

WSR 16-11-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed May 6, 2016, 9:25 a.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-112 WAC, Residential long-term care services, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.351, 74.39A.341, 18.20.270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments and revisions to the rules throughout the chapter will be related to training and/or certification requirements for long-term care workers in adult family homes, assisted living facilities, and enhanced service facilities.

The proposed rules are needed for the following reasons: Implementation of chapter 259, Laws of 2013 (SHB 1629) which changed certain home care aide certification requirements and long-term care worker continuing education requirements; implementation of chapter 300, Laws of 2013 (SSB 5630) which allowed changes in specialty training requirements; implementation of chapter 152, Laws of 2015 (HB 1531) on training and certification exemptions; updating language and making other necessary changes; incorporation as appropriate of any other related requirements that may become applicable during this rule making; and implementation of chapter 29, Laws of 2016, to add the category of enhanced service facility caregivers to the long-term care worker training and certification requirements.

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 Suemary Trobaugh, Aging and Long-Term Support Administration, P.O. Box 45600, Olympia, WA 98504-5310 [98504-5600], phone (360) 725-2516, fax (360) 725-2646, TTY 1-800-833-6388, e-mail trobas@dshs.wa.gov.

May 5, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-11-020**PREPROPOSAL STATEMENT OF INQUIRY
SHORELINE COMMUNITY COLLEGE**

[Filed May 6, 2016, 3:04 p.m.]

Subject of Possible Rule Making: Repeal of WAC 132G-300-010 Grievance procedure, Title IX.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Repeal of WAC 132G-300-010 Grievance procedure, Title IX, is needed because the college has adopted a new policy, Sexual Harassment Prevention Policy 4113, which is more comprehensive and enhances college compliance with federal law, including Title IX and the Violence Against Women Reauthorization Act. The college's new policy does not require codification in the Washington Administrative Code.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None identified. The state board for community and technical colleges has general supervision and control over the state system of community and technical colleges but does not regulate each individual college's rule making.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephen Smith, Vice-President for Human Resources and Legal Affairs, 16101 Greenwood Avenue North, Shoreline, WA 98133, phone (206) 546-4694, fax (206) 546-5850, e-mail sccrulemaking@shoreline.edu.

May 6, 2016
Stephen Smith
Vice-President for Human
Resources and Legal Affairs

WSR 16-11-021**PREPROPOSAL STATEMENT OF INQUIRY
SHORELINE COMMUNITY COLLEGE**

[Filed May 6, 2016, 3:05 p.m.]

Subject of Possible Rule Making: Amendment of student conduct code in chapter 132G-120 WAC and development and adoption of a new code of student conduct.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Much of the current student conduct code has not been updated since 2001. The community and technical college student services officers and the attorney general's office have developed new model language for student conduct codes. Among other changes that implement best practices, the new rules enhance college compliance with federal law, including Title IX and Violence Against Women Reauthorization Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None identified. The state board for community and technical colleges has general supervision and control over

the state system of community and technical colleges but does not regulate each individual college's rule making.

Process for Developing New Rule: Agency study; and per WAC 131-12-060, the college's students will be involved in this rule-making process and will have a reasonable opportunity to review and express opinions on the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephen Smith, Vice-President for Human Resources and Legal Affairs, 16101 Greenwood Avenue North, Shoreline, WA 98133, phone (206) 546-4694, fax (206) 546-5850, e-mail scrulemaking@shoreline.edu.

May 6, 2016
Stephen Smith
Vice-President for Human
Resources and Legal Affairs

WSR 16-11-022

PREPROPOSAL STATEMENT OF INQUIRY SHORELINE COMMUNITY COLLEGE

[Filed May 6, 2016, 3:46 p.m.]

Subject of Possible Rule Making: Amendments to chapter 132G-136 WAC to prohibit weapons on campus.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To increase security on campus, firearms and other weapons will be prohibited.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None identified. The state board for community and technical colleges has general supervision and control over the state system of community and technical colleges but does not regulate each individual college's rule making.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephen Smith, Vice-President for Human Resources and Legal Affairs, 16101 Greenwood Avenue North, Shoreline, WA 98133, phone (206) 546-4694, fax (206) 546-5850, e-mail scrulemaking@shoreline.edu.

May 6, 2016
Stephen Smith
Vice-President for Human
Resources and Legal Affairs

WSR 16-11-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed May 10, 2016, 1:27 p.m.]

