

WSR 14-16-006
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed July 24, 2014, 9:28 a.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 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.

July 24, 2014
 David Brenna
 Senior Policy Analyst

WSR 14-16-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed July 24, 2014, 3:42 p.m.]

Subject of Possible Rule Making: WAC 458-61A-202 Inheritance or devise and 458-61A-303 Affidavit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.45.150, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-61A-202 (REET Rule 202) explains the exemption from real estate excise tax (REET) for inheritance transfers. WAC 458-61A-303 (REET Rule 303) explains the REET affidavit requirements. 2ESHB 1117, effective on June 12, 2014, provides a new REET exemption for transfers pursuant to a transfer on death deed and substantiation requirements to claim that exemption, as well as a change to the affidavit requirements for transfer on death deed transfers. REET Rules 202 and 303 need to be amended to reflect this new exemption and accompanying substantiation and affidavit requirements for transfers pursuant to transfer on death deeds.

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 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. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to David Hesford, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail DavidH@dor.wa.gov, phone (360) 534-1586.

Public Meeting Location: Capital Plaza Building, 4th Floor Large Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 10, 2014, at 10:00 a.m. Call-in option can be provided upon request no later than three days before the meeting date.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514 no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

July 24, 2014
 Dylan Waits
 Rules Coordinator

WSR 14-16-059
PREPROPOSAL STATEMENT OF INQUIRY
BIG BEND
COMMUNITY COLLEGE

[Filed July 30, 2014, 11:02 a.m.]

Subject of Possible Rule Making: Title 132R WAC, student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to current Title 132R WAC are necessary to comply with the Violence Against Women Reauthorization Act of 2013, to clarify processes for compliance with United States Department of Education Title IX as described in Dear Colleague Letter: Harassment and Bullying (October 26, 2010), and to clarify campus marijuana use rules in light of I-502.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All other Washington community and technical colleges under the jurisdiction of the Washington state board for community and technical colleges regulate student conduct through a student code of conduct.

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 pub-

lication by contacting Bob Mohrbacher, 7662 Chanute Street N.E., Moses Lake, WA 98837, phone (509) 793-2055, fax (509) 762-6329, bobm@bigbend.edu; or Candy Lacher, 7662 Chanute Street N.E., Moses Lake, WA 98837, phone (509) 793-2063, fax (509) 762-6329, candyl@bigbend.edu.

July 21, 2014
Bob Mohrbacher
Vice-President of Instruction
and Student Services

WSR 14-16-063

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed July 30, 2014, 1:50 p.m.]

Subject of Possible Rule Making: WAC 458-20-193 (Rule 193) Inbound and outbound interstate sales of tangible personal property.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule 193 provides guidance on how Washington's B&O tax and retail sales taxes apply to interstate sales of tangible personal property.

The department is considering amending Rule 193 to reflect current law, and to adopt consistent trailing nexus standards.

Key updates the department is considering for Rule 193 are:

1. *Dissociation*: Rule 193 currently provides if a taxpayer can prove that its sales in the state are "dissociated" from its local business activity, then those sales are not subject to Washington tax despite the taxpayer's nexus with the state. The department is considering removing the dissociation concept from the rule.

2. *Trailing nexus*: Rule 193 currently provides that once a taxpayer establishes nexus in Washington, it will continue to have nexus for up to five years even if the taxpayer ceased performing the instate activity which created nexus. Section 102, chapter 23, Laws of 2010 1st sp. sess., changed the trailing nexus for B&O tax to one year following the year the taxpayer ceases having nexus with the state. This legislation did not address the trailing nexus period for other excise taxes. The department is considering adopting a one year standard for all excise taxes for uniformity purposes.

3. *Definition of "receipt"*: The department is considering incorporating the current statutory definition of "receipt," which specifically excludes possession by a shipping company. In addition, the department explicitly intends to include the special sourcing provisions for sales of commercial airplane parts in RCW 82.04.627.

4. *Drop shipments*: The department is considering providing clearer and more detailed guidance regarding the tax consequences associated with drop shipment sales.

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 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. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. The department expects to provide a preliminary draft of possible rule changes for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx> on or before August 25, 2014. Written comments on and/or requests for copies of the rule may be directed to David Hesford, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail DavidH@dor.wa.gov, phone (360) 534-1586.

