

WSR 20-16-003
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 22, 2020, 12:40 p.m.]

Subject of Possible Rule Making: Chapter 246-930 WAC, Sex offender treatment provider, the department of health (department) is considering updating the chapter of rules for sex offender treatment providers (SOTP) to align the rules with recent legislation. ESSB 6641 substantially changes certification requirements for SOTPs, including specifying which professional credential can be used as the underlying credential, but adopting a clause to allow those who already hold an SOTP credential to keep practicing, broadening the qualifications for the supervisor of an affiliate provider, allowing applicants to use certain experience to qualify for the SOTP credential, and creating a new process for out-of-state applications. In addition, the bill also establishes the SOTP advisory committee, and creates a process for waiving SOTP fees, among other changes. ESHB 1551 makes statutory changes to modernize control of communicable diseases, including repealing statutes requiring AIDS training for health care professions. To comply with the statute, the department is considering repealing AIDS training requirements currently in chapter 246-930 WAC. The department may also consider other amendments, organizational changes, or updates as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.155.040; ESSB 6641 (chapter 266, Laws of 2020), and ESHB 1551 (chapter 76, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending sections of chapter 246-930 WAC to align the rules with recent legislation and implement changes enacted by the legislature. ESSB 6641 is intended to increase availability and geographic distribution of SOTPs and reduce barriers to licensure, while ESHB 1551 is intended to modernize control of communicable diseases. Amending chapter 246-930 WAC to implement statutory changes will provide clarity for licensees and promote public health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health is coordinating with representatives of the department of corrections, the department of social and health services and the department of children, youth, and families as ESSB 6641 is implemented, and will continue to have representation from these departments in the newly-established sex offender treatment provider advisory committee.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting U. James Chaney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2831, fax 360-236-2901, TTY 711, email james.chaney@doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery to various health professions lists. Notices for this rule making will be the same regardless of the GovDelivery it is sent to. To receive notices, interested persons may sign up for any or all of the lists. Please go to <https://public.govdelivery.com/accounts/WADOH/subscribe>

r/new. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions." From there, you may check the box next to one or more of the professions listed.

July 17, 2020
 Jessica Todorovich
 Chief of Staff
 for John Wiesman DrPH, MPH
 Secretary

WSR 20-16-008
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Washington Medical Commission)

[Filed July 22, 2020, 9:51 p.m.]

Subject of Possible Rule Making: Chapter 246-919 WAC, allopathic physicians, and chapter 246-918 WAC, allopathic physician assistants, the Washington medical commission (commission) is considering creating new rule sections to regulate the use of collaborative drug therapy agreements (CDTA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.71A.020 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: One aspect of the practice of medicine is working with pharmacists to deliver drug therapy to patients. This coordination can take many forms, but the commission's concern involves treating patients under a collaborative drug therapy agreement (CDTA). These arrangements occur pursuant to a written agreement entered into by an individual physician or physician assistant and an individual pharmacist.

The pharmacy quality assurance commission (PQAC) has adopted a rule that governs CDATAs from the pharmacy perspective, however there are no statutes or rules that govern a physician's responsibilities under a CDTA. A rule is needed to define the roles and responsibilities of the physician or physician assistant who enters into a CDTA, any defined limit to the number of pharmacists who may have a CDTA with any one physician or physician assistant, and how the physician or physician assistant and pharmacist can best collaborate under these agreements.

Regulating the use of CDATAs would place the commission in an active patient safety role. Rule making would provide clarity around this issue to help avoid potential discipline and increase patient safety. New sections being considered will potentially benefit the public's health by ensuring participating providers are informed and regulated by current national industry and best practice standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PQAC, the commission will collaborate with PQAC on this rule-making effort.

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 Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-236-2727, TTY 711, email amelia.boyd@wmc.wa.gov, website wmc.wa.gov.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

July 22, 2020
Melanie de Leon
Executive Director

WSR 20-16-050

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 28, 2020, 8:31 a.m.]

