

WSR 16-23-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Developmental Disabilities Administration)

[Filed November 8, 2016, 9:12 a.m.]

Subject of Possible Rule Making: The department plans to update WAC 388-845-1610 Where can respite care be provided?, 388-845-1615 Who are qualified providers of respite care?, and other related rules as may be required to remove references to overnight planned respite services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Overnight planned respite services are not part of a home and community based services waiver and are found in chapter 388-829R WAC, Overnight planned respite services. Overnight planned respite services are provided in addition to respite services a client may receive under a waiver.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

November 7, 2016
 Katherine I. Vasquez
 Rules Coordinator

WSR 16-23-038
PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE

[Filed November 9, 2016, 9:29 a.m.]

Subject of Possible Rule Making: Public Records Act (PRA) model rules, chapter 44-14 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.570 (2) and (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The PRA at chapter 42.56 RCW provides the public access to state and local government agency public records. The PRA directs the attorney general's office to adopt, and from time to time revise, PRA model rules. RCW 42.56.570 (2) and (3). The PRA model rules are at chapter 44-14 WAC. The purpose of the PRA model rules is to provide information to records requesters and state and local agencies about "best practices" for complying with the PRA. WAC 44-14-00001. The PRA model rules are advisory, but provide public agencies model lan-

guage to consider in their regulations, ordinances or policies when implementing the PRA in their jurisdictions. The model rules are also a resource for records requesters, for the courts when deciding questions regarding the PRA, and for the state legislature.

The model rules were last revised in 2007. Since 2007 many statutory, case law and technology developments have impacted the PRA. These changes have also impacted how agencies process records requests. Therefore, the attorney general's office is commencing the process to update the PRA model rules to reflect many of those changes, with an anticipated goal at this time of revising the rules by fall 2017.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Only the attorney general's office is authorized by the legislature to adopt the PRA model rules. However, all state and local agencies may be interested in possible revisions to the PRA model rules. The PRA does not govern federal agencies. Notices to interested state agencies are described below.

Process for Developing New Rule: The attorney general's office will provide public and public agency notice of the anticipated rule making through the *Washington State Register*. The attorney general's office will provide notice and seek input through other means including posting information on the attorney general's office web site at www.atg.wa.gov. The attorney general's office will also provide notice and seek input through e-mail notices to: (1) Persons who have requested notice of office rule making, (2) public agency associations, and (3) records requester organizations or their representatives.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Krier, Assistant Attorney General for Open Government, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100, e-mail nancyk1@atg.wa.gov, phone (360) 586-7842. Interested parties can also use the e-mail or mailing address above to request to be added to the stakeholder e-mail list for notices regarding this anticipated rule making. Rule-making information for interested parties will also be posted on the attorney general's office web site at www.atg.wa.gov.

November 7, 2016
 Bob Ferguson
 Washington State
 Attorney General

WSR 16-23-046
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed November 10, 2016, 8:48 a.m.]

Subject of Possible Rule Making: WAC 182-503-0005 Washington apple health—How to apply and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this rule to make it consistent with the current medicaid application process and to align with Washington Healthplanfinder web site changes. 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: The department of social and health 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.

November 10, 2016
Wendy Barcus
Rules Coordinator

WSR 16-23-048
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 10, 2016, 9:09 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 14-20-040, distributed in the 14-20 state register, for new WAC 182-61-0005 pertaining to records including health care information.

Wendy Barcus
Rules Coordinator
Division of Legal Services

WSR 16-23-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 10, 2016, 11:09 a.m.]

Subject of Possible Rule Making: WAC 246-827-0010 Definitions and 246-827-XXX, the department of health (department) is considering amending the medical assistant (MA) rules to add definitions and establish a new section regarding statutorily authorized forensic blood draws - standards of practice for purpose of collecting evidence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.360.030, 18.360.070, 18.130.410, and 46.61.506.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to the governor's direction and a rule petition, the department is considering:

(1) Adding "forensic blood draws" to the definitions section per RCW 46.61.506(5); (2) creating a new section to establish that a MA-phlebotomist or MA-certified may perform forensic blood draws in accordance with MA standard of practice listed under chapter 246-827 WAC; and (3) including language exempting those MAs performing forensic blood draws, done within standard of care, from criminal and civil liability per RCW 18.130.410. It is anticipated that amending rules will provide needed clarification that a MA-phlebotomist or MA-certified is authorized under existing law to perform forensic blood draws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol and Washington state law and justice training commission. These organizations employ and train law enforcement personnel and the department will keep them informed throughout the rule-making process.

