of marijuana products when such products may contain CBD isolate from hemp and other sources that have been genetically or chemically altered to result in potentially intoxicating, psychoactive compounds, or compounds other than Delta-9 THC, to determine whether such substances may pose a risk to public health or youth access.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington

state pharmacy quality assurance commission, Washington state board of health, Washington state department of health, Washington state department of agriculture.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katherine Hoffman, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WSLCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

May 12, 2021
David Postman
Chair

WSR 21-11-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 13, 2021, 2:20 p.m.]

Subject of Possible Rule Making: Occupational exposures to infectious or contagious diseases.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with 2021's ESSB 5092, section 220(8), the department is initiating rule making for occupational health protections related to infectious diseases to ensure the state has general guidelines to follow in the case of an infectious disease outbreak. This would include when there is an outbreak subject to a public health emergency under a national or state declared state of emergency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health has certain authority over public health and health care delivery and facilities. The department of labor and industries (L&I) will coordinate where needed.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carmyn Shute, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44610, Olympia, WA 98504-4610, phone 360-902-6081, fax 360-902-5619, email Carmyn.Shute@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

May 13, 2021
Joel Sacks
Director

WSR 21-11-052
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed May 13, 2021, 3:06 p.m.]

Subject of Possible Rule Making: The employment security department (ESD) is seeking to adopt rules regarding unemployment benefits eligibility for health care workers during a public health emergency to implement ESSB 5190 (2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD. ESSB 5190, sections 2 and 3, addresses the availability requirements and good cause basis to quit work for health care workers during a public health emergency.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESD seeks to provide clear and usable guidance for the public regarding unemployment benefits for health care workers during a public health emergency, as directed by ESSB 5190.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/benefits>.

May 13, 2021
Dan Zeitlin
Employment Security
Policy Director

WSR 21-11-053
PREPROPOSAL STATEMENT OF INQUIRY
BIG BEND
COMMUNITY COLLEGE

[Filed May 13, 2021, 5:10 p.m.]

Subject of Possible Rule Making: WAC 132R-190-035 Availability of directory information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To align availability of directory information with the WACTC-approved Global FERPA Directory for all schools in the Washington community and technical college system.

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Starr Bernhardt, 7662 Chanute Street N.E., phone 509-793-2065, email starrb@bigbend.edu, website www.bigbend.edu.

May 13, 2021
Melinda Owens Dourte
President's Executive Assistant

WSR 21-11-061
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 14, 2021, 11:17 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-1380 Tuberculosis—Testing required, 388-97-1580 Tuberculosis—Reporting—Required; and other related rules as may be necessary to assure [ensure] nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required tuberculosis (TB) testing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Centers for Disease Control and Prevention (CDC) recommends TB testing occur prior to COVID-19 vaccination, or if the vaccination process is underway or the vaccine is a higher priority than determining TB status, to defer TB testing until after the COVID-19 vaccination process is complete.

WAC 388-97-1380, amendment of this rule would permit facilities to defer TB testing until completion of the COVID-19 vaccination process in accordance with CDC COVID-19 vaccination recommendations, after considering the risks and benefits of the deferral.

WAC 388-97-1580, amendment of this rule would define the documentation requirements if a nursing home deferred TB testing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

May 14, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-11-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 14, 2021, 11:45 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS), aging and long-term support administration, is considering amending WAC 388-97-0920 Participation in resident and family groups, 388-97-1915 Preadmission screening and resident review (PASRR) requirements prior to admission of new residents, 388-97-1975 PASRR requirements after admission of a resident; and other related rules as may be necessary to identify the period of time portions of these rules were suspended or waived during the declared emergency of COVID-19 per Proclamation by the Governor 20-05 and extensions there-to.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to establish a time-frame when the portions of the rules were suspended during the COVID-19 pandemic, and nursing homes were not required to comply with the suspended portions of the rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: DSHS will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the DSHS representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

May 14, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-11-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 14, 2021, 4:32 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-424-0001 Citizenship and alien status—Definitions, 388-400-0010 Who is eligible for state family assistance?, 388-424-0030 How does my alien status impact my eligibility for state-funded benefits under the food assistance program?, 388-424-0010 Citizenship and alien status—Eligibility for TANF, 388-424-0015 Immigrant eligibility restrictions for the state family assistance, ABD cash and PWA programs, 388-424-0009 Citizenship and alien status—Social Security number (SSN) requirements; and other related rules as appropriate. The department is also planning to adopt a new section to chapter 388-490 WAC, Verification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to implement 3SSB 5164, chapter 136, Laws of 2020, which takes effect on February 1, 2022, and assists survivors of certain crimes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will coordinate review of proposed rule making with the health care authority.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing these rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Olga Walker, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4641, fax 360-725-4905, email olga.walker@dshs.wa.gov.