Subject of Possible Rule Making: WAC 468-38-265 Tow trucks—Permitting for oversize/overweight, tow trucks will be exempt from legal weight limits in certain circumstances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: States are directed by the federal provision in the Fixing America's Surface Transportation Act to exempt tow trucks from weight limits to expedite moving disable[d] vehicles.

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

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6391, wrightji@wsdot.wa.gov.

May 10, 2016
Kara Larsen, Director
Risk Management
and Legal Services

WSR 16-11-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed May 10, 2016, 1:29 p.m.]

Subject of Possible Rule Making: WAC 468-38-270 Specialized equipment, automobile transporters, increasing overall length and overhang dimension limits for stinger steered combinations. Authorize backhaul of general freight on a conventional and stinger steered automobile transporter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.101.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Automobile transporters will be authorized additional lengths and backhaul of general freight as directed by the federal provision in the Fixing America's Surface Transportation Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol and the Federal Highway Administration. Coordinated the rule with these agencies through meetings.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6391, wrightji@wsdot.wa.gov.

May 10, 2016
Kara Larsen, Director
Risk Management
and Legal Services

WSR 16-11-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed May 10, 2016, 1:30 p.m.]

Subject of Possible Rule Making: WAC 468-38-071 Maximums and other criteria for special permits—Divisible, vehicles carrying milk products will be considered nondivisible.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Milk products will be considered as nondivisible as directed by the federal provision in the Fixing America's Surface Transportation Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol and the Federal Highway Administration. Coordinated the rule with these agencies through meetings.

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 Jim Wright, Commercial Vehicle Services, P.O. Box 47367, Olympia, WA 98504-7367, phone (360) 704-6345, fax (360) 704-6391, wrightji@wsdot.wa.gov.

May 10, 2016
 Kara Larsen, Director
 Risk Management
 and Legal Services

WSR 16-11-062
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-12—Filed May 13, 2016, 2:50 p.m.]

Subject of Possible Rule Making: Amendment of WAC 284-30-330(16) to allow insurance companies to implement procedures for the processing and payment of claims to include other forms of payment, including, but not limited to, electronic funds transfer or a prepaid card.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When WAC 284-30-330(16) was adopted in 1987, electronic banking and transfer of funds did not exist to the extent that is available currently. With the availability of new methods of making payments that now exist, insurers could make payments of claims quicker and more efficiently if permitted to establish procedures to make payments in other forms rather than being restricted to just either check or drafts as currently required in WAC 284-30-330(16). Therefore, the commissioner will consider adopting an amendment to this subsection that will allow insurance

companies to establish procedures to make claims payments by additional methods.

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

Process for Developing New Rule: Submit written comments by June 30, 2016, to Jim Tompkins, P.O. [Box] 40260, Olympia, WA 98504-0260, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. [Box] 40260, Olympia, WA 98504-0260, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

May 13, 2016
 Mike Kreidler
 Insurance Commissioner

WSR 16-11-063
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-13—Filed May 13, 2016, 2:58 p.m.]

Subject of Possible Rule Making: Special enrollment rules: Health benefit exchange request.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.44.-050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington health benefit exchange (exchange) has asked the office of insurance commissioner to change the date that individual health plans go into effect when consumers use special enrollment rights to apply for exchange plans. The change will bring the Washington rule into alignment with 45 C.F.R. 155.420.

As a result of the change, consumers who use special enrollment rights to apply for exchange plans will need to select their plans by the fifteenth day of the month for coverage to go into effect the first day of the next month. Under WAC 284-43-1140, the deadline is currently the twentieth day of the month.

Process for Developing New Rule: Submit written comments by July 1, 2016, to rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bianca Stoner, P.O. Box 40260, Olympia, WA 98504-0260, rulescoordinator@oic.wa.gov.

May 13, 2016
 Mike Kreidler
 Insurance Commissioner

WSR 16-11-070**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
STATE TREASURER**

[Filed May 16, 2016, 1:09 p.m.]

Subject of Possible Rule Making: Amending chapter 389-12 WAC, Practice and procedure—Public depositaries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.58.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend and update the requirements, terms, and conditions for financial institutions to receive and hold public deposits in accordance with the Public Deposit Protection Act, as last amended by chapter 2, Laws of 2016 1st sp. sess.

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

Process for Developing New Rule: The agency will consult with stakeholders regarding the proposed rule changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shad Pruitt, Deputy Treasurer, P.O. Box 40200, Olympia, WA 98504-0200, phone (360) 902-8904, e-mail shad.pruitt@tre.wa.gov.

Interested parties can participate in this rule-making process by contacting the person identified above providing written comments, or by providing oral testimony at the public hearing.