Public Meeting Location: Capital Plaza Building, 4th Floor Large Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on September 15, 2014, at 10:00 a.m. *Call-in option can be provided upon request no later than three days before the meeting date.*

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514 no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

July 30, 2014
Dylan Waits
Rules Coordinator

WSR 14-16-076

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 13-13—Filed July 31, 2014, 3:59 p.m.]

Subject of Possible Rule Making: The Washington state department of ecology (ecology) is proposing to amend chapter 173-441 WAC, Reporting of emissions of greenhouse gases, in order to maintain consistency with the United States Environmental Protection Agency's (EPA) greenhouse gas reporting program, as required by RCW 70.94.151. The following are examples of the proposed amendments:

- Revising the global warming potentials in WAC 173-441-040.
- Updating calculation and monitoring methods.
- Making minor streamlining revisions to reporting requirements.
- Correcting minor errors and improving readability.

Ecology is not changing requirements established in chapter 173-441 WAC for transportation fuel suppliers or the following elements pertaining to facilities: Reporting threshold, confidential business information, or fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.235 RCW, Limiting greenhouse gas

emissions and chapter 70.94 RCW, Washington Clean Air Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is required by statute to periodically update chapter 173-441 WAC to maintain consistency with EPA's greenhouse gas reporting program which has been amended multiple times since chapter 173-441 WAC was adopted in 2010. Keeping ecology's rules current with EPA increases efficiency by maximizing data uniformity at the state and federal level, utilizing the most up-to-date calculation methods based on a national standard, and enabling Washington reporters to continue using EPA's online electronic reporting tool.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Throughout this rule revision process, ecology will communicate with, and seek input from, the following agencies:

- The energy facility site evaluation council, who is required to have a similar reporting rule for the facilities they regulate.
- The EPA, to maximize consistency between the state and federal programs.
- Local clean air agencies.

Process for Developing New Rule: Throughout this rule revision process, ecology will:

- Communicate with stakeholders about key issues and ask for input as ecology develops the rule.
- Hold a stakeholder meeting and a public hearing.
- Provide information through e-mail listservs and posting on ecology's rule-making web pages.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate by:

- Following updates on ecology's rule-making web pages, http://www.ecy.wa.gov/programs/air/rules/rules_laws.html.
- Contacting ecology staff, see below.
- Signing up for e-mail updates, by going to <http://listserv.wa.gov/cgi-bin/wa?A0=WA-GHG-REPORTING>.
- Participating in a stakeholder meeting and/or a public hearing.

Contact Stacey Callaway, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, Stacey.Callaway@ecy.wa.gov, (360) 407-7528.

July 31, 2014
Stuart A. Clark
Air Quality
Program Manager

WSR 14-16-085

PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed August 4, 2014, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 478-120 WAC, Student conduct code for the University of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The last substantive revision to this chapter occurred in 1996. This revision is intended to enhance compliance with the federal Violence Against Women Reauthorization Act, Title IX, and changes to the Clery Act. The revisions anticipate making the chapter easier to navigate so that prohibited student conduct will be more clearly defined and will include behaviors which may occur online or in virtual environments. Additionally, appeals avenues will be more clearly articulated and due process rights will be further clarified. It is also anticipated that substantial reorganization of the existing content will be undertaken for more clarity.

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

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. The University of Washington has previously consulted and will continue to engage with student and faculty leadership at all three campuses in developing these revisions including, but not limited to, student government, student organizations, faculty senate, and faculty assemblies.

Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210, e-mail rules@uw.edu.

August 4, 2014
Rebecca Goodwin Deardorff
Director of Rules Coordination

WSR 14-16-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 5, 2014, 9:20 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance; chapter 296-20 WAC, Medical aid rules; and chapter 296-21 WAC, Reimbursement policies: Psychiatric services, biofeedback, physical medicine.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2013, the American Psychiatric Association released the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)*. The

department of labor and industries (L&I) is considering adopting rules in order to aid in the implementation and consistent use of new DSM versions within Washington's workers' compensation program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Many federal and state health care purchasing agencies will use the *DSM-5* for coding diagnoses for mental disorders as referenced in federal HIPAA requirements. Washington's workers' compensation program is not mandated to follow HIPAA [HIPAA] requirements, but does so to be consistent with other payors.