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 MA program's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Brett Cain, Program Manager, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax 9360) [(360)] 236-2901, e-mail brett.cain@doh.wa.gov.

November 8, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 16-23-069
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 15, 2016, 10:05 a.m.]

The department of health (department) is withdrawing the preproposal notice (CR-101) considering amendments to WAC 246-827-0400, which was filed January 4, 2016, and published in WSR 16-02-070.

The department is withdrawing this CR-101 that was filed to consider rule making to create a specific training route for law enforcement personnel to qualify for the medical assistant-phlebotomist credential to obtain forensic blood draws. Following several stakeholder meetings, it has been determined that there may be insufficient statutory authority under chapter 18.360 RCW to develop alternative training requirements for one credential with one set scope of practice. The rule making was initiated as a result of a rules petition; the petitioner has been notified of the withdrawal.

Individuals requiring information on this rule should contact Brett Cain, medical assistant program manager, (360) 236-4766, or brett.cain@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 16-23-073
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 2:39 p.m.]

Subject of Possible Rule Making: SWCAA 400 General Regulations for Air Pollution Sources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141 and 70.94.152.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule contains Southwest Clean Air Agency's (SWCAA) general regulations. The rule establishes fees for a variety of administrative and permitting activities. SWCAA is proposing to remove fee citations from the main body of this rule, and incorporate the citations into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise fees by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SWCAA 400 is substantially similar to chapter 173-400 WAC as administered by the department of ecology. SWCAA implements SWCAA 400 in lieu of chapter 173-400 WAC within its jurisdiction. SWCAA has its own fee authority so coordination with ecology is not necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-074
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 2:48 p.m.]

Subject of Possible Rule Making: SWCAA 425 Outdoor Burning.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule regulates outdoor burning, and contains fees for various activities. Southwest Clean Air Agency (SWCAA) is proposing to remove fee citations from the main body of this rule, and incorporate the citations into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise fees by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology administers a substantially

similar rule in areas under its jurisdiction (chapter 173-425 WAC). SWCAA implements SWCAA 425 in its jurisdiction in lieu of chapter 173-425 WAC so no coordination is necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-075
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 3:02 p.m.]

Subject of Possible Rule Making: SWCAA 491 Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule regulates gasoline marketing operations, and contains fees for various activities. Southwest Clean Air Agency (SWCAA) is proposing to remove fee citations from the main body of this rule, and incorporate the citations into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise fees by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology administers a substantially similar rule (chapter 173-491 WAC). SWCAA implements SWCAA 491 in its jurisdiction in lieu of chapter 173-491 WAC so no coordination is necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-077
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 3:18 p.m.]

Subject of Possible Rule Making: SWCAA 492 Oxygenated Fuels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule establishes a program to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines. The rule contains a registration fee for gasoline blenders. Southwest Clean Air Agency (SWCAA) is proposing to remove the registration fee from the main body of this rule, and incorporate it into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise the registration fee by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SWCAA 492 is a local rule implemented only within SWCAA's jurisdiction. No coordination with other agencies is necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-078
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 3:42 p.m.]

Subject of Possible Rule Making: SWCAA 493 VOC Area Source Rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule allows local implementation of federal regulations for consumer products and spray coatings, and contains provisions for variance fees. Southwest Clean Air Agency (SWCAA) is proposing to remove the variance fees from the main body of this rule, and incorporate them into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise the registration fee by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SWCAA 493 is a local rule implemented only within SWCAA's jurisdiction. No coordination with other agencies is necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-079
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 3:54 p.m.]

Subject of Possible Rule Making: SWCAA 476 Standards for Asbestos Control, Demolition, and Renovation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule regulates the removal, encapsulation, salvage, disposal, or disturbance of asbestos-containing materials, and contains fees for various activities. Southwest Clean Air Agency (SWCAA) is proposing to remove fee citations from the main body of this rule, and incorporate the citations into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise fees by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SWCAA 476 is a local rule implemented only within SWCAA's jurisdiction. No coordination with other agencies is necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-080
PREPROPOSAL STATEMENT OF INQUIRY
SOUTHWEST CLEAN
AIR AGENCY

[Filed November 15, 2016, 4:25 p.m.]