May 14, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-11-077

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 17, 2021, 4:11 p.m.]

Subject of Possible Rule Making: The paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes based on programmatic needs. This preproposal statement of inquiry includes, but is not limited to, consideration of rules related to benefit proration, backdating, and other clarifying guidance regarding benefit eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for ongoing programmatic operations. The department is considering the following rules to contribute to that guidance.

The department will consider updating language in WAC 192-620-035 regarding benefit proration to ensure proper benefit payment in the first and last week of an employee's leave.

The department will also consider establishing guidelines regarding how long after a qualifying event an employee may file an initial application for benefits without the need to demonstrate good cause for backdating.

The department will also consider codifying additional guidance regarding eligibility for benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the PFML program as authority is granted solely to the employment security department.

Process for Developing New Rule: The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-485-2816, TTY Theresa Eckstein, state EO office, 771 or 360-902-9354, email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking/.

May 17, 2021
April Amundson
Policy and Rules Manager
Leave and Care Division

WSR 21-11-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 18, 2021, 11:04 a.m.]

Subject of Possible Rule Making: Title 296 WAC, industrial insurance, independent medical examinations (IME) - case progress.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6440, 2020 legislative session, amended requirements by identifying the reasons IMEs could be used. One requirement, "case progress," in RCW 51.36.070 is not clearly defined. Rule making allows the department of labor and industries to define the term and/or criteria. Rule making may also provide consequences for IMEs that were requested or occurred outside what is allowed by statute or rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email suzanne.campbell@Lni.wa.gov.

May 18, 2021
Joel Sacks
Director

WSR 21-11-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed May 18, 2021, 7:34 p.m.]

Subject of Possible Rule Making: WAC 332-130-020, 332-130-050, and 332-130-080, amending current land boundary survey standards, updating the definition and use of relative accuracy as it relates to GNSS positioning. Removing the requirement for graphic depiction of auditor indexing information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to the existing standards are necessary in order to accommodate changes in professional practice. Clarifying the use of relative accuracy in GNSS geolocation determination. The graphic depiction on a record of survey is redundant and not used by the auditors for indexing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Board of registration for professional engineers and land surveyors. They will assist in reviewing the draft amendments.

Process for Developing New Rule: Full rule-making process including public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Beehler, PLS, CFedS, 1111 Washington Street S.E., Olympia, WA 98504-7030, phone 360-902-1181, fax 360-902-1778, email pat.beehler@dnr.wa.gov, website <https://www.dnr.wa.gov/>.

May 16, 2021
Angus W. Brodie
Deputy Supervisor
State Uplands

WSR 21-11-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed May 19, 2021, 7:27 a.m.]

Subject of Possible Rule Making: Chapter 16-160 WAC, Registration of materials for organic food production, the Washington state department of agriculture (WSDA) is considering changes to the registration fee schedules and changes to the registered material logo. Minor updates to definitions, application process or other sections may also be identified and considered if necessary to ensure consistency with current federal rules or to ensure the proper administration of services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.86.130, 15.86.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Over the last decade, the United States Department of Agriculture (USDA) organic regulations and input material evaluation criteria have changed in response to emerging issues and markets; WSDA must implement additional evaluation requirements to ensure market access for organically approved input materials.

Continued growth in the organic industry has also caused a demand for services that are not outlined within the current fee schedules. In addition, program operating costs have changed significantly over the last ten years. The increase in expenses in addition to the inability to adequately charge for services provided, has caused operating expenses to exceed the registration program's annual revenue. RCW 15.86.140 allows the department to increase by rule fees established in this section as necessary to cover costs of providing services. Registration fees have not been adjusted for over ten years.

An update to the WSDA organic program logo is being considered to increase public awareness and assist businesses in the marketing of WSDA certified organic products.

WSDA may consider additional updates to chapter 16-160 WAC to ensure consistency with current federal rules or to ensure the proper administration of quality services to all businesses who wish to register input materials for use in organic production and handling.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA National Organic Program (NOP), WSDA will communicate any rule amendments with the NOP.

