

WSR 23-17-001

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE UNIVERSITY

[Filed August 2, 2023, 4:04 p.m.]

Subject of Possible Rule Making: Washington State University is updating the rules regarding practice and procedure, chapter 504-04 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 proposed amendments modify, clarify, and update procedural rules, specifically the rules regarding advising and representation of parties at formal proceedings.

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 Policies, Records, and Forms, and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, email prf.forms@wsu.edu, website <https://policies.wsu.edu/prf/index/wac/>.

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

August 2, 2023

Deborah L. Bartlett, Director
Office of Policies, Records, and Forms
and University Rules Coordinator

WSR 23-17-010

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed August 4, 2023, 10:54 a.m.]

Subject of Possible Rule Making: WAC 172-11-040 Waivers of tuition.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modify the tuition waivers available for Eastern Washington University (EWU) employees and possibly expand eligibility to other groups.

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 by contacting Annika Scharosch, 211 Tawanka Hall, EWU, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

August 4, 2023

Annika Scharosch
Associate Vice President

WSR 23-17-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed August 4, 2023, 11:47 a.m.]

Subject of Possible Rule Making: The Washington state board of nursing (board) is considering amendments to nursing education rules in response to E2SSB 5582 (chapter 126, Laws of 2023). The board is considering amending WAC 246-840-517, 246-840-534, and other related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5582 (chapter 126, Laws of 2023); RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 5582 Nurses—Educational opportunities, directs and authorizes the board, formally known as the nursing care quality assurance commission, to adopt rules which allow for one hour of simulated learning to be counted as equivalent to two hours of clinical placement learning, with simulated learning accounting for up to a maximum of 50 percent of the required clinical hours (E2SSB 5582, section (8)).

The board is considering amendments to nursing education rules for registered nurses and licensed practical nurses. On May 12, 2023, the board moved to initiate the rule-making process to fulfill the purposes of E2SSB 5582. Rules are necessary to comply with E2SSB 5582 and the rule-making process will provide the opportunity for interested party engagement, rule clarification, and possible amendments to address any identified concerns.

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

Process for Developing New Rule: [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 Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov, website www.nursing.wa.gov.

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.

August 1, 2023
Alison Bradywood DNP, MN/MPH, RN, NEA-BC
Executive Director
Board of Nursing

WSR 23-17-025
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 8, 2023, 10:52 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-112A-0800 What is residential care administrator training?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.120, 74.39A.009, 74.39A.070, 74.39A.074, and 71A.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are needed due to the lack of alignment between WAC 388-112A-0800 and RCW 70.128.120. Currently, WAC and RCW have conflicting information related to the number of hours of training needed for required adult family home administrator training. This conflict is causing concerns during the application process. Additionally, unlike rules for home care aide certificates of training completion, current rules do not specify a time limit for validity of adult family home administrator training certificates for the purpose of new adult family home applicants. Assuring [Ensuring] that training be reasonably current for new applicants is in the best interests of adult family home residents. Well-trained adult family home administrators are essential to the wellbeing of residents.

Process for Developing New Rule: Collaborative. 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 Dave Chappell, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2516, TTY 1-800-833-6388, email David.chappell@dshs.wa.gov.

August 4, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-17-031

PREPROPOSAL STATEMENT OF INQUIRY

STATE BOARD OF EDUCATION

[Filed August 8, 2023, 5:57 p.m.]

Subject of Possible Rule Making: The state board of education will propose amendments to chapter 180-90 WAC to make changes as necessary to align rule to current policy or practice, recently passed legislation, clarify definitions, clarify administrative procedures, improve readability of the rule, and make other changes identified during the review of the WAC chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.195.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An update to rules is necessary to align rules to recently passed legislation, clarify definitions, and clarify administrative procedures.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-586-2357, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, website SBE.wa.gov; or Linda Drake, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6028, fax 360-586-2357, TTY 360-664-3631, email linda.drake@K12.wa.us, website SBE.wa.gov

August 8, 2023
Randy Spaulding
Executive Director

WSR 23-17-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed August 9, 2023, 11:29 a.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values—2023 and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.140 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.140(3). The department of revenue (department) anticipates amending the forest land values rule (WAC 458-40-540) to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2024.

RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the first half of 2024.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but it is not necessary to involve them in the valuation revisions provided in this rule.