Subject of Possible Rule Making: SWCAA 802 SEPA Procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule contains Southwest Clean Air Agency (SWCAA) procedures for implementing the State Environmental Policy Act, and contains fees for various activities. SWCAA is proposing to remove the fee citations from the main body of this rule, and incorporate them into a separate fee schedule approved via board resolution. This change will allow the agency to review/revise the registration fee by direct board action instead of formal rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SWCAA 802 is substantially similar to chapter 173-802 WAC. SWCAA 802 is intended to be consistent with the provisions of chapter 197-11 WAC. This is a local rule so no coordination with other agencies is necessary.

Process for Developing New Rule: Proposed rule revisions are being developed through internal agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, phone (360) 574-3058 ext. 126, e-mail wess@swcleanair.org.

November 14, 2016
 Uri Papish
 Executive Director

WSR 16-23-093
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 16, 2016, 12:49 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 16, 2016
 David Brenna
 Senior Policy Analyst

WSR 16-23-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Denture Technology)

[Filed November 17, 2016, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 246-812 WAC, the board of denturists is considering amending existing rules, specifically WAC 246-812-020, 246-812-125, 246-812-150, 246-812-155, 246-812-158, and 246-812-160 regarding continuing competency, licensure by endorsement, exams, expired licenses and record content; and adopting new rules regarding denial or withdrawal of approval of a dentist program, reinstatement for a dentist program, and appeal rights.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.30.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of denturists is considering amending the continuing competency requirements for dentist[s] who hold an endorsement for nonorthodontic removable oral devices; clarifying endorsement requirements; adding exams administered by the National Denturist Association and Universal Testing Services to the list of acceptable exams, and including passing scores; amending the appeal and review procedures for outside exams; updating inactive license requirements; and clarifying record content. New rules for denial, withdrawal, reinstatement and appeal rights for board approved programs and patient records will also be considered.

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 Vicki Brown, Board of Denturists, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4864, vicki.brown@doh.wa.gov. The board will be holding at least one public workshop before developing its proposed rules. The board will e-mail notices of its rule-making activities to those on its listserv and affected state associations. To sign up

for this listserv go to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=DENTURISTS&A=1>.

November 17, 2017
Trina Crawford
Executive Director

WSR 16-23-103
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 17, 2016, 12:53 p.m.]

Subject of Possible Rule Making: Secondary education standardized high school transcript.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current WAC are outdated and do not align with new office of superintendent of public instruction and office for civil rights guidance.

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 Jordyn Green, data analyst student information, Jordyn.Green@k12.wa.us, (360) 725-6317.

November 10, 2016
Randy Dorn
State Superintendent
of Public Instruction

WSR 16-23-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Chiropractic Quality Assurance Commission)

[Filed November 17, 2016, 3:45 p.m.]

Subject of Possible Rule Making: WAC 246-808-540 Billing, 246-808-545 Improper billing practices, 246-808-550 Future care contracts prohibited, 246-808-560 Documentation of care, 246-808-565 Radiographic standards, 246-808-570 Pelvic or prostrate examination prohibited, 246-808-575 Intravaginal adjustment restricted, 246-808-580 Acupuncture, 246-808-585 Clinically necessary X-rays, and 246-808-590 Sexual misconduct. The chiropractic quality assurance commission (commission) is considering amending these rules to align with current practice standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering revisions to several rules in order to clarify, streamline, and modernize the rule language to make them consistent with current law and practice standards, while continuing to

protect the public. Except for revising individual rule sections, a comprehensive review of the chiropractic chapter has not been conducted since 1996.

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. Stakeholders will be notified and invited to participate in several open public workshops and may submit written comments for consideration. Stakeholders will be notified through listserv mailings, commission meetings, and posting to the web site. If you have questions regarding this proposal, contact Leann Yount, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4856, e-mail leann.yount@doh.wa.gov.

November 17, 2016
Leann Yount
Program Manager

WSR 16-23-118
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 18, 2016, 3:17 p.m.]