In addition, the *DSM-5* represents industry standards for diagnostic criteria for mental disorders. L&I is governed by Title 51 RCW, Washington's Industrial Insurance Act. Implementation of the *DSM-5* must be within the limitations of that act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: This rule will be developed in consultation with L&I's major stakeholders and other interested parties. Major stakeholder groups include, but are not limited to: The Industrial Insurance Medical Advisory Committee; the Workers' Compensation Advisory Committee; and the Advisory Committee on Health Care Innovation and Evaluation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, L&I, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, fax (360) 902-6315, phone (360) 902-4941, e-mail Jami.Lifka@Lni.wa.gov.

August 5, 2014
Joel Sacks
Director

WSR 14-16-091

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 5, 2014, 1:05 p.m.]

Subject of Possible Rule Making: WAC 260-70-680 Uniform classification guidelines; 260-70-685 Alphabetical listing of all drugs, medication, and foreign substances; and chapter 260-84 WAC, Penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is considering amending the uniform classification guidelines to list the Association of Racing Commissioners International (ARCI) model rules penalty classes associated with them. Additionally, by amending sections in chapter 260-70 WAC, the penalty guidelines will be amended to reflect the ARCI penalties as well.

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 by contacting Douglas L. Moore, Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

August 5, 2014
Douglas L. Moore
Executive Secretary

WSR 14-16-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 5, 2014, 2:26 p.m.]

Subject of Possible Rule Making: Chapter 246-455 WAC, Hospital patient discharge information, amending and creating new rules to strengthen protections of patient health care information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6265 (chapter 220, Laws of 2014), RCW 43.70.052.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6265 passed in 2014 increasing standards on sharing of patient information from the comprehensive hospital abstract reporting system and authorizing the department to adopt rules. Rules are necessary to further define direct and indirect patient identifiers and public data sets, clarify restrictions on use of the data, add requirements for data sharing agreements, and update or add definitions if needed. The rule may also include house-keeping changes, such as updating references.

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 by e-mailing or mailing comments and attending rule workshop(s). To receive information and updates, e-mail vitalrecordsrules@doh.wa.gov, mail Attn: CHARs Rules, P.O. Box 47814, Olympia, WA 98504-7814, or contact Kris Reichl at (360) 236-4311.

August 5, 2014
Dennis E. Worsham
Deputy Secretary
for John Wiesman, DrPH, MPH
Secretary

WSR 14-16-095
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 5, 2014, 2:38 p.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 13-21-075, filed on October 17, 2013.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore
 Executive Secretary

WSR 14-16-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 5, 2014, 2:46 p.m.]

Subject of Possible Rule Making: WAC 246-16-100 Sexual misconduct, the department of health (department) is considering revising the rule to clarify that forcible or non-consensual acts are within the definition of sexual misconduct by a health care provider.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.050, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updating the sexual misconduct rule to establish clearer standards of conduct for health care providers. The department's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by providers in health care professions under the secretary of health's authority listed in RCW 18.130.040 (2)(a). Updating the sexual misconduct rule will establish clearer standards of conduct and will help the department be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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 participate in the development of draft rules prior to a formal proposal by providing input on draft and proposed rules language. Interested parties can receive information on how to participate by contacting Karl Hoehn, Supervising Staff Attorney, Office of Legal Services, P.O. Box 47873, 111 Israel Road S.E., Olympia, WA 98504-7852, e-mail karl.hoehn@doh.wa.gov, phone (360) 236-4717, fax (360) 236-4930.

August 5, 2014
 Dennis E. Worsham
 Deputy Secretary

for John Wiesman, DrPH, MPH
 Secretary

WSR 14-16-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 5, 2014, 2:48 p.m.]

Subject of Possible Rule Making: Chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers, the department of health is considering establishing requirements to implement HB 1213 (chapter 73, Laws of 2013) regarding continuing education and other licensing standards; clarifying terms and conditions; deleting obsolete sections, and making general housekeeping changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040 and 43.70.442.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1213 (chapter 73, Laws of 2013) requires the department of health to establish continuing education and other licensing standards for those holding an associate license (associates) as a mental health counselor, marriage and family therapist, advanced social worker or independent clinical social worker. Rule making could also clarify who may supervise associates working towards full licensure to ensure state laws are applied consistently. Deletion of obsolete sections and other general housekeeping of chapter 246-809 WAC could increase clarity and readability.

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 members of the public will be notified and invited to participate in rule-making workshops and may also submit written comments for consideration. Individuals may join the listserv for this rule making at listserv.wa.gov/cgi-bin/wa?A0=LICENSED-COUNSELORS.