Subject of Possible Rule Making: WAC 260-28-020 Stable names—Registration fees and restrictions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add language regarding stables that have multiple unique ownership groups on individual horses and how they may be grouped together.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

July 28, 2020
Douglas L. Moore
Executive Secretary

WSR 20-16-051

PREPROPOSAL STATEMENT OF INQUIRY CASCADIA COLLEGE

[Filed July 28, 2020, 9:21 a.m.]

Subject of Possible Rule Making: Cascadia College intends to adopt rules relating to the use of campus facilities by campus and noncampus groups for engaging in free speech and other expressive activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140; and chapter 34.05 RCW, Administrative Procedure Act (APA).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to provide for the use of campus facilities by campus and non-campus groups for expressive activities, subject to reasonable time, place, and manner limitations.

Process for Developing New Rule: Internal campus review, APA notice and public comment procedures, final approval by the college's board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lily Allen, Rules Coordinator, Office of the President, 18345 Campus Way N.E., Bothell, WA 98011, phone 425-352-8265, email lallen@cascadia.edu.

July 28, 2020
Lily Allen
Rules Coordinator
Executive Assistant
to the President

WSR 20-16-069

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 29, 2020, 8:59 a.m.]

Subject of Possible Rule Making: The department is considering amending the following rules to identify the period of time tuberculosis testing is suspended or waived during the declared emergency of COVID-19 per Proclamation by the Governor 20-05.

For adult family homes: WAC 388-76-10265 Tuberculosis—Testing—Required, 388-76-10285 Tuberculosis—Two step skin testing, and 388-76-10290(1), Tuberculosis—Positive test result.

For assisted living facilities: WAC 388-78A-2480(1), Tuberculosis—Testing—Required, 388-78A-2484 Tuberculosis—Two step skin testing, and 388-78A-2485(1), Tuberculosis—Positive test result.

For enhanced services facilities: WAC 388-107-0460(1), Tuberculosis (TB)—Testing—Required, and 388-107-0490 Tuberculosis (TB)—Two step skin testing.

For providers of residential services and supports: WAC 388-101D-0650(1), What must a group training home do to detect and manage tuberculosis?, and 388-101D-0660(3), When is a group training home employee not required to complete a tuberculin test?

The department may amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 71A.12.030; chapters 18.20, 70.97 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to establish a timeframe when long-term care facility

employees and residential service and support providers employees are or were not required to be screened for tuberculosis due to the unavailability of tuberculosis testing which was suspended or waived during the COVID-19 pandemic.

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

Process for Developing New Rule: Consistent with RCW 70.128.040 (2)(a), the department will consult with all divisions and administrations within the department serving the various populations living in adult family homes, assisted living facilities, and enhanced services facilities; and served by residential services and support providers for the purpose of assisting the department in developing rules and standards appropriate to the different needs and capacities of the various populations served by these facilities. In addition, the department will notify all stakeholders of the opportunity to participate in development, review, and comment on draft rules regarding their form and content prior to proposing rules for adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Hoeman, P.O. Box 45600, Olympia, WA 98504, phone 360-725-3210, email Debra.Hoeman@dshs.wa.gov.

July 29, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-16-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 31, 2020, 8:19 a.m.]

Subject of Possible Rule Making: Rolling funds into the deferred compensation program (DCP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify eligibility to roll-over funds from another source into a DCP account.

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 Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, website www.drs.wa.gov/rules/.

July 31, 2020
Jilene Siegel
Rules Coordinator

WSR 20-16-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed July 31, 2020, 8:19 a.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' Plan 2 catastrophic duty disability reviews.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To describe the periodic reviews to assess continued eligibility for catastrophic duty disability benefits.

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 Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, website www.drs.wa.gov/rules/.

July 31, 2020
Jilene Siegel
Rules Coordinator

WSR 20-16-107

PREPROPOSAL STATEMENT OF INQUIRY BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[Filed July 31, 2020, 11:44 a.m.]

Subject of Possible Rule Making: Chapter 196-12 WAC, Registered professional engineers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes will be made to language regarding application references, education and work experience records; and structural experience. Minor house-keeping changes to reflect changes in licensing processes. Changes are necessary due to updates to chapter 18.43 RCW in 2019, and to clarify requirements for licensure.