The department of labor and industries is withdrawing the preproposal statement of inquiry for the following:

WSR 07-10-055, filed April 27, 2007
WSR 07-11-148, filed May 22, 2007
WSR 07-12-079, filed June 5, 2007
WSR 07-15-069, filed July 17, 2007
WSR 07-17-141, filed August 21, 2007
WSR 07-18-014, filed August 24, 2007
WSR 07-19-083, filed September 18, 2007
WSR 07-20-077, filed October 1, 2007
WSR 08-05-107, filed February 19, 2008
WSR 08-09-115, filed April 22, 2008
WSR 08-17-116, filed August 20, 2008
WSR 08-24-097, filed December 2, 2008
WSR 09-16-111, filed August 4, 2009
WSR 09-16-115, filed August 4, 2009
WSR 10-11-121, filed May 19, 2010
WSR 10-16-120, filed August 3, 2010
WSR 10-17-087, filed August 16, 2010

If you have any questions, please contact Maggie Leland, rules coordinator, (360) 902-4504.

Maggie Leland
Rules Coordinator

WSR 16-23-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Chiropractic Quality Assurance Commission)
[Filed November 18, 2016, 4:20 p.m.]

Subject of Possible Rule Making: WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720, and 246-808-810 regarding definitions, procedures, instrumentation, publicity, advertising, printed materials, transactions, costs, records, duties, mandatory reporting, associations, societies, insurance and professional liability carriers, courts, state and federal agencies, and conflict of interest. The chiropractic quality assurance commission is considering revising these rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering revising several rules to clarify, streamline, and modernize the rule language, and to align with current law and practice standards. Except for revising individual rule sections, a comprehensive review of the chiropractic chapter has not been conducted since 1996.

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. Stakeholders will be notified and invited to participate in several open public workshops and may submit written comments for consideration. Stakeholders will be notified through listserv mailings, commission meetings, and posting to the web site. If you have questions regarding this proposal, please contact Leann Yount, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4856, e-mail leann.yount@doh.wa.gov.

November 18, 2016
Leann Yount
Program Manager

WSR 16-23-128
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 21, 2016, 12:54 p.m.]

Subject of Possible Rule Making: Electrical rules, chapter 296-46B WAC, Electrical safety standards, administration, and installation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The electrical program is developing permanent rules for the issuance of temporary permits in lieu of certificates of competency for electricians coming from another state as authorized by RCW 19.28.231 and the eligibility of Canadian Red Seal endorsed journey-person construction electricians to qualify for the Washington journey level electrician competency examination. The electrical program will be seeking input on the development of the permanent rules including, but not limited to: Eligibility [Eligibility] for temporary permits; requirements for temporary permit holders; requirements for hiring general electrical contractors; and temporary permits time frames.

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

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail Alicia.Curry@Lni.wa.gov.

November 21, 2016
Joel Sacks
Director

WSR 16-23-142
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 22, 2016, 9:05 a.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Safety standards for agriculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.010, 15.58.040, 49.17.280, chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In November 2015 the United States Environmental Protection Agency (EPA) issued new requirements for agricultural employers and handler employers in the Worker Protection Standard, 40 C.F.R. Part 170. Most of the new federal regulation goes into effect January 2017 with a few requirements going into effect Janu-

ary 2018. EPA standards are designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also from the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of labor and industries is coordinating the adoption of these rules with the department of agriculture.

Process for Developing New Rule: Parties interested in the proposed reformatting and redesign of these rules 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 Josefina Magana, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44600, Olympia, WA 98504, phone (360) 902-4233, e-mail magk235@lni.wa.gov.

November 22, 2016
Joel Sacks
Director

WSR 16-23-145
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed November 22, 2016, 9:14 a.m.]

Subject of Possible Rule Making: The department proposes to adopt new sections and amend existing sections in chapter 388-877A WAC, Outpatient mental health services; chapter 388-877B WAC, Substance use disorder services; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.035, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB [2SSB] 6312 authorizes a supportive housing services program and a supported employment services program to be developed to serve individuals receiving behavioral health services. Programs for supportive housing services and supported employment services are included in Initiative 3(a) and 3(b) of the recently approved Washington medicaid transformation waiver. These proposed rules will allow the department to certify these services when a licensed behavioral health agency applies and qualifies for certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority (HCA) was appropriated funds

in the 2016 supplemental operating budget (2ESHB 2376, section 204, chapter 36, Laws of 2016) for a supportive housing services program and supported employment services program. Through a cooperative agreement with HCA, the department's behavioral health administration is adopting rules that pertain to the certification of these services.