May 16, 2016
Shad Pruitt
Deputy Treasurer

WSR 16-11-073**WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed May 16, 2016, 2:06 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-22-100 on November 4, 2015 (chapter 388-96 WAC), regarding ventilator and tracheostomy clients in nursing homes.

Katherine I. Vasquez
Rules Coordinator

WSR 16-11-075**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed May 16, 2016, 3:00 p.m.]

Subject of Possible Rule Making: The department is proposing to add new, repeal, and amend sections in chapter 388-76 WAC, Adult family home minimum licensing requirements: WAC 388-76-10000, 388-76-10160, 388-76-10161, 388-76-10163, 388-76-101631, 388-76-101632, 388-76-10164, 388-76-10165, 388-76-10166, 388-76-10170, 388-76-10174, 388-76-10175, 388-76-10176, 388-76-10180, 388-76-10181, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.128, 43.20A, 43.43, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential care services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews in chapter 388-76 WAC and other WAC chapters such as chapters 388-06, 388-71, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be necessary.

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 Claudia Baetge, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail baetgcf@dshs.wa.gov.

May 16, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-11-076**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed May 16, 2016, 3:09 p.m.]

Subject of Possible Rule Making: The department is proposing to add new, repeal, and amend sections in chapter 388-78A WAC, Assisted living facility licensing rules: WAC 388-78A-2020, 388-78A-2461, 388-78A-2462, 388-78A-2464, 388-78A-24642, 388-78A-2465, 388-78A-2466, 388-78A-2467, 388-78A-2468, 388-78A-24681, 388-78A-2469, 388-78A-2470, 388-78A-24701, 388-78A-2471, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.20, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential care services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews in chapter 388-78A and other WAC chapters such as chapters 388-06, 388-71, 388-76, 388-97, 388-101, 388-825 WAC, and other chapters as may be necessary.

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 Claudia Baetge, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail baetgcf@dshs.wa.gov.

May 16, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-11-078**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed May 16, 2016, 3:24 p.m.]

Subject of Possible Rule Making: The department is proposing to add new, repeal, and amend sections in chapter 388-97 WAC, Nursing homes: WAC 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 74.39A, 74.42, 18.51 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews including WAC such as chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be necessary.

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 Claudia Baetge, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail baetgcf@dshs.wa.gov.

May 16, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-11-081**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed May 17, 2016, 9:08 a.m.]

Subject of Possible Rule Making: WAC 458-61A-208 Foreclosure—Deeds in lieu of foreclosure—Sales pursuant to court order.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to update WAC 458-61A-208 to:

1. Reflect recent decision at the Washington State Court of Appeals (*Department of Revenue v. FDIC*, 190 Wash.App. 150 (2015)) holding that a sale by a receiver in a receivership proceeding did not qualify for an exemption from real estate excise tax as a sale made "upon execution of a judgment" (the exemption is in RCW 82.45.010 (3)(j)).

2. Amend examples and order of rule to increase clarity on department policy.

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. A preliminary draft of possible rule changes is available via the department online at dor.wa.gov.

Written comments may be submitted by mail and should be directed to David Hesford, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail DavidH@dor.wa.gov.

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 June 16, 2016, 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 Julie King, (360) 704-5717, 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.

May 17, 2016
Kevin Dixon
Rules Coordinator

- Reclassifying warehouse distribution centers without retail store exposure into classification 6407 wholesale stores,
- Reclassifying some stores currently in classification 6309 wholesale-retail stores to lower-rated classification 6406 retail stores,
- Clarifying the store classifications, and
- Better distinguishing retail classifications from each other.

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: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies according to the degree of hazard and recognized insurance principles as described in WAC 296-17-31029. A study conducted by the department found that some store classifications are not aligned with insurance principles that require classifications be homogenous and equitably assigned.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates the workers' compensation classification plan in the state of Washington.

Process for Developing New Rule: Agency study, this preproposal follows a classification study. The study recommended rule making to maintain the integrity of the classification plan. The department contacted employers affected by the rule making and has held information pre-filing meetings. The department will send a notification when proposals are ready for review. Interested parties may participate by commenting before proposals are made, by testifying at the public hearing, or by providing written comment after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Richard Bredeson, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4985, fax (360) 902-4988, e-mail Richard.Bredeson@lni.wa.gov. Labor and industries is planning to hold formal public hearings in October and November 2016 in Tumwater, Tukwila, Everett, Vancouver, Richland, and Spokane.