For all other questions, the public can contact Mariama Gondo, MPH, Department of Health, Mental Health Counselors, Marriage and Family Therapists, and Social Workers Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, e-mail mariama.gondo@doh.wa.gov, phone (360) 236-2912, fax (360) 236-2901.

August 5, 2014
 Dennis E. Worsham
 Deputy Secretary
 for John Wiesman, DrPH, MPH
 Secretary

WSR 14-16-098
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 5, 2014, 2:55 p.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 13-17-067, filed on August 13, 2012.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore
 Executive Secretary

WSR 14-16-099
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 5, 2014, 2:55 p.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 12-05-058, filed on February 15, 2012.

Contact Douglas L. Moore if you have any questions.

Douglas L. Moore
 Executive Secretary

WSR 14-16-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 5, 2014, 3:18 p.m.]

Subject of Possible Rule Making: Chapter 308-96A WAC, Vehicle licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring chapter 308-96A WAC into compliance with RCW 46.16A.200, 46.16A.020, 46.16A.110, 46.17.200, 46.18.130, and 46.18.140 as modified by chapter 80, Laws of 2014 (2ESSB 5785), which removes the periodic seven year vehicle plate replacement requirement and requires that license plates be replaced at the time a vehicle changes ownership.

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: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, Mailstop 48203, P.O. Box 9909, Olympia, WA 98507, e-mail (preferred) CJelvik@dol.wa.gov, phone (360) 902-3812.

August 5, 2014
 Damon Monroe
 Rules Coordinator

WSR 14-16-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 5, 2014, 3:20 p.m.]

Subject of Possible Rule Making: WAC 308-100-180 Third party testing fee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.25.060, and 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department seeks to amend provisions regarding the method of payment of testing fees to third party testers.

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

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

August 5, 2014
 Damon Monroe
 Rules Coordinator

WSR 14-16-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed August 6, 2014, 9:12 a.m.]

Subject of Possible Rule Making: Chapters 170-295, 170-296A and 170-297 WAC, regarding the durations of basic state training and registry system (STARS) training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to remove language specifying the duration of basic STARS training in order to implement the new STARS curriculum, which requires thirty hours to complete. Whereas, existing WAC language specifies that basic STARS training has a twenty hour duration. The new STARS curriculum for providers contains additional training on safe sleep practices for infants to prevent sleep related incidents. Further, the new curriculum incorporates new research, updated child guidance training aligned with best practices, and additional information tied to early brain and biological development, and is aligned with department of early learning's (DEL) child care quality framework.

Process for Developing New Rule: Negotiated rule making; and DEL intends to engage in negotiated rule making as to chapter 170-296A WAC. Otherwise, and to the extent practicable, DEL intends to seek stakeholder input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, DEL, P.O. Box 40970, Olympia, WA 98504-0970.

August 6, 2014
Matt Judge
Rules Coordinator

WSR 14-16-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed August 6, 2014, 9:58 a.m.]

Subject of Possible Rule Making: Revisions to chapter 170-290 WAC expanding approved activities and gap periods, and streamlining verification requirements for the working connections and seasonal child care subsidy programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are needed in order to promote continuity of care in the affected programs. By expanding approved activities and gap periods, and making it easier for families to verify eligibility, families who would otherwise exit these programs during their eligibility period might continue to be eligible.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services jointly administers the working connections child care and seasonal child care subsidy programs. The department of early learning (DEL) must follow United States Administration for Children and Families - Child Care and Development Fund (CCDF) regulations consistent with the state's CCDF plan. DEL plans to coordinate rule development with these state and federal agencies.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, DEL, P.O. Box 40970, Olympia, WA 98504-0970.

August 6, 2014
Matt Judge
Rules Coordinator

WSR 14-16-108
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 6, 2014, 10:06 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards 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 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.

August 6, 2014
David Brenna
Senior Policy Analyst

WSR 14-16-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)

[Filed August 6, 2014, 10:18 a.m.]

Subject of Possible Rule Making: Chapter 388-106 WAC, Long-term care services, specifically the eligibility and other contract considerations for enhanced service facilities (ESF).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.97 RCW, RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department was directed to develop ESFs in the 2013-15 biennial budget. The DSHS home and community services division will develop a state plan amendment to provide home and community-based services through the 1915(i) Medicaid State Plan option. This

program will include residential services provided by ESFs and other home and community-based services. The rules will define the scope and eligibility of the new 1915(i) services. Other related changes that may arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

August 6, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-16-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health and Service Integration Administration)
[Filed August 6, 2014, 10:20 a.m.]

