

**WSR 14-09-005**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed April 3, 2014, 3:12 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

April 3, 2014  
 David Brenna  
 Senior Policy Analyst

**WSR 14-09-019**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 7, 2014, 4:08 p.m.]

Subject of Possible Rule Making: Chapter 246-10 WAC, Administrative procedure's adjudicative proceedings; a chapter review which may include clarification, streamlining, modernization, and implementation of ESHB 1381 (chapter 109, Laws of 2013).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.70, 18.130, 18.155, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health (department) has not conducted a comprehensive review of chapter 246-10 WAC since its adoption in the early 1990s. The rules may need to be revised to provide clarification, streamlining and modernization. RCW 43.70.041, enacted in 2013, requires the department to review all of its existing rules every five years to identify ways to clarify or simplify existing rules. This comprehensive review is responsive to this legislative directive. In addition, ESHB 1381 may need to be incorporated. This law added a new review process in adjudicative proceedings before the department where the secretary of health is the final decision maker.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will use existing listservs and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list contact Tami Thompson, Regulatory Affairs Manager, Department of Health, P.O. Box 47853, Olympia, WA 98504, phone (360) 236-4044, fax (360) 236-4024, e-mail [tami.thompson@doh.wa.gov](mailto:tami.thompson@doh.wa.gov).

March 31, 2014  
 Jessica Todorovich  
 for John Wiesman DrPH, MPH  
 Secretary

**WSR 14-09-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 7, 2014, 4:23 p.m.]

Subject of Possible Rule Making: Chapter 246-11 WAC, model procedural rules for adjudicative proceedings conducted under the authority of a board or commission having disciplinary authority under the Uniform Disciplinary Act. A chapter review, which may include clarification, streamlining, and modernization of the rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 43.70, 18.130, 18.155, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health (department) has not conducted a comprehensive review of chapter 246-11 WAC since its adoption in the early 1990s. The rules may need to be revised to provide clarification, streamlining and modernization. RCW 43.70.041, enacted in 2013, requires the department to review all of its existing rules every five years to identify ways to clarify or simplify existing rules. This comprehensive review is responsive to this legislative directive.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will use existing listservs and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Tami Thompson, Regulatory Affairs Manager, Department of Health, P.O. Box 47853, Olympia, WA 98504, phone (360) 236-4044, fax (360) 236-4024, e-mail [tami.thompson@doh.wa.gov](mailto:tami.thompson@doh.wa.gov).

April 4, 2014  
 Jessica Todorovich

for John Wiesman, DrPH, MPH  
Secretary

**WSR 14-09-042**

**PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed April 11, 2014, 3:35 p.m.]

Subject of Possible Rule Making: Amendments to chapter 180-19 WAC, Charter schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.710.090, 28A.710.100, 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain provisions of chapter 180-19 WAC pertaining only to the initial year of implementation of chapter 28A.710 RCW (Initiative Measure No. 1240) are obsolete, and should be repealed for clarity. Technical corrections are needed to some sections of this chapter. More substantive amendments will be considered for better implementation of some provisions, with the benefit of experience and more time than enabled under the statute, which, for example, required that the state board of education (SBE) establish an initial process and timelines for authorizer applications no later than ninety days after the effective date of the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agencies have responsibility for rule making on the subjects of these WACs. The SBE will, however, consult with the Washington charter school commission and the office of superintendent of public instruction, as applicable, on rule amendments.

Process for Developing New Rule: Other [no further 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 Jack Archer, Director of Basic Education Oversight, SBE, Old Capitol Building, Room 253, P.O. Box 47206, Olympia, WA 98504-7206, (360) 725-6035, jack.archer@k12.wa.us.

April 10, 2014  
Ben Rarick  
Executive Director

**WSR 14-09-057**

**PREPROPOSAL STATEMENT OF INQUIRY  
GRAYS HARBOR COLLEGE**

[Filed April 16, 2014, 10:50 a.m.]