May 17, 2016
Joel Sacks
Director

WSR 16-11-083

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 17, 2016, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance. The department will consider:

- Reclassifying some stores currently in classification 6406 retail stores to a new, lower-rated retail store classification,

WSR 16-11-084

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed May 17, 2016, 10:41 a.m.]

Subject of Possible Rule Making: Chapter 296-65 WAC, Asbestos; chapter 296-301 WAC, Safety standards for the textile industry; chapter 296-303 WAC, Safety standards for laundry machinery and operations; chapter 296-304 WAC,

Safety standards for ship repairing, shipbuilding and ship-breaking; chapter 296-803 WAC, Lockout/tagout (control of hazardous energy); chapter 296-811 WAC, Fire brigades; chapter 296-816 WAC, Protecting trade secrets; chapter 296-818 WAC, Abrasive blasting; chapter 296-824 WAC, Emergency response; chapter 296-835 WAC, Dipping and coating operations; chapter 296-841 WAC, Airborne contaminants; chapter 296-842 WAC, Respirators; chapter 296-863 WAC, Forklifts and other powered industrial trucks; and 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, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When the agency updated its web site, template division of occupational safety and health (DOSH) rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. The preproposal package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules. This preproposal will accomplish the following:

- No requirements are changing because of this preproposal.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and tablet users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

This rule making is referred to as eRules Phase VIII.

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, DOSH, P.O. Box 44620, Olympia, WA 98504, (360) 902-5541, tari.enos@lni.wa.gov.

May 17, 2016
Joel Sacks
Director

WSR 16-11-085

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 17, 2016, 10:43 a.m.]

Subject of Possible Rule Making: Amend WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW, Boilers and unfired pressure vessels.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of boiler rules is considering amending WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?, to increase fees by the fiscal growth factor of 4.32 percent for fiscal year 2017 (office of financial management's maximum allowable fiscal growth rate). The boiler program's budget and projected revenue indicate a fee increase is necessary to cover the program's operating expenses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal and/or state agencies regulating this subject that required coordination of the rules.

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

For more information on this rule making, visit the department of labor and industries (L&I) web site at <http://www.lni.wa.gov/TradesLicensing/Boilers/LawRules/> or interested parties can sign up for e-mail updates at <http://www.lni.wa.gov/Main/Listservs/Boilers>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Field Services Operations Manager, L&I, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail Sally.Elliott@Lni.wa.gov.

May 17, 2016
Terry Chapin, Chair
Board of Boiler Rules

WSR 16-11-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Nursing Care Quality Assurance Commission)

[Filed May 17, 2016, 12:13 p.m.]

Subject of Possible Rule Making: WAC 246-840-010, 246-841-400 through 246-841-595 and 246-842-100 through 246-842-210, may need to be revised to eliminate duplication and update nursing assistant program requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.88A.060, 18.79.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Nursing care quality assurance commission (NCQAC) will consider updating nursing assistant rules to reflect the most current standards and practice. The scope of practice for nursing assistants varies depending on the work setting. NCQAC would like to eliminate confusion about nursing assistant scope of practice in non-community based care settings. NCQAC will standardize, as allowed by law, the scope of practice for nursing assistants. The nursing assistant education rules may need to be updated and clarified. Chapters 246-841 and 246-842 WAC are similar, therefore NCQAC is considering consolidating them.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services will be involved as a stakeholder.

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 Carole Reynolds, Washington State Nursing Commission, P.O. Box 47864, Olympia, WA 98504-7864, phone (360) 236-4785, fax (360) 236-4738, Carole.Reynolds@doh.wa.gov. The NCQAC will notify stakeholders of the rule making by posting the information on the department of health web site and sending notification on the NCQAC listserv. NCQAC will hold stakeholder meetings across the state while developing rules. NCQAC will hold a webinar during each stakeholder meeting to increase access.

May 17, 2016

Paula R. Meyer MSN, RN, FRE
Executive Director, NCQAC

WSR 16-11-088

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 17, 2016, 12:47 p.m.]

Subject of Possible Rule Making: The department is proposing to add new, repeal, and amend sections in chapter 388-101 WAC, Certified community residential services and supports: WAC 388-101-3250, 388-101-3255, 388-101-3080, 388-101-3090, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 71A.12, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for

the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews including WAC such as chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be necessary.

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 Claudia Baetge, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail baetgcf@dshs.wa.gov.

May 16, 2016

Katherine I. Vasquez
Rules Coordinator

WSR 16-11-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 17, 2016, 12:50 p.m.]