Subject of Possible Rule Making: The department is proposing new rules that update and clarify individual rights specific to medicaid enrollees, and explain division of behavioral health and recovery's (DBHR) complaint process and grievance system. The proposed rules will provide definitions for terms and phrases used in the complaint process and grievance system rules. Other rules may need to be updated as a result of this rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.60 RCW, RCW 71.05.560, 71.24.035 (5)(c), and 71.34.380; 42 C.F.R. § 438.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to inform consumers and/or medicaid enrollees who apply for or receive behavioral health services of their right to express dissatisfaction regarding a mental health service or other behavioral health service and how to use the complaint and grievance system processes. The rules will also update and clarify individual rights specific to medicaid enrollees. Other rules may need to be updated as a result of this rule making.

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

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 Kathy Sayre, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-833-6384, e-mail Kathy.sayre@dshs.wa.gov.

August 4, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-16-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed August 6, 2014, 10:24 a.m.]

Subject of Possible Rule Making: Determination of practicable goals for use of biofuels, electricity, natural gas and propane by local government subdivisions of the state that own and operate vessels, vehicles and construction equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.325.080 Electricity and biofuel usage goals—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish standards for practicability (e.g., regional availability of fuels, vehicle costs, cost of program implementation; cost differentials in different parts of the state, differences between types of vehicles, vessels or equipment) for local government planning and compliance with RCW 43.19.648.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state departments of enterprise services, ecology, agriculture and transportation. The process will be coordinated through the alternative fuels and vehicles technical advisory group established under WAC 194-28-060.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Moulton, P.O. Box 42525, Olympia, WA 98504-2525, peter.moulton@commerce.wa.gov, (360) 725-3116, fax (360) 586-0049. Commerce will host stakeholder webinars and meetings seeking input from affected parties. Likely participants include city and county governments, transit authorities, ports, parks districts, fire districts, biofuel industry representatives, electrical and natural gas utilities, alternate fuel vehicle and electric vehicle industry representatives, and the general public. Persons interested in providing input may attend meetings, or provide information via e-mail or other printed submission.

August 6, 2014
Nick Demerice
Director of External Relations

WSR 14-16-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 6, 2014, 10:59 a.m.]

Subject of Possible Rule Making: Amending commercial fishery and fish ticket rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.-047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to commercial fishery and fish receiving ticket rules are needed to improve the intent and enforceability of rules that define, describe or authorize delivery of fish to shore-based facilities or dealers, and processing or freezing of catch onboard vessels at sea.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The National Marine Fisheries [service] regulates certain commercial fisheries in federal waters. Rule coordination is accomplished through Pacific Fishery [Fisheries] Management Council processes. Also, Washington, Oregon and California coordinate coastal Dungeness crab management through the Tri-State Dungeness Crab Committee which is facilitated under the umbrella of the Pacific States Marine Fisheries Commission. The department will include other agencies if needed.

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 contacting Joanna Eide, Rules Coordinator, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov.

August 6, 2014
 Joanne M. Eide
 Rules Coordinator

WSR 14-16-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 6, 2014, 11:02 a.m.]

Subject of Possible Rule Making: Amending coastal commercial Dungeness crab rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.-047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to coastal commercial Dungeness crab rules are needed to improve the intent and enforceability of rules that describe the process and requirements for issuing replacement buoy tags and submitting coastal Dungeness crab logbooks. New provisions are needed to implement gear retrieval requirements for coastal Dungeness crab fishermen to improve enforceability and

minimize derelict crab gear. Based on recommendations from the Tri-State Dungeness Crab Committee changes to the preseason gear set period are needed to improve safety, enhance enforceability and provide for a coordinated season opening for the Washington and Oregon commercial Dungeness crab fishery.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington, Oregon and California coordinate coastal Dungeness crab management through the Tri-State Dungeness Crab Committee which is facilitated under the umbrella of the Pacific States Marine Fisheries Commission. While the Tri-State Dungeness Crab Committee does not have regulatory authority, changes proposed that affect Oregon and California have been discussed and approved by the Tri-State Dungeness Crab Committee.

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 contacting Joanna Eide, Rules Coordinator, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov.

August 6, 2014
 Joanna M. Eide
 Rules Coordinator