Subject of Possible Rule Making: Student rights and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: WSR 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The changes are needed to be

in compliance with the Violence Against Women Act and to update regulations within the institution to comply with both institutional and societal changes.

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

Process for Developing New Rule: Develop proposals and seek input from other stakeholders in the college community, e.g., faculty, staff and students.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Arlene Torgerson, Vice-President for Student Services, 1620 Edward P. Smith Drive, Aberdeen, WA 98520, phone (360) 538-4066, fax (360) 538-4293.

April 16, 2014  
Arlene Torgerson  
Vice-President  
for Student Services

**WSR 14-09-084**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed April 21, 2014, 3:11 p.m.]

Subject of Possible Rule Making: WAC 458-20-17802 Collection of use tax by county auditors and department of licensing—Measure of tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), 82.12.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule explains how county auditors, their subagents, and the department of licensing determine the measure of any use tax due when a person transfers the certificate of title for a vehicle. Subsection (4) of the rule explains that the purchase price will be used to compute the use tax due when the purchase price represents the vehicle's true value. Subsection (4)(a) explains that the purchase price will be presumed to represent the vehicle's true value if the vehicle's average retail value, as provided by the automated valuing system, is less than \$3,000. The department is considering raising this threshold to \$5,000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of revenue has authorized county auditors and the department of licensing to collect the use tax when a person applies to transfer a certificate of title of a vehicle under the authority of RCW 82.12.045. The department of licensing provides the automated system to help in the determination of the measure of use tax due at the time of transfer, and has and will be consulted regarding this potential revision.

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 public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department is at this time requesting written comments regarding this possible rule making. Please provide any written comments by May 25, 2014. Written comments may be submitted by mail and should be directed to Gayle Carlson, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail [GayleC@dor.wa.gov](mailto:GayleC@dor.wa.gov).

April 21, 2014  
Dylan Waits  
Rules Coordinator

### WSR 14-09-087

#### PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Docket U-140621—Filed April 22, 2014, 8:44 a.m.]

**Subject of Possible Rule Making:** The Washington utilities and transportation commission (commission) commences this inquiry to consider adoption of rules to implement chapter 80.54 RCW, relating to attachments to transmission facilities.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.-060.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Federal law requires the Federal Communications Commission (FCC) to regulate attachments to utility poles unless a state certifies that it regulates such attachments. The Washington legislature elected to assert jurisdiction over attachment to transmission facilities by enacting chapter 80.54 RCW. The statute authorizes the commission "to regulate in the public interest the rates, terms, and conditions for attachments by licensees or utilities," and requires the commission to adopt implementing rules, regulations, and procedures.

**Process for Developing New Rule:** Agency study; and the commission will ask for initial written comments, schedule one or more workshops, and will provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) by 5:00 p.m., Friday, May 30, 2014.

#### WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:

The commission has scheduled a stakeholder workshop in this rule making for **Monday, July 28, 2014, beginning at 9:30 a.m.**, in the Commission's Hearing Room, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Written comments may be submitted to the commission at the address given above and should be filed

with the commission no later than **5:00 p.m., Friday, May 30, 2014**, for consideration at the July 28, 2014, stakeholder workshop.

**Electronic copies.** The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (U-140621).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, compact disk, or 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/140621>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket U-140621 to ensure that you are placed on the appropriate service list. Questions may be addressed to Gregory J. Kopta, (360) 664-1355 or e-mail [gkopta@utc.wa.gov](mailto:gkopta@utc.wa.gov).

#### NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING -** The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and phone and fax numbers referencing Docket U-140621, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, phone and fax numbers, referencing Docket U-140621, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto:records@utc.wa.gov). Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/140621>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

April 22, 2014  
 Steven V. King  
 Executive Director  
 and Secretary

**WSR 14-09-090**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 22, 2014, 9:08 a.m.]

Subject of Possible Rule Making: Chapter 296-900 WAC, Administrative rules.