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

Process for Developing New Rule: Notice will be made to stakeholders and active licensees via the board's listserv; and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and 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 Shanan Gillespie, P.O. Box 9025,

Olympia, WA 98507-9025, phone 360-664-1570, TTY 711,
email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

July 31, 2020
Ken Fuller
Director

WSR 20-16-109
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed July 31, 2020, 12:17 p.m.]

Subject of Possible Rule Making: Chapter 196-09 WAC,
Board practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Amendments are needed to
language regarding the declaration and purpose of the chapter
to better reflect the purpose of the chapter. Also, housekeep-
ing amendments are needed to sections regarding brief adju-
dicative proceedings and board member limitations to better
reflect current processes. A new section is being added con-
cerning public records and the processes for requesting
records of the board.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Notice will be made
to stakeholders and active licensees via the board's listserv;
and will be posted on our website and distributed through the
board and board staff. Interested parties may contact the indi-
vidual listed below and 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 pub-
lication by contacting Shanan Gillespie, P.O. Box 9025,
Olympia, WA 98507-9025, phone 360-664-1570, TTY 711,
email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

July 31, 2020
Ken Fuller
Director

WSR 20-16-110
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed July 31, 2020, 12:37 p.m.]

Subject of Possible Rule Making: Chapter 196-23 WAC,
Stamping and seals.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Amendments are needed to
include "legal descriptions" as a defined document in the sec-
tion regarding final documents. This will further clarify what
final documents need to be stamped and signed by the
licensee.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Notice will be made
to stakeholders and active licensees via the board's listserv;
and will be posted on our website and distributed through the
board and board staff. Interested parties may contact the indi-
vidual listed below and 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 pub-
lication by contacting Shanan Gillespie, P.O. Box 9025,
Olympia, WA 98507-9025, phone 360-664-1570, TTY 711,
email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

July 31, 2020
Ken Fuller
Director

WSR 20-16-112
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed July 31, 2020, 1:35 p.m.]

Subject of Possible Rule Making: Chapter 196-25 WAC,
Business practices.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Minor housekeeping changes
to reflect changes [to] documents required for licensing and
renewals. These changes are necessary due to updates to
chapter 18.43 RCW in 2019, to clarify requirements for
licensure, and to reflect current licensing processes. Amend-
ments also include defining "responsible charge" and making
amendments to other definitions within chapter 196-25
WAC.

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

Process for Developing New Rule: Notice will be made to stakeholders and active licensees via the board's listserv; and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and 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 Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

July 31, 2020
Ken Fuller
Director

WSR 20-16-115
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 31, 2020, 2:35 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-337 WAC that would incorporate the special terms and conditions of the 1115 Medicaid Transformation Waiver into the rules for residential treatment facilities which was filed March 17, 2020, and published in WSR 20-07-096.

The department is withdrawing this CR-101 because some changes in circumstances have allowed the department to consider incorporating this policy change into chapter 246-341 WAC, Behavioral health services administrative requirements, instead. The department has recently filed a CR-101 for the behavioral health agency rules chapter as WSR 20-14-121 that will include consideration of the special terms and conditions of the 1115 Medicaid Transformation Waiver for inpatient substance use disorder treatment facilities.

Individuals requiring information on this rule should contact Julie Tomaro at 360-236-2937.

Tami M. Thompson
Regulatory Affairs Manager

WSR 20-16-117
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 31, 2020, 4:05 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-322 WAC, Private psychiatric and alcohol hospitals, and chapter

246-324 WAC, Private alcohol and chemical dependency hospitals, which was filed September 14, 2016, and published in WSR 16-19-037.

The department is withdrawing this CR-101 because it is several years out of date and conditions have changed. The department recently filed a new CR-101 as WSR 20-14-108 that better reflects current policy priorities.

Individuals requiring information on this rule should contact Julie Tomaro at 360-236-2937.

Tami M. Thompson
Regulatory Affairs Manager

WSR 20-16-123
PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COLLEGE

[Filed August 1, 2020, 5:27 p.m.]

