

WSR 22-12-005
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 19, 2022, 11:53 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its rules to allow for the purchase of chips using debit cards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission received a petition requesting to amend rules to allow for the purchase of chips using debit cards. Controls will be put in place to account for debit card transactions in gaming records and responsible gaming practices will be addressed.

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 Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov; or Adam Teal, phone 360-486-3475, email adam.teal@wsgc.wa.gov.

May 13, 2022
Ashlie Laydon
Rules Coordinator

WSR 22-12-028

PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY

[Filed May 24, 2022, 11:10 a.m.]

Subject of Possible Rule Making: New WAC chapter to establish a small works roster. Proposed chapter 516-32 WAC, Small works roster.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), 39.04.155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As allowed per RCW, the small works roster will enable us to more expeditiously solicit bids for contractors on projects with a construction cost of \$350,000 and below. Currently, on all traditionally-delivered public works projects, we need to formally advertise for bidding, at a cost of ~\$2,500, and wait a lengthy three-to-four-week open bidding process. This process will help tremendously if we are granted a large appropriation for minor works preservation and program in the 2023-25 biennium.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: 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 Jennifer Sloan, Rules Coordinator, 516 High Street, Bellingham, WA 98225-9044, phone 360-650-3117, TTY 711, email sloanj2@wwu.edu, website <https://president.wwu.edu/policy-rules>; or Brian Ross, Associate Director, Capitol Budget - Operations, 516 High Street, Bellingham, WA 98225-9122, phone 360-650-6539, email rossb5@wwu.edu.

May 24, 2022
Jennifer L. Sloan
Rules Coordinator

WSR 22-12-029
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 24, 2022, 12:50 p.m.]

Subject of Possible Rule Making: WAC 182-557-0225 Health home services—Methodology for calculating a person's risk score; 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 health care authority (HCA) is amending WAC 182-557-0225(7) to update the risk score weights specifically pertaining to children of various age groups outlined and the weights for health diagnoses for children. This update aligns with the release of version 6.5 of the University of San Diego's Chronic Illness and Disability Payment System (CDPS). During the course of this review, HCA may identify additional related 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 Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Glenda Crump, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1338, fax 360-586-9727, TRS 711, email glenda.crump@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 24, 2022
Wendy Barcus
Rules Coordinator

WSR 22-12-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Vocational Rehabilitation)
[Filed May 24, 2022, 2:27 p.m.]

Subject of Possible Rule Making: References in WAC 388-891A-0610 and 388-891A-0890, and possible other sections in chapter 388-891A WAC addressing post-employment services (amend).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.29.020(8) and 74.29.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of vocational rehabilitation (DVR) received recent guidance from the rehabilitation services administration (RSA) that clarifies RSA's interpretation of when vocational rehabilitation agencies may provide post-employment services under the Rehabilitation Act. RSA's interpretation is inconsistent with how Washington DVR currently provides post-employment services and how it is defined in WAC. Provision of post-employment services is subject to receipt of federal funding and continuing to apply WAC as currently written will place DVR out of compliance with federal guidance and could jeopardize its ability to receive federal funding. If DVR chose not to pursue an emergency rule, it could be interpreted to be in violation of RCW 74.29.050. The attorney general's office, client assistance program, and the Washington state rehabilitation council have been consulted and support DVR's reasons for the rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DVR will continue to review guidance and information received from RSA in order to coordinate the rule making.

Process for Developing New Rule: DVR invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry Redmon, 4565 7th Avenue S.E., phone 360-725-3636, fax 360-438-8007, website dshs.wa.gov/dvr.

May 21, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-12-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS

[Filed May 26, 2022, 3:44 p.m.]

Subject of Possible Rule Making: Chapter 137-65 WAC, fully repealed; and chapter 137-69 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revision of chapter 137-69 WAC and the full repeal of chapter 137-65 WAC are required to align with the statutory revisions made following the passing of 2SHB 1818. The statutory revisions will no longer allow department of corrections (DOC) to assess or collect cost of supervision fees. Furthermore, the statutory revisions will no longer allow an assessment and collection of the interstate transfer application fee for individuals seeking to transfer the supervision of their Washington sentence out of Washington state.

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 Dell-Autumn W. Witten, Community Corrections Administrator, DOC, Community Corrections Division, Tumwater, WA, phone 360-725-8831, email dwwitten@doc1.wa.gov; or Vadim V. Chebotar, Senior Contracts Attorney, DOC, Contracts and Legal Affairs, P.O. Box 41114, Tumwater, WA 98504, phone 253-261-1465, email Vadim.chebotar@doc.wa.gov, website www.doc.wa.gov.

May 25, 2022
Cheryl Strange
Secretary

WSR 22-12-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed May 27, 2022, 10:08 a.m.]

Subject of Possible Rule Making: Waivers for license-exempt child care providers who participate in the working connections child care program and are not able to comply with a specific requirement of chapter 110-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 42 U.S.C. 9858; RCW 43.216.055 and 43.216.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to allow waivers for occasions when providers are not able to comply with the requirements of chapter 110-16 WAC due to their needs or the needs of the children in their care. The rules will clarify the department's authority to grant waivers, the application process providers must follow to request waivers, the department's criteria for granting waivers, the process for challenging waiver denials, and administrative hearing rights for waiver denials.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Administration for Children and Families, Office of Child Care administers the federal Child Care Development Fund (CCDF) and ensures that Washington and all other states receiving CCDF appropriations comply with federal requirements. The department of children, youth, and families (DCYF) submits a CCDF plan every three years to the Office of Child Care that serves as a grant application and describes how DCYF will comply with federal CCDF participation requirements. DCYF engages in any necessary rule making to implement the plan once it is approved.