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: The Occupational Safety and Health Administration (OSHA) changed its policies for calculating penalties in October 2010. In October 2012, OSHA updated the state activities mandated measures (SAMM) report to require state plan states to meet new measures for calculating penalties. Failure to adopt rules to respond to the change in OSHA policies and to meet the new SAMM measures could result in the suspension of Washington's state plan approval and/or federal funding.

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 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 Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5619, e-mail [cynthia.ireland@lni.wa.gov](mailto:cynthia.ireland@lni.wa.gov).

April 22, 2014  
 Joel Sacks  
 Director

**WSR 14-09-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 22, 2014, 9:09 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance and chap-

ter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapters 296-17 and 296-17A WAC establish how employers are required to report and pay industrial insurance premiums.

The department intends to review these chapters and make revisions to:

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references),
- Revise wording and formatting to make the rules easier to understand and apply, and
- Incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

The purpose of this rule making is not to make substantive changes to how the department classifies employment, but to review and revise its classification plan to ensure it is clear and understandable. These changes will not change the way we calculate employer rates, our reporting requirements, or how we classify businesses.

As part of this rule making, the department also intends to review these chapters as required by SSB 5679 (chapter 30, Laws of 2013 2nd sp. sess.) to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of the internet. Labor and industries will use input to formulate proposed changes to the existing rules and advise customers of future rule making by the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Employers can obtain information on our rule-making process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and can submit comments electronically to [JoAnne.Attwood@Lni.wa.gov](mailto:JoAnne.Attwood@Lni.wa.gov), calling (360) 902-4777, or by fax (360) 902-5830.

April 22, 2014  
 Joel Sacks  
 Director

**WSR 14-09-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 22, 2014, 9:11 a.m.]

**Subject of Possible Rule Making:** The division of occupational safety and health (DOSH) has been petitioned and asked to modify the lockout/tagout requirements of chapter 296-78 WAC, Safety standards for sawmills and woodworking operations, to match the general industry lockout requirements of chapter 296-803 WAC, Lockout/tagout (control of hazardous records).

**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:** Adding a reference to chapter 296-803 WAC in WAC 296-78-71503 provides clarity and is more protective than the current WAC 296-78-71503, even though procedural and training requirements of WAC 296-78-71503 already require compliance with chapter 296-803 WAC. In addition, WAC 296-78-71503 must be at-least-as-effective-as the federal standard, 29 C.F.R. 1910.147, The Control of Hazardous Energy. Additional housekeeping changes may also be made throughout chapter 296-78 WAC.

**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 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 Tari Enos, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5541, e-mail tari.enos@lni.wa.gov.

April 22, 2014  
 Joel Sacks  
 Director

**WSR 14-09-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 13-12—Filed April 22, 2014, 11:03 a.m.]

**Subject of Possible Rule Making:** Ecology is proposing to amend three rules through this rule making. The main focus is to amend the operating permit regulation, chapter 173-401 WAC. Amendments will:

- Update the allocation methodology for fees;
- Revise nonstatutory audit provisions;

- Clarify incinerator applicability and applicability of the regulation to synthetic minor sources (e.g., sources that would be part of the program except that they limit their emissions); and
- Clarify rule provisions, update language to be consistent with state and federal rules, and correct errors.

Ecology also proposes to amend chapter 173-400 WAC, General regulations for air pollution sources and chapter 173-455 WAC, Air quality fee rule, to maintain consistency with the operating permit regulation.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 70.94.011, 70.94.161, 70.94.162, and 70.94.-331, provide clear and direct authority to adopt rules on this subject.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** This rule making focuses on four areas:

1. Fees - sources are required under state and federal law to pay fees that cover the full cost of the program.

- Align fee allocation methodology with work load. This provides a fair fee distribution across ecology's air operating permit sources. Some fees will increase and others may decrease.
- Determine how fees for synthetic minors and certain incineration units should be assessed.