Subject of Possible Rule Making: WAC 132H-126-010 through 132H-126-480.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bellevue College is planning to revise its student conduct code to comply with new federal regulations. On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575). The new regulations address the grievance process for formal complaints of sexual harassment and are scheduled to take effect on August 14, 2020.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education.

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Megan Kaptik, 3000 Landerholm Circle S.E., phone 425-564-2757, TTY 425-564-6189, email megan.kaptik@bellevuecollege.edu.

August 1, 2020
Tracy Biga MacLean
Associate Director

WSR 20-16-129
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 3, 2020, 10:52 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-436-0040 Excluded income and resources for CEAP, 388-436-0050 Determining financial need and benefit amount for CEAP, and 388-436-0055

What is the disaster cash assistance program (DCAP)?; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, 74.08A.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will update and clarify disaster cash assistance program and related consolidated emergency assistance program rules.

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 department of social and health services (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 Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4949, fax 360-725-4905, email roddisl@dshs.wa.gov.

August 3, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-16-131

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2020-13—Filed August 3, 2020, 1:48 p.m.]

Subject of Possible Rule Making: Accessing and receiving health care services and benefits through health plans, short-term limited duration medical plans and student health plans, consistent with SHB 2338 (chapter 228, Laws of 2020), ESHB 2642 (chapter 345, Laws of 2020), ESHB 1879 (chapter 171, Laws of 2019), SSB 5889 (chapter 56, Laws of 2019); and related health care legislation enacted during the 2019 and 2020 legislative sessions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.20.460, 48.43.0128, 48.44.050, 48.46.200; section 6, chapter 345, Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2019 and 2020, the legislature enacted several new laws including SHB 2338, ESHB 2642, ESHB 1879, and SSB 5889 that relate to accessing and receiving health care services and benefits through health plans, short-term limited duration medical plans and student health plans. Multiple provisions of the office of the insurance commissioner (OIC) rules in chapter 284-43 WAC must be amended to be consistent with the new laws. This consolidated rule-making proceeding is necessary to ensure that rules are adopted by OIC prior to January 1, 2021. These

rules will facilitate implementation of the law by ensuring that all affected health care entities understand their rights and obligations under the new laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal HHS Centers for Medicare and Medicaid Services and the Department of Labor are the federal agencies tasked with implementation of the federal Mental Health Parity and Addiction Equity Act (MHPAEA). State insurance regulators also have authority to enforce MHPAEA, as well as to enact and implement their own mental health parity laws, as Washington state has done. These federal agencies will have an interest and an opportunity to participate in this rule-making proceeding.

The Washington state department of health licenses behavioral health agencies. The provisions of ESHB 2642 apply to medicaid managed care organizations and the PEBB/SEBB programs, which are administered by the health care authority. OIC will be coordinating with these agencies with respect to this rule making, development of the action plan under section 5 of the law and adoption of a single set of criteria to determine medical necessity for substance use disorder treatment under section 6 of the law.

Process for Developing New Rule: Comments due by August 17, 2020.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jane Beyer, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

August 3, 2020
Mike Kreidler
Insurance Commissioner

WSR 20-16-132

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Filed August 3, 2020, 1:49 p.m.]

The insurance commissioner is withdrawing the CR-101 Preproposal statement of inquiry for R 2020-10 Removing health coverage barriers to accessing substance use disorder treatment services, published by the code reviser in WSR 20-13-045 on June 11, 2020.

We will contact individuals that provided comments during the CR-101 comment period to notify them of this action.

August 3, 2020
Mike Kreidler
Insurance Commissioner

WSR 20-16-134
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed August 3, 2020, 1:49 p.m.]

The insurance commissioner is withdrawing the CR-101 Preproposal statement of inquiry for R 2020-06 Prohibiting discrimination in health care coverage, published by the code reviser in WSR 20-12-033 on May 27, 2020.

We will contact individuals that provided comments during the CR-101 comment period to notify them of this action.

August 3, 2020
 Mike Kreidler
 Insurance Commissioner

WSR 20-16-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Developmental Disabilities Administration)

[Filed August 3, 2020, 8:45 a.m.]