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 Judy Jaramillo, phone 360-529-6542, email judy.jaramillo@dcyf.wa.gov, website <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

May 27, 2022
Brenda Villarreal
Rules Coordinator

**WSR 22-12-080
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 31, 2022, 10:59 a.m.]

The economic services administration requests the withdrawal of Preproposal statement of inquiry notice filed as WSR 21-18-105 on August 31, 2021, WAC 388-446-0015 What is an intentional program violation (IPV) and administrative disqualification hearing (ADH) for basic food?

Katherine I. Vasquez
Rules Coordinator

WSR 22-12-083
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 31, 2022, 3:33 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would allow increased time for certificate renewal. With the state moving from pandemic response to recovery, allowing flexibility for educators would acknowledge the difficulties educators have faced during the past several years while still valuing professional learning.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jisu Ryu, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

May 31, 2022
Jisu Ryu
Rules Coordinator

WSR 22-12-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed May 31, 2022, 4:19 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-106-0130 How does the department determine the number of hours I may receive for in-home care? and 388-106-0010 What definitions apply to this chapter? The department may amend other related rules as required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been working to modernize the CARE assessment tool and is amending these rules to be consistent with updates that have been made to the CARE assessment tool. There have been no changes that affect how the department determines eligibility or benefit level using the CARE tool.

Additionally, the department is considering updating its methodology for adjustments to personal care hours when a client chooses adult day care or home-delivered meals. The goal is to bring the adjustment for these services into alignment with the definition of informal support outlined in WAC 388-106-0010, rather than a manual deduction that has occurred manually outside of the CARE assessment tool.

Updates related to clean-up and correction of language may also be made.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: 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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

May 31, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-12-087
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 1, 2022, 8:16 a.m.]

Subject of Possible Rule Making: Chapter 392-142 WAC, Transportation—Replacement and depreciation allocation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.160.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Office of superintendent of public instruction (OSPI) is considering rule making related to SHB 1644 (2022) which included language to expand the allowable use of the transportation vehicle fund. In addition, technical revisions may be considered.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations while drafting rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Enbody, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6122, TTY 360-664-3631, email patti.enbody@k12.wa.us, website k12.wa.us.

May 31, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 22-12-088
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 1, 2022, 8:19 a.m.]

Subject of Possible Rule Making: Chapter 392-349 WAC, Small school plants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to amend or remove the requirement concerning reviewing remote and necessary schools every four years to determine if the schools shall keep their remote and necessary status. Technical revisions may also be considered.

Process for Developing New Rule: Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations in the course of drafting rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-742-4028, TTY 360-664-3631, email scott.black@k12.wa.us, website k12.wa.us.

May 31, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 22-12-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)
[Filed June 1, 2022, 9:01 a.m.]

Subject of Possible Rule Making: WAC 246-840-365 Inactive and re-activating an ARNP license and 246-840-367 Expired license. The nursing care quality assurance commission (commission) is considering amendments to inactive and expired licensure requirements for advanced registered nurse practitioners (ARNPs) in response to the coronavirus disease 2019 (COVID-19) pandemic and the critical demand for health-care professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010, 18.79.110, and 18.79.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes are needed to remove barriers to license renewal for ARNPs returning to active practice from inactive or expired status. The commission is considering rule making to make permanent changes to current rules identified as a barrier to the provision of services, both in emergency response and during regular operations. While permanent rule making is ongoing, the commission will continue to renew and update as necessary emergency rules applicable to nursing technicians, licensed practical nurses, registered nurses, and ARNPs.

The commission first adopted emergency rules in response to COVID-19 on April 24, 2020, under WSR 20-10-014. The commission has continued to file emergency rules, the most recent filing occurred on May 13, 2022, under WSR 22-11-047. The emergency rules are necessary for the preservation of public health, safety, and general welfare, including increasing and maintaining the availability of health care professionals to help treat and prevent the spread of COVID-19.

The commission met on May 14, 2021, and decided emergency language not covered by other permanent rules should revert to the original language or be addressed in this separate rule making. Changes to WAC 246-840-365 and 246-840-367 were proposed by the commission in a CR-102 with two other rule sections on January 31, 2022, under WSR 22-04-081.

During the public comment period and rules hearing for the proposed rule, the commission received several comments regarding WAC 246-840-365 and 246-840-367, which raised additional questions about the proposed changes to inactive and expired licensure requirements. Considering the public testimony submitted to the commission, the commission moved to withdraw WAC 246-840-365 and 246-840-367 from the permanent rule making for further exploration.

Opening the rules would provide the opportunity for additional interested party engagement, rule clarification, and possible amendments to address the identified concerns.

Process for Developing New Rule: None.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shad Bell, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, fax 360-236-4738, TTY 711, email NCQAC.rules@doh.wa.gov, website <https://www.doh.wa.gov/licensespermitsandcertificates/nursingcommission>.

Additional comments: The commission will notify interested parties of rule making by posting information on the department of health website, the commission website and by use of GovDelivery. Interested

parties may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The commission will hold virtual meetings at varying times to encourage participation.

June 1, 2022

Paula R. Meyer, MSN, RN, FRE

Executive Director

Nursing Care Quality Assurance Commission