2. Audits – audits of permitting agencies are required by state law.

- Reduce the frequency to match the needs of a mature program. Reducing the audit frequencies lowers program costs.
- Remove audit questions from the rule and redesign the audit's focus. Redesigning the audit provisions provides more meaningful feedback to each permitting agency and their regulated communities.

3. Applicability – determines which sources must comply with air operating permit requirements.

- Update applicability for certain incineration units to match the federal operating permit rule.
- Identify applicability for synthetic minor sources. This will address work load associated with regulating these sources, which would have been required to get an operating permit if they had not limited their emissions.

4. Rule language – rule language will be updated to align with federal rules, lessen confusion and increase usability of the rule, and correct errors. If needed, chapters 173-400 and 173-455 WAC will be updated to maintain consistency with changes to chapter 173-401 WAC.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Ecology will involve Washington's seven local clean air agencies, the energy facility site evaluation council, and United States Environmental Protection Agency (EPA) in the rule-making process. Ecology will develop a distribution list, invite these participants to participate in stakeholder meet-

ings, send out public notices and post information about this rule making on our web site.

Process for Developing New Rule: Ecology is amending existing rules. During the rule-development process ecology will ask for feedback from stakeholders on key issues related to this rule making and proposed rule language changes. Ecology will post rule-making information on our rule-making web site, hold one or more stakeholder meetings, and maintain and use e-mail distribution lists to keep interested parties informed. During the formal comment period ecology will hold at least one public hearing on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Crystal Rau, Department of Ecology, Air Quality Program, 4601 North Monroe Street, Spokane, WA 99205-1295, crystal.rau@ecy.wa.gov and (509) 329-3595. Interested parties can participate in the formulation of the proposed rules via stakeholder meetings, by contacting ecology staff directly, and by commenting on the proposed rule. To follow our rule-making process, click on [http://www.ecy.wa.gov/programs/air/rules/rules\\_laws/wac173401/1312/overview.html](http://www.ecy.wa.gov/programs/air/rules/rules_laws/wac173401/1312/overview.html).

April 21, 2014  
Stu Clark  
Air Quality  
Program Manager

#### WSR 14-09-110

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed April 23, 2014, 8:35 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-450-0035 Educational benefits and other related rules to remove obsolete information that state-funded work study can be categorized under Title IV Higher Education (HEA) or Bureau of Indian Affairs (BIA) sources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.04.500, 74.08A.120, 7 C.F.R. 273.9.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend WAC 388-450-0035 to remove the reference to income from state-funded work study programs as being totally exempt income for Basic Food assistance benefits.

This department is proposing to amend the rule to remove obsolete information that state-funded work study can be categorized under Title IV HEA or BIA sources.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will

develop amendments to countable income rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

Process for Developing New Rule: 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 Bob Thibodeau, Lead Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

April 23, 2014  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 14-09-111

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed April 23, 2014, 8:39 a.m.]

Subject of Possible Rule Making: The department plans to propose amendments to update all necessary sections in Title 388 WAC to implement annual adjustments to standards for WASHCAP and the Washington Basic Food program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards are required by federal regulations and approved department waivers. Under federal regulations these standards must be adjusted annually in order to determine a client's eligibility and benefit level for the Washington Basic Food program or the WASH-CAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjusts income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also

requires that the department adjust the SNAP utility allowance and WASHCAP standards on an annual basis. DSHS adopts the new FNS standards into administrative rule.

The department will update the current standard utility allowance (SUA) for Basic Food, adjusting for inflation for the various utilities included in the SUA deduction and submitting proposed standards to FNS for approval. The standards approved by FNS will be adopted by the department for use in determining monthly benefits for Basic Food and WASHCAP.

**Process for Developing New Rule:** 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 Holly St. John, Policy Analyst, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail stjohhc@dshs.wa.gov.

April 23, 2014  
Katherine I. Vasquez  
Rules Coordinator

**WSR 14-09-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed April 23, 2014, 8:39 a.m.]

**Subject of Possible Rule Making:** WAC 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities? and possible other related sections in Title 388 WAC.