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, Division of Behavioral Health and Recovery, Rules Program Manager, P.O. Box 45330, Olympia, WA 98504-5330, e-mail kathy.sayre@dshs.wa.gov, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-833-6384.

November 21, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-23-149
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed November 22, 2016, 10:33 a.m.]

Subject of Possible Rule Making: WAC 182-526-0200 Enrollee appeals of a managed care organization action; multiple sections of chapter 182-538 WAC, Managed care; WAC 182-538A-050 Definitions, 182-538A-110 The grievance system for fully integrated managed care (FIMC) managed care organizations (MCOs), 182-538B-050 Definitions, 182-500-0015 Medical assistance definitions—B, 182-501-0180 Health care services provided outside the state of Washington—General provisions, 182-501-0182 Health care provided in another state or U.S. territory—Nonemergency, 182-501-0184 Health care services provided outside of the United States and U.S. territories or in a foreign country; multiple sections of chapter 182-502A WAC, Program integrity; WAC 182-502-0005 Core provider agreement, 182-502-0006 Enrollment for nonbilling individual providers, 182-502-0010 When the medicaid agency enrolls, 182-502-0012 When the medicaid agency does not enroll, 182-502-0210 Statistical data-provider reports; and other related rules as necessary.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to comply with the federal rule changes adopted by the Centers for Medicare and Medicaid Services (CMS), which revised 42 C.F.R. Parts 431, 433, 438, 440, 457 and 495. These changes modernize the medicaid managed care regulations to reflect changes in the use of managed care

delivery systems and are primarily related to the grievance and appeals process rules. 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: The department of social and health 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.

November 22, 2016
Wendy Barcus
Rules Coordinator

WSR 16-23-150
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT

[Filed November 22, 2016, 11:19 a.m.]

Subject of Possible Rule Making: The subject of this rule making relates to the statewide all-payer health care claims data base. Specifically, the rules will address (1) the procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law (security rules) and (2) procedures for ensuring compliance with state and federal privacy laws (privacy rules).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.371.070 [(1)](d) and (e).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 43.371 RCW directs the office of financial management (OFM) to establish a statewide all-payer health care claims data base to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the data base. RCW 43.371.070 [(1)](d) and (e) provide that the OFM director shall adopt rules necessary to implement this chapter including:

(d) Procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law;

(e) Procedures for ensuring compliance with state and federal privacy laws (privacy rules).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of chief information officer has standards that must be met for both security and privacy. There are state and federal laws regarding protection of protected health data and

other private data that may be collected, which must be followed in regards to the establishment and operation of the data base. Coordination will be accomplished through meetings and other written methods of communication. As agency points of contact become known, we will add them to the stakeholder list to ensure receipt of correspondence of all rule-making activities.

Process for Developing New Rule: A collaborative approach will be used. OFM will be working with the selected lead organization and data vendor to draft rules. In addition, we will work with stakeholders from state agencies and the private sector, including entities that must submit data to the data base. Stakeholders will help sort out the issues and review drafts before a final set of rules is filed for hearing. The all-payer claims data base (APCD) web site and associated listserv will be used to provide information and seek comments before a draft is filed for hearing. Stakeholder meetings to review and discuss draft rules will also be scheduled as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the rule-making process, you may:

- Send OFM an e-mail with your name and contact information (and questions or comments) to apcd@ofm.wa.gov.
- Sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>. Those who sign up will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

November 22, 2016
Roselyn Marcus
Assistant Director
Legal and Legislative Affairs
Rules Coordinator

WSR 16-23-157
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed November 23, 2016, 7:47 a.m.]

Subject of Possible Rule Making: WAC 458-20-189 (Rule 189) Sales to and by the state of Washington; and municipal corporations, including counties, cities, towns, school districts, and fire districts.

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: The department is considering revising Rule 189 to:

- Incorporate legislative changes from HB 1550, 2015 regular session, (chapter 169, Laws of 2015);
- Update existing definitions and include a new definition for the term "user fee";
- Add subsection titles for readability purposes;
- Remove outdated examples and add a new example of an enterprise activity; and
- Update statutory and rule 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: 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's online Rules Agenda.

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

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

Public Meeting Location: Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501, on January 4, 2017, 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.

November 23, 2016
Kevin Dixon
Rules Coordinator