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 by contacting Tiffany Do, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1558, fax 360-534-1606, TTY 800-833-6384, email TiffanyD@dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting. Written comments may be submitted by email and should be directed to Tiffany Do using one of the contact methods above.

Written and oral comments will be accepted at the public meeting on October 17, 2023, at 10:00 a.m., over the internet/telephone; in-person option also available. Contact Cathy Holder at CathyH@dor.wa.gov for dial-in/login information. To attend in person, contact CathyH@dor.wa.gov by September 26, 2023.

August 8, 2023
Atif Aziz
Rules Coordinator

WSR 23-17-042

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed August 9, 2023, 4:07 p.m.]

Subject of Possible Rule Making: WAC 182-559-300 Eligibility for community support services; 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) intends to lower the minimum eligibility age for community support services from age 18 to age 16. This will allow more people to receive supportive housing services that aim to reduce homelessness and improve health outcomes. 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: Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Matthew Christie, Program Questions, P.O. Box 42730, Olympia, WA 98504-2730, phone 360-725-1015, fax 360-586-9727, TRS 711, email matt.christie@hca.wa, website www.hca.wa.gov/about-hca/rulemaking.

August 9, 2023
Wendy Barcus
Rules Coordinator

WSR 23-17-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 11, 2023, 1:57 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-76-10031 License requirements—Seven or eight bed adult family homes—Licensure, to clarify requirements for homes wishing to increase capacity to seven or eight beds when the adult family home (home) serves only residents who do not require assistance with evacuation and the home does not have a residential sprinkler system. The department may amend other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to reflect the department's interpretation of RCW 70.128.066 (2)(f), which requires (seven and eight bed adult family) homes to "have a residential sprinkler system in place in order to serve residents who require assistance during an evacuation." The department interprets RCW 70.128.066 (2)(f) to mean homes licensed for seven or eight beds whose residents do not require assistance with evacuation do not require a residential sprinkler system. The department places a limit on the license of these homes specifying the home may not care for residents who require assistance during evacuation. The current rule requires all homes licensed for seven or eight beds to have a residential sprinkler system and includes no language to reflect the department's interpretation of the statute. Updating the rule will allow homes meeting requirements in RCW 70.128.066 to request a capacity increase for up to eight beds without having a residential sprinkler system when the home serves only residents who do not require assistance with evacuation. This will expand the number of adult family home beds while maintaining the safety of residents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state building code council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

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 Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

August 11, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-17-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 11, 2023, 2:05 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-76-10780 Toilets and bathing facilities, to clarify requirements for homes licensed after August 1, 2023, that have a licensed capacity of more than five. The department may amend other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to clarify requirements for toilet access in adult family homes licensed for more than five residents. This action was also requested by a member of the community. The current rule language had attempted to ensure resident access to two toilets in homes licensed for more than five, but the rule has an unintended requirement that a resident must not have to go through another person's room to access any toilet. Most homes have one primary bathroom and one or more bathrooms accessed through bedrooms. Modifying the requirements will enable residents in homes licensed for more than five to have access to two toilets while allowing more homes to be licensed without taking on unanticipated construction projects to meet WAC requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state building code council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

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 Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

August 11, 2023
Katherine I. Vasquez
Rules Coordinator

**WSR 23-17-061
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 11, 2023, 4:22 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-16-088 on July 31, 2023, WAC 388-112A-0080 regarding 70-hour long-term care worker basic training. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 23-17-064

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF TRANSPORTATION

[Filed August 14, 2023, 12:30 p.m.]

Subject of Possible Rule Making: Update the certification method for small businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.04.155, 43.19.727, 47.01.101, and 47.28.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are being modified as the current definition of small business allows for firms registered in Washington's electronic business solution to participate in the small and veteran's business enforceable goals program. This rule modification will allow only firms certified by the Washington state office of minority and women's business enterprises or the Washington department of veterans affairs to participate in the small and veteran's business enforceable goals program.

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 Washington state department of transportation will solicit comments from its stakeholders via email, stakeholder meetings, advisory groups, and other available means.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jackie Bayne, 310 Maple Park Avenue S.E., phone 360.705.7084, fax 360.705.6801, TTY 711, email BayneJ@wsdot.wa.gov, website www.wsdot.wa.gov/equalopportunity.