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

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is proposing to amend rules to increase the amount of additional requirements for emergent needs (AREN) payments that can be issued from a \$750.00 maximum lifetime limit to \$750.00 maximum in a twelve-month period.

Proposed amendments will support AREN changes outlined in the Agency Detail (Rec Sum) for ESSB 6002 (2014 supplemental budget) that passed the 63rd legislature on March 13, 2014.

**Process for Developing New Rule:** 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 Kerry Judge-Kemp, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4630, fax (360) 725-4905, e-mail judgeka@dshs.wa.gov.

April 16, 2014  
Katherine I. Vasquez  
Rules Coordinator

**WSR 14-09-113**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed April 23, 2014, 8:41 a.m.]

**Subject of Possible Rule Making:** The department is proposing to amend WAC 388-449-0001, 388-449-0035, 388-449-0060, 388-449-0080, and any other related rules in order to implement the changes required by SB 6573, which passed the 2014 legislature.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057 [74.04.057], 74.08.090, 74.08A.100, 74.04.770, 74.62.030, and SB 6573, 63rd legislature, 2014 regular session.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** SB 6573 restores a more restrictive aged, blind, or disabled (ABD) disability standard, specifically a twelve month minimum duration requirement and fifteen year consideration of an individual's ability to perform past work, effective July 1, 2014. Last year, SHB 2069 passed the legislature and temporarily created a less restrictive ABD disability standard. SHB 2069 included a clause requiring the department to revert back to the more restrictive disability standard effective June 30, 2015. SB 6573, which passed the 2014 legislature, requires the department to revert to the more restrictive ABD disability standard twelve months earlier.

**Process for Developing New Rule:** 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 Erik Peterson, 712 Pear Street S.E., Olympia, WA 98501, phone (360) 725-4622, fax (360) 725-4904, e-mail erik.peterson@dshs.wa.gov.

April 15, 2014  
Katherine I. Vasquez  
Rules Coordinator

**WSR 14-09-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed April 23, 2014, 8:45 a.m.]

**Subject of Possible Rule Making:** The department is proposing to amend or add a new section to chapter 388-310 WAC, WorkFirst, to provide WorkFirst incentive payments to families who are participating in activities outlined in their individual responsibility plan. Other related rules may also be amended as necessary.

**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:** The department is proposing to provide WorkFirst incentive payments to families who are participating in activities outlined in their individual responsibility plan.

The proposed amendments will support the WorkFirst program changes outlined in the Agency Detail, Rec Sums for the supplemental budget (ESSB 6002) that passed the legislature on March 13, 2014.

**Process for Developing New Rule:** 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 Amos Mbuni, 712 Pear Street S.E., Olympia, WA 98504, phone (360) 725-4327, fax (360) 725-4904, e-mail mbunias@dshs.wa.gov.

April 16, 2014  
Katherine I. Vasquez  
Rules Coordinator

**WSR 14-09-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed April 23, 2014, 9:11 a.m.]

**Subject of Possible Rule Making:** New sections and/or amendments in chapter 388-14A WAC, to clarify and revise the procedures used for the reimbursement for uninsured medical expenses when the DSHS division of child support (DCS) is enforcing a support order with a medical support obligation.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 26.09.105(17), 26.18.170(19), 34.05.220(1)(a), 43.20A.550, 74.04.055, 74.08.090, 74.20.040, and 74.20A.310.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The state of Washington has certain obligations pursuant to its state plan under Title IV-D of the federal Social Security Act. Under 42 U.S.C. 666(a)(19), we are required to have procedures under which we can enforce a support order's (mandatory) provisions for medical support. Under RCW 26.09.105(1)(d), both parents must contribute their proportionate share of uninsured medical expenses.