Process for Developing New Rule: Department of agriculture staff will collaborate with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, TTY 800-833-6388 or 711, email organic@agr.wa.gov, website agr.wa.gov/organic.

May 17, 2021
Steve Fuller
Assistant Director
Food Safety and
Consumer Services Division

WSR 21-11-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed May 19, 2021, 8:12 a.m.]

Subject of Possible Rule Making: WAC 458-20-(New Rule) Watercraft excise tax depreciation schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2) and 82.32.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.49.040 requires the department of revenue (DOR) to prepare a depreciation schedule (at minimum annually) for use in the determination of fair market value for watercrafts, which is the basis for measuring the watercraft excise tax. The purpose of this rule-making effort is to adopt a watercraft excise tax depreciation schedule by rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of licensing (DOL) will use this depreciation schedule to bill and collect the watercraft excise tax from registered watercraft owners. DOR is also using data from DOL to prepare the depreciation schedule.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brenton M. Madison, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email BrentonM@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Brenton M. Madison using one of the contact methods above. Written and oral comments will be accepted at the public meeting on Monday, June 21, 2021, at 10:00 a.m., telephonic/internet meeting only. Contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

May 18, 2021
Atif Aziz
Rules Coordinator

WSR 21-11-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 19, 2021, 9:01 a.m.]

Subject of Possible Rule Making: The agency is considering adopting rules to modify the nontreaty commercial salmon fisheries in the Columbia River.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.65.400, 77.70.160, 77.75.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state fish and wildlife commission's Columbia River policy supports the development of alternative gears for use in nontreaty commercial fisheries. The department is considering the new regulatory options of designating an emerging commercial fishery in the Lower Columbia River to allow currently prohibited gears such as seines and pound nets (RCW 77.50.030) to be used commercially to harvest salmon on the Lower Columbia River. This could include the approval of an emerging commercial fishery and a voluntary license buyback program. The license buyback program would support a more viable fishery for license holders by reducing the total number of Columbia River commercial gillnet licenses. It could better align fishing capacity with resource availability and fishing opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These rules would expand the types of gears available for commercial harvesting of salmon in the Columbia River and reduce the number of Washington nontreaty commercial licenses participating in the Columbia River gillnet fishery. The parties to the *U.S. v. Oregon* Management Agreement jointly manage harvest of salmon and steelhead throughout most of the Columbia River and its tributaries, and we plan to share our progress on our rule making with the parties of *U.S. v. Oregon*. Washington also coordinates Columbia River fisheries with the state of Oregon under the Columbia River Compact. RCW 77.75.010.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charlene Hurst, 5525 South 11th Street, Ridgefield, WA 98642, phone 360-605-5247, email questions Charlene.hurst@dfw.wa.gov, email comments 24193@PublicInput.com.

May 19, 2021
Annie Szvetecz
Rules Coordinator

WSR 21-11-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 19, 2021, 9:23 a.m.]

Subject of Possible Rule Making: Calculating retirement benefit indexing for Plan 3 and LEOFF Plan 2.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Plan 3 of the public employees' retirement system (PERS), school employees' retirement system (SERS), and teachers' retirement system (TRS), and the law enforcement officers' and firefighters' retirement system (LEOFF) Plan 2 provide an increased benefit if retirement is delayed following separation from employment after twenty or more years of service. The increase is referred to as a benefit "index." This rule-making action will clarify how the indexed retirement benefit is calculated.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, website www.drs.wa.gov/rules/.

May 19, 2021
Jilene Siegel
Rules Coordinator

WSR 21-11-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 19, 2021, 9:24 a.m.]

Subject of Possible Rule Making: Plan 3 delayed contributions.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: To clarify how the department of retirement systems
(DRS) will determine if a Plan 3 member has experienced a loss of in-
vestment earnings resulting from their employer's delay in the submit-
tal of contributions, and how such a loss will be calculated.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Jilene Siegel, DRS, P.O. Box 48380, Olympia, WA 98504-8380,
phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, website
www.drs.wa.gov/rules/.

May 19, 2021
Jilene Siegel
Rules Coordinator

WSR 21-11-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 19, 2021, 9:25 a.m.]

Subject of Possible Rule Making: Property division in dissolution orders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and clarify the rules related to property division dissolution orders involving the retirement plan. Updates include the elimination of certain fees.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, website www.drs.wa.gov/rules/.

May 19, 2021
Jilene Siegel
Rules Coordinator