August 8, 2023
Sam Wilson, Director
Business Support Services

WSR 23-17-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 14, 2023, 3:26 p.m.]

Subject of Possible Rule Making: Creating licenses for organ transplant services and vehicles. The department of health (department) is considering rule making in response to new legislative requirements under SHB 1271 (chapter 290, Laws of 2023) regarding organ transport vehicles. New sections of chapter 246-976 WAC may be added as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 18.73.081; SHB 1271 (chapter 290, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As directed by SHB 1271 Organ transport vehicles, the department must establish minimum standards for organ transport vehicles and equipment. Additionally, the legislation requires the department to issue a license to organ transport services. The department is considering rules to establish minimum standards for the issuance of a license for organ transport services.

By establishing rule, the department will satisfy the requirements of SHB 1271 Organ transport vehicles. The department will be able to enforce minimum standards through the effect of rule.

It is anticipated that the rule making will ensure regulations and standards are clear, concise, and reflect current standards and best practices for organ transport vehicles and services for the benefit and safety of the public.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of licensing (DOL). The department is required to issue organ transport vehicle licenses and organ transport service licenses in consultation with DOL. The department will collaborate with DOL in rule making and establish standards and processes in agreement with DOL.

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 Jason Norris, P.O. Box 47853, Olympia, WA 98504, phone 360-236-2851, fax 360-236-2830, TTY 360-833-6388 or 711, email Jason.Norris@doh.wa.gov, website <https://doh.wa.gov>; or Jill Hayes, P.O. Box 47853, Olympia, WA 98504, phone 360-236-2838, fax 360-236-2830, TTY 360-833-6388 or 711, email jill.hayes@doh.wa.gov, website <https://doh.wa.gov>.

August 14, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-17-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 14, 2023, 3:58 p.m.]

Subject of Possible Rule Making: Audiologist and Speech-Language Pathology Interstate Compact (ASLP-IC) fees and renewal cycle. The department of health (department) is considering establishing new WAC 246-828-991 to implement HB 1001 (chapter 53, Laws of 2023), which establishes the ASLP-IC and gives member states the discretion to charge a fee for granting compact privileges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 1001 (chapter 53, Laws of 2023); RCW 43.70.110, 43.70.250, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1001 (chapter 53, Laws of 2023) creates a new interstate licensing compact for audiologists and speech-language pathologists and gives member states the discretion to charge a fee for granting compact privileges. RCW 43.70.250 requires that the costs of licensing each profession be fully borne by the members of that profession. Establishing fees in rule is necessary to ensure the department is in line with RCW 43.70.250. Fees need to be sufficient to cover the costs of licensing the professions.

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 Kim-Boi Shadduck, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2912, fax 360-236-2901, TTY 360-833-6388 or 711, email kimboi.shadduck@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use existing GovDelivery lists and other know[n] contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, select the "Subscribe" button at the bottom of the page, select "Health Professions," and then select "Board of Hearing and Speech" and any other topics you wish to follow.

August 14, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-17-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed August 14, 2023, 8:59 p.m.]

Subject of Possible Rule Making: Substance abuse monitoring program for nursing professions; amending WAC 246-840-750 through 246-840-780, and potential new rules in chapter 246-840 WAC. The Washington state board of nursing (board) is considering amendments to current rule sections relating to the board's substance use disorder (SUD) monitoring program in response to SHB 1255 Nursing—Substance use disorder monitoring program participation (chapter 141, Laws of 2023). The board is also considering creating new rule sections to establish a stipend program as directed by SHB 1255.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1255 (chapter 141, Laws of 2023); RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board, formerly known as the nursing care quality assurance commission, is considering amendments to current rule sections relating to the board's SUD monitoring and treatment program in response to SHB 1255. The board is also considering creating new rule sections to establish a stipend program, as directed by SHB 1255, to defray the out-of-pocket expenses incurred by nurses in connection with participation in the board's approved SUD monitoring program authorized by RCW 18.130.175.

On May 12, 2023, the board voted to initiate the rule-making process to fulfill the purposes of SHB 1255. Rules are necessary to comply with SHB 1255 and the rule-making process will provide the opportunity for interested party engagement, rule clarification, and possible amendments to address any identified concerns.