Very often a child support order will require that the parents share the responsibility for uninsured medical expenses, and will set out a percentage split which is usually each parent's relative share of the combined monthly net income. As an example, one parent will be responsible for sixty percent and the other parent forty percent. Many parents are able to work cooperatively and deal with the issue of reimbursement without assistance from DCS. However, there will always be some parents who cannot do so and they look to DCS for assistance. In a situation where the child support order does not set a sum certain amount for each parent's contribution, there is an administrative process to determine how much one parent owes the other.

DCS has a process where we can serve a notice of support owed under RCW 26.23.110 on one parent to establish the other parent's out-of-pocket expenses and determine the sum certain amount owed by the noncontributing parent to reimburse the parent who paid. In appropriate circumstances, DCS can serve this notice on behalf of either the custodial parent or the noncustodial parent. The procedures are set out in WAC 388-14A-3310 through 388-14A-3330.

DCS adopted the current rules after the passage of two major law changes that took place in 2009, namely ESHB 1794 (chapter 84, Laws of 2009, making changes to the child support schedule) and SHB 1845 (chapter 476, Laws of 2009, regarding medical support obligations). Since then, we have received suggestions for possible changes from our staff and also from parents and advocates. We believe that changes to our current process are necessary not only to make the process easier and/or more efficient, but are indeed necessary to ensure due process for each parent.

**Process for Developing New Rule:** DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov) or [nancy.koptur@dshs.wa.gov](mailto:nancy.koptur@dshs.wa.gov)

@dshs.wa.gov, phone (360) 664-5065, toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

April 14, 2014  
Katherine I. Vasquez  
Rules Coordinator  
Rules and Policies Assistance Unit

**WSR 14-09-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Nursing Care Quality Assurance Commission)  
[Filed April 23, 2014, 9:32 a.m.]

Subject of Possible Rule Making: WAC 246-840-300 through 246-840-455, amend advanced registered nurse practitioner (ARNP) rules to recognize clinical nurse specialists (CNS) and add licensure requirements for CNS.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.79.050, and 18.79.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The nursing care quality assurance commission (commission) received a petition to amend the ARNP rules to include CNS. The National Council of State Boards of Nursing (NCSBN) has adopted a consensus model for advanced practice registered nurses, which recognizes the CNS category. The consensus model provides a framework for regulation for advanced practice roles in all states and territories. The commission supports the consensus model. Recognizing CNS would bring Washington into alignment with the consensus model.

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. Interested parties may add their e-mail address to the commission's listserv to receive notices for rules writing workshops and drafts as they are written. Listserv: <http://listserv.wa.gov/cgi-bin/wa?A0=NURSING-QAC>. Interested parties may also write, call or send e-mails to Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4751 or [nursing@doh.wa.gov](mailto:nursing@doh.wa.gov), web site <http://www.doh.wa.gov/hsqa/Professions/Nursing/RulesInProgress.htm>.

April 23, 2014  
Paula R. Meyer, MSN, RN  
Executive Director

**WSR 14-09-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**  
[Filed April 23, 2014, 10:01 a.m.]

Subject of Possible Rule Making: Public records requests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.011 and chapter 42.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to clearly identify public records requests so that the department of enterprise services (DES) can meet the statutory response timeframes under RCW 42.56.520. Additional rules may be needed to align with recent legislation.

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

Process for Developing New Rule: DES staff will discuss proposed rules with affected stakeholders. Anyone interested will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing. The public is encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, policy and rules manager, phone (360) 407-9209, e-mail [jack.zeigler@des.wa.gov](mailto:jack.zeigler@des.wa.gov). Online at <https://www.surveymonkey.com/s/DESRule> making. Information will be posted on the agency web site (<http://www.des.wa.gov/about/LawsRules/Pages/RuleMaking.aspx>) and interested parties can participate in the development of the proposed rule before publication. You can identify yourself as an interested party by sending an e-mail to [rules@des.wa.gov](mailto:rules@des.wa.gov) with your contact information and typing "Interested party - print management rule making" in the subject line.

April 23, 2014  
Jack Zeigler  
Policy and Rules Manager