Subject of Possible Rule Making: The department is proposing to add new, repeal, and amend sections in chapter 388-107 WAC, Licensing requirements for enhanced services facilities: WAC 388-107-0001, 388-107-1205, 388-107-1210, 388-107-1215, 388-107-1220, 388-107-1230, 388-107-1240, 388-107-1250, 388-107-1252, 388-107-1260, 388-107-1270, 388-107-1280, 388-107-1290, 388-107-1300, 388-107-1310, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.97, 43.20A, 43.43, and 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential care services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews including WAC such as chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be necessary.

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 Claudia Baetge, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail baetgcf@dshs.wa.gov.

May 16, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-11-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed May 18, 2016, 8:24 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock brand inspection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.57.160, 16.57.240, 16.57.350, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-610 WAC to:

- Increase the certificate of permit fee from \$1.00 per book to \$5.00 per book to align with costs associated with printing and distributing the books;
- Abolish the equine bill of sale form;
- Add a requirement that a bill of sale must accompany the certificate of permit when cattle change ownership via a private treaty transaction;
- Add a requirement that all veterinarians certified to issue livestock inspection certificates must pass a written exam; and
- Modify the language to increase clarity and conform with current industry practices.

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

Process for Developing New Rule: Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Jodi Jones, Washington State Department of Agriculture, P.O. Box 42577, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

May 18, 2016
Lynn M. Briscoe
Assistant Director

WSR 16-11-094
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 18, 2016, 8:43 a.m.]

Subject of Possible Rule Making: WAC 182-551-2010 Home health services—Definitions, 182-551-2030 Home health services—Requirements, 182-551-2125 Home health services—Delivered through telemedicine, 182-551-2130 Home health services—Noncovered services, 182-551-2210 Home health services—Provider requirements, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to comply with new federal regulations under 42 C.F.R. 440 requiring that physicians document the occurrence of a face-to-face encounter (including through the use of telemedicine) within reasonable time frames when ordering home health services for medicaid eligible clients. The agency is also aligning these rules with the new final federal rules to clarify that home health services are not restricted to clients who are homebound or to services furnished solely in the home. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Melinda.Froud@hca.wa.gov.

May 18, 2016
Wendy Barcus
Rules Coordinator

WSR 16-11-106
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 18, 2016, 10:21 a.m.]

Subject of Possible Rule Making: WAC 392-121-108 Enrollment exclusions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC requires updating to address the changes required with the passage of HB [4SHB] 1541 which requires districts to provide educational services for students who have been long-term suspended or expelled. The current WAC prohibits districts and charter schools from claiming state funding for a student who has been expelled or long-term suspended when the conditions of the suspension will cause the student to lose academic grades or credit. With the proposed changes to this WAC, a student who has been expelled or long-term suspended could be claimed for state funding if the district has provided educational services within twenty school days prior to the monthly count day through a seat-time model, alternative learning experiences program, dropout reengagement programs, or providing homework to the student. The latter choice would be limited to two months of funding and requires the student to return to school.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, Office of Superintendent of Public Instruction, Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

May 10, 2016
 Randy Dorn
 Superintendent of
 Public Instruction

WSR 16-11-115
PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed May 18, 2016, 11:43 a.m.]

Subject of Possible Rule Making: Chapters 51-11C and 51-11R WAC, adoption and amendment of the 2015 Washington State Energy Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.020, 19.27A.025, and 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council has received a number of requests to clarify requirements and correct technical errors in the Washington State Energy Code going into effect on July 1, 2016.

Process for Developing New Rule: Stakeholder and subject expert technical advisory groups.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, Washington State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9278, fax (360) 586-5366, e-mail sbcc@ga.wa.gov [sbcc@des.wa.gov].

May 13, 2016
 Steve K. Simpson
 Council Chair

WSR 16-11-116
PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed May 18, 2016, 11:43 a.m.]

Subject of Possible Rule Making: Chapter 51-04 WAC, Policies and procedures for consideration of statewide and local amendments to the State Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.035, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council seeks to update the requirements for their various policies and procedures based on input from stakeholders and legislative members. The policies govern how amendments to the model codes are considered, the consideration of new editions of model codes, and other procedural matters.

Process for Developing New Rule: Stakeholder input and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, Washington State Building Code Council, P.O. Box 41449, Olympia, WA 98504-1449, (360) 407-9278, e-mail sbcc@des.wa.gov.

May 13, 2016
 Steve K. Simpson
 Council Chair