Subject of Possible Rule Making: The department is planning to create chapter 388-829Z WAC, Emergency transitional respite; and create or amend other related rules as may be required.

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: The developmental disabilities administration (DDA) is planning to create chapter 388-829Z WAC. The purpose of this chapter is to establish rules for state-only funded emergency transitional respite services administered by DDA.

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 department of social and health services (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 Brett Lorentson, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1575, fax 360-407-0955, TTY 1-800-833-6388, email brett.lorentson@dshs.wa.gov.

August 3, 2020
 Katherine I. Vasquez
 Rules Coordinator

WSR 20-16-140
PREPROPOSAL STATEMENT OF INQUIRY
SHORELINE COMMUNITY COLLEGE

[Filed August 4, 2020, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 132G-121 WAC, Student conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title IX of Education Amendments of 1972, RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Education (DOE) issued updated Title IX rules on May 22, 2020, which take effect August 14, 2020, forward. The updated rules will incorporate new Title IX student conduct code requirements that necessitate Shoreline Community College amending chapter 132G-121 WAC, Student conduct rules to remain in compliance with the updated DOE requirements. The college will also consider other changes to the student conduct rules to update them for compliance with current best practices.

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 community and technical college system but does not regulate each college's rule-making activity.

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 Veronica Zura, 16101 Greenwood Avenue North, Shoreline, WA 98021, phone 206-546-4769, fax 206-546-5850, TTY 206-546-4520, email scerulemaking@shoreline.edu.

August 4, 2020
 Veronica Zura
 Executive Director
 Human Resources

WSR 20-16-146
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 5, 2020, 8:24 a.m.]

Subject of Possible Rule Making: The department is considering reorganizing the ocean commercial and recreational salmon fishing regulations. Changes may include moving the ocean salmon control zones and the ocean salmon recreational fishing seasons into rules with new WAC numbers. The department is also considering amending current rules for the ocean salmon troll commercial fishery and the coastal saltwater salmon recreational fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Reorganizing and updating the department's rules for salmon commercial and recreational fisheries in Pacific Ocean waters would provide con-

sistency with federal fishing regulations adopted by the National Marine Fisheries Service (NMFS) to implement actions taken through the Pacific Fishery Management Council (PFMC) and North of Falcon annual salmon season setting processes.

Given the timing of the: (1) PFMC and North of Falcon processes, (2) subsequent publication of the NMFS rules for ocean salmon fisheries, and (3) scheduled season openers for the ocean salmon commercial and recreational fisheries, the Washington department of fish and wildlife (WDFW) typically opens these fisheries via emergency rule. While the department does not anticipate the timing of these external processes will change, through this proposed rule making, WDFW would invite public comment on our intent to continue to use the emergency rule process as the means for opening these fisheries.

In addition to setting the annual fishing seasons, there are long-standing provisions and conservation measures for ocean salmon fisheries that are unlikely to change from year-to-year that would benefit from inclusion in WDFW permanent rules. Doing so would promote clarity for fishery participants, stakeholders, and enforcement, and achieve consistency in fishing regulations for state waters (from 0-3 miles offshore) and federal waters (from 3-200 miles offshore).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PFMC manages salmon fisheries in Pacific Ocean waters through its Pacific Coast Salmon Fishery Management Plan and annual seasons are set through the PFMC and North of Falcon process, which includes significant opportunity for public involvement. NMFS promulgates regulations to implement PFMC's actions for salmon fisheries in federal waters. Coordination of WDFW rule making for salmon fisheries in state waters occurs through the PFMC process, which includes NMFS, as well as directly with NMFS West Coast region staff.

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 Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2196, TTY 800-833-6388, email Rules.Coordinator@dfw.wa.gov, website <https://wdfw.wa.gov/about/regulations>.

August 5, 2020
Michele K. Culver
Rules Coordinator

WSR 20-16-147

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed August 5, 2020, 9:00 a.m.]

