

WSR 15-02-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed December 24, 2014, 4:35 p.m.]

Subject of Possible Rule Making: New rule within Title 200 WAC, Trespassing on the capitol campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.125 RCW, Capitol buildings and grounds—Custody and control and RCW 46.08.150 Control of traffic on capitol grounds.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to specify the grounds upon which the state may give a trespass warning, excluding a person from the capitol buildings and grounds, and to put in place an administrative review process to satisfy a person's due process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal and state agencies that regulate this subject.

Process for Developing New Rule: Department staff will discuss any 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, written comments online <https://www.surveymonkey.com/s/DESRulemaking>.

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 with your contact information and typing "Interested party - trespassing on the capitol campus" in the subject line.

December 24, 2014
 Jack Zeigler
 Policy and Rules Manager

WSR 15-02-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed December 30, 2014, 10:39 a.m.]

Subject of Possible Rule Making: Chapter 246-834 WAC, Midwives, the department of health is considering revising sections of the midwifery chapter in order to clarify, streamline, and modernize rules. See the list below for sections that may be revised. The department is also revising this WAC to include the elements of newborn care up to two weeks, as described in section 1 of 2SHB 1773 (chapter 187,

Laws of 2014) and consistent with requirements of SHB 2544 (chapter 18, Laws of 2014).

Chapter 246-834 WAC elements of care for newborn and chapter modernization and streamlining: WAC 246-834-010 Definitions, 246-834-050 Examination requirements for licensure as a midwife, 246-834-065 Application for examination—Out-of-state education, 246-834-070 Release of examination results, 246-834-080 Failures, 246-834-090 Purpose of accreditation of midwifery educational programs, 246-834-100 Philosophy, purpose and objectives of an accredited midwifery educational program, 246-834-110 Advisory body, 246-834-120 Learning sites, 246-834-130 Staffing and teacher qualifications, 246-834-140 Curriculum, 246-834-150 Students, 246-834-160 Student midwife permit, 246-834-170 Reports to the department of health by accredited midwifery educational programs, 246-834-180 Application for accreditation, 246-834-190 School survey visits, 246-834-200 Appeal of department of health decisions, 246-834-210 Closure of an accredited school of midwifery, 246-834-250 Legend drugs and devices, 246-834-260 General provisions, 246-834-270 Mandatory reporting, 246-834-280 Health care institutions, 246-834-290 Midwifery associations or societies, 246-834-310 Health care service contractors and disability insurance carriers, 246-834-320 Professional liability carriers, 246-834-330 Courts, 246-834-340 State and federal agencies, 246-834-400 Expired license, and 246-834-990 Midwifery fees and renewal cycle.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.50.135 and 18.50.115, 2SHB 1773 (chapter 187, Laws of 2014), and SHB 2544 (chapter 18, Laws of 2014).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The midwifery program is considering proposing revisions to specific sections of chapter 246-834 WAC, Midwives, to implement section 1 of 2SHB 1773 (chapter 187, Laws of 2014), and to clarify, streamline, and modernize rule language. The list of sections above may be revised, amended or repealed. Except for revising individual sections, a comprehensive review of this chapter has not been done since 1991.

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 Department of Health, Midwifery Program, Kathy Weed, P.O. Box 47852, Olympia, WA 98504, (360) 236-4883, kathy.weed@doh.wa.gov. Interested stakeholders may sign up for the program's listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=MIDWIFERY&X=122A834CE747602B26&Y>. All rule-making notices will be e-mailed to the program's interested parties list (listserv) and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

December 29, 2014
 Dennis E. Worsham
 Deputy Secretary

for John Wiesman, DrPh, MPH
Secretary

WSR 15-02-032
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed December 30, 2014, 10:39 a.m.]

The department of health (department) would like to withdraw the following preproposed rule making (CR-101):

WAC Number	WSR Number	Filing Date	Subject
246-834 WAC	14-15-102	July 18, 2014	Elements of care by midwives for the newborn.

The department is withdrawing this CR-101 for the following reason:

The original intent of the preproposal was to consider clarifying the elements of care by midwives to the newborn.

Chapter 246-834 WAC, which regulates midwives, is dated and has not had a major rewrite since the early 1990s. The department has filed a new CR-101 to implement 2SHB 1773 and to open the remaining sections of this chapter, not already open in other CR-101 filings, to streamline and modernize the language.

If you have any questions, please contact Kathy Weed, program manager, health professions and facilities, (360) 236-4883.

Tami M. Thompson
Regulatory Affairs Manager

WSR 15-02-035
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 31, 2014, 10:33 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 14-14-120 on July 2, 2014 (WAC 388-410-0025 and 388-410-0033) regarding establishment and recovery of Basic Food overpayments.

The economic services administration recently files [filed] a new preproposal statement of inquiry notice on December 23, 2014, to expand the scope of this rule making.