Subject of Possible Rule Making: Campus parking and traffic regulations for Washington State University Health Sciences Spokane, chapter 504-14 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updating the campus parking and traffic regulations for Washington State University Health Sciences Spokane.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms, and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, fax 509-335-3969, email prf.forms@wsu.edu, website <https://policies.wsu.edu/prf/index/wac/>.

Additional comments: A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

August 5, 2020
Deborah L. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

WSR 20-16-150

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed August 5, 2020, 10:51 a.m.]

Subject of Possible Rule Making: Chapter 314-28 WAC, Distillers, the Washington state liquor and cannabis board (WSLCB) is considering establishing new rule sections and amending existing rule sections in chapter 314-28 WAC, and in other chapters if needed, to implement the directives and requirements of E2SSB 5549 (chapter 238, Laws of 2020).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.050; E2SSB 5549 (section 12, chapter 238, Laws of 2020) "The board may adopt rules to implement this act," and E2SSB 5549 (section 4, chapter 238, Laws of 2020) "(5) Requirements for food offerings shall be determined by the board in rule."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to implement the provisions of E2SSB 5549 (chapter 238, Laws of 2020).

E2SSB 5549 modifies the privileges and requirements for distillery and craft distillery licenses, and establishes a new off-site tasting room license available to distillery and craft distillery licensees that authorizes operation of an off-site tasting room. A distillery or craft distillery licensed production facility is eligible for up to two off-site tasting room licenses located in the state. The total number of off-site tasting room licenses that may be issued is limited to one hundred fifty.

A licensed distillery or craft distillery operating any on-site or off-site tasting room must provide food offerings, for free or for sale, to customers during public service hours. Requirements for food offerings must be established by the board in rule.

E2SSB 5549 also authorizes jointly occupied and cooperated off-site tasting rooms and jointly operated conjoined consumption areas. Jointly occupied and cooperated off-site tasting rooms are authorized for any distillery, craft distillery, domestic winery, or any combination of these licensees. Jointly operated conjoined consumption areas are authorized for any domestic brewery, microbrewery, domestic winery, distillery, or craft distillery, or any combination of these licensees, whose property parcels or buildings are located in direct physical proximity to one another.

New rule sections may need to be created to implement E2SSB 5549, and existing rule sections may need to be amended in order to align existing rule language with the changes made to statute by E2SSB 5549.

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

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 Audrey Vasek, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1758, fax 360-664-9689, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested parties may participate in the WSLCB collaborative rule-making process.

August 5, 2020
Jane Rushford
Chair

WSR 20-16-151

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 5, 2020, 10:52 a.m.]

Subject of Possible Rule Making: The paid family and medical leave (PFML) program (Title 50A RCW) requires updating existing rules and promulgating new rules to ensure clarity and make necessary changes based on programmatic needs. This preproposal statement of inquiry includes, but is not limited to, adding definitions of "illegal acts" and "successor," updating the definition of "health care provider," clarifying references to "hours worked," for the purposes of job protection and program consistency, clarification regarding small business grants, and adding information regarding closed hearings and appeal withdrawals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for ongoing programmatic operations. These rules will contribute to that guidance.

Defining "illegal acts" will provide clarification regarding benefit disqualification under RCW 50A.15.060.

Defining "successor" will clarify requirements regarding an employee's entitlement to job protection to include hours worked for a predecessor.

Rules referring to "hours worked" will be revised for consistency purposes regarding weekly benefits, claim determinations, and job protection requirements. In addition, the requirements for weekly benefits and claim determinations will be clarified.

The three-year time period will be clarified for premium liability for a small business receiving a grant.

Rules will be updated to allow the department to withdraw an appeal when a redetermination has been made in the appellant's favor. In addition, rules will be updated to add a requirement that hearings be closed to the public in order to streamline the hearings process. Currently, a separate request must be made to close each individual hearing.

Additional clarifying updates may be considered as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the PFML program as authority is granted solely to the employment security department.

Process for Developing New Rule: The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 98503 [98503], phone 360-485-2816, TTY Teresa Eckstein, State EO Officer, 771 or 360-902-9354, email Rules@esd.wa.gov.

August 5, 2020
April Amundson
Policy and Rules Manager
for Paid Family and Medical Leave