Katherine I. Vasquez
Rules Coordinator

WSR 15-02-038
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed December 31, 2014, 12:32 p.m.]

Subject of Possible Rule Making: WAC 182-554-500 Covered enteral nutrition products, equipment and related supplies—Orally administered—Clients twenty years of age and younger only, and other 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: Placing a restriction on these rules is necessary to protect clients under one year of age who are receiving thickeners. The Food and Drug Administration has issued a warning not to give babies thickeners, particularly those born prematurely, because there is substantive evidence it puts them at risk of necrotizing enterocolitis. The recommendation is supported by American Academy of Pediatrics.

During the course of this review, the health care authority (HCA) may identify additional changes that are required to improve clarity or update policy.

Process for Developing New Rule: HCA 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, HCA 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 Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1842, fax (360) 586-9727, TTY 1-800-848-5429, e-mail chantelle.diaz@hca.wa.gov.

December 31, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 15-02-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed January 5, 2015, 12:56 p.m.]

Subject of Possible Rule Making: Chapter 246-915 WAC, Physical therapists and physical therapist assistants, opening the chapter to consider general updates, revisions, and housekeeping amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023 and SSB 5679 (chapter 30, Laws of 2013 2nd sp. sess.).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the board of physical therapy's (board) review to implement SSB 5679, the board identified additional updates, revisions, and housekeeping items. For efficiency and to save costs, the board

plans to review all sections of this chapter in this rules process.

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 joining the board's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Kris Waidely, Program Manager, Board of Physical Therapy, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4847, fax (360) 236-2901, e-mail kris.waidely@doh.wa.gov.

January 5, 2015
Blake T. Maresh
Executive Director

WSR 15-02-064
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed January 6, 2015, 11:05 a.m.]

Please withdraw WSR 14-03-076 dated January 15, 2014.

Create new rules to address multiple licenses at one location.

If you have any questions please contact Karen McCall, rules coordinator, at (360) 664-1631 or kjm@liq.wa.gov.

Sharon Foster
Board Chairman

WSR 15-02-075
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY

[Filed January 7, 2015, 8:25 a.m.]

Subject of Possible Rule Making: The university is adding health and safety regulations for Washington State University (WSU) Pullman, new chapter 504-38 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WSU is adding health and safety policy and regulations for WSU Pullman. WSU seeks a tobacco-free campus to include all campus grounds, state-owned vehicles, and equipment at Pullman. This will be in addition to the WSU Spokane and WSU Vancouver campuses that are already tobacco-free. The Washington Clean Indoor Act currently prohibits smoking in public buildings

and places of employment, as well as within twenty-five feet of doors, windows, and ventilation intakes.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph T. Jenks, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, and e-mail prf.forms@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

January 7, 2015
Ralph T. Jenks, Director
Procedures, Records, and Forms
and University Rules Coordinator

WSR 15-02-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed January 7, 2015, 10:59 a.m.]

Subject of Possible Rule Making: WAC 332-150-030 Filing and recording fees for survey maps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule is being modified to revise the filing and recording fee to appropriately fund the public land survey office (PLSO) program within the department.

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

Process for Developing New Rule: A hearing will be held during the CR-102 process and the public comment period to allow the public and other agencies an opportunity to provide input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Beehler, Land Survey Manager, Department of Natural Resources, Mailstop 47030, Olympia, WA 98504-7030, phone (360) 902-1181, fax (360) 902-1191. Comments may be submitted through regular mail, fax or e-mail pat.beehler@dnr.wa.gov. Draft language of the rule amendment will be distributed to the PLSO's list of interested persons (listserv).

January 6, 2015
Kyle Blum
Deputy Supervisor
for State Uplands

WSR 15-02-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed January 7, 2015, 11:59 a.m.]

January 7, 2015
Dylan Waits
Rules Coordinator

Subject of Possible Rule Making: WAC 458-20-100 Appeals.

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: WAC 458-20-100 (Rule 100) explains that the department's procedures for administrative review of action of the department or of its officers and employees in the assessment or collection of taxes. Rule 100:

- Explains that a taxpayer is encouraged to request a supervisor's conference with the division of the department that proposes to issue an assessment or take some other action in dispute;
- Describes the department's administrative review procedures should a taxpayer choose to appeal a tax assessment or collection action taken by the department or its officers and employees; and
- Recognizes that a taxpayer may appeal the department's administrative review decision to the board of tax appeals or the Thurston County superior court.

The department intends to amend rule 100 to clarify that the department's administrative review is an informal review by the department and not an independent review such as that conducted by the board of tax appeals or the Thurston County superior court. The department is also asking for public comment regarding improvements to the department's administrative review process to better streamline the procedures for efficiency.

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 and should be directed to Jay Jetter, e-mail JayJ@dor.wa.gov, mailing ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

Written and oral comments will be accepted at the public meeting.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on February 18, 2015, 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.