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 Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.Rules@doh.wa.gov, website www.nursing.wa.gov.

Additional comments: The board will notify interested parties of rule making by posting information on the department of health website, the board website, and by use of GovDelivery. Interested parties may sign up to receive board rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The board will hold virtual meetings at varying times to encourage participation.

August 14, 2023
Alison Bradywood DNP, MN/MPH, RN, NEA-BC
Executive Director
Board of Nursing

**WSR 23-17-076
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed August 14, 2023, 9:15 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for Athletic training—Definitions, which was filed on March 21, 2023, and published as WSR 23-07-128.

The department is withdrawing this CR-101 and a new CR-101 will be filed to align the scope of the CR-101 as necessary to implement SHB 1275 (chapter 290, Laws of 2023).

Individuals requiring information on this rule should contact Bruce Bronoske, Jr. at 360-236-4843.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-17-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 14, 2023, 9:21 p.m.]

Subject of Possible Rule Making: Allowing virtual training for point injection therapy for acupuncture and Eastern medicine. The department of health (department), in consultation with the acupuncture and Eastern medicine advisory committee, is considering amending WAC 246-803-040 Education and training for point injection therapy, to allow the 16 hours of didactic education to occur through webinar or other online or distance learning methods. There may be other changes needed for clarity due to this proposed change in the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received an email petition on June 2, 2023, asking for rule making for point injection therapy training flexibility from the Washington Acupuncture and Eastern Medicine Association and from an individual who provides point injection therapy education and training. After careful consideration, the department agreed to explore potential rule changes.

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, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 711, email vicki.brown@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will use existing Gov-Delivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and then click on "Acupuncture and Eastern Medicine Practitioners."

August 14, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-17-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 14, 2023, 9:28 a.m.]

Subject of Possible Rule Making: Behavioral health agency (BHA) regulations as they relate to opioid treatment programs (OTPs). The department of health (department) is considering amending the BHA regulations related to OTPs in chapter 246-341 WAC including, but not limited to, WAC 246-341-0342, 246-341-1000, 246-341-1005, 246-341-1010, 246-341-1015, 246-341-1020, and 246-341-1025 to address general cleanup, incorporate input from partners and interested parties to clarify OTP regulations, remove duplicate requirements, align with federal certification and treatment standards for OTPs in 42 C.F.R. Part 8, Subpart C, and implement 2E2SSB 5536 (chapter 1, Laws of 2023 1st sp. sess.) as it relates to adopting rules for fixed-site medication units to be established as part of a licensed OTP. The department is also taking this opportunity to correct two internal citations from a previous rules project in WAC 246-341-0300 and 246-341-1100.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.037; and 2E2SSB 5536 (chapter 1, Laws of 2023 1st sp. sess.) codified as RCW 71.24.590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2E2SSB 5536 amended RCW 71.24.590 to clarify that mobile units or fixed-site medication units may be established as part of a licensed OTP to help expand access to treatment for opioid use disorder. Rules are already in place for mobile units; however, additional rule making is needed to develop a process and standards for licensing and approving fixed-site medication units. As part of this rule-making project, the department will also consider:

- General cleanup to correct terminology and outdated references to federal regulations/guidance documents.
- Aligning rules with federal OTP regulations to streamline OTP licensing and certification requirements.
- Exploring input from partners and interested parties to:
 - o Help clarify rules relating to the licensing and certification process, documentation requirements, and counseling expectations.
 - o Reduce administrative burdens for agencies by removing duplicate requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Substance Abuse and Mental Health Administration, Drug Enforcement Administration, and the Washington state health care authority, state opioid treatment authority. The department works closely with federal and state partners regarding OTP regulations and will continue to coordinate with them on the revision of this rule.

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 Michelle Weatherly, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2992, fax 360-236-2321, TTY 711, email michelle.weatherly@doh.wa.gov.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the

department's interested parties list (GovDelivery), attending workshops, and providing input on draft and proposed materials. To find out more information about our rule making and to be included on the interested parties list, please follow these steps: (1) Go to www.doh.wa.gov; (2) click on the "Sign up for Updates from DOH" button on the bottom of the page; (3) enter your contact information; (4) click "Submit"; (5) under the subscription preferences, check both the "Opioid Treatment Program (OTP)" and "Behavioral Health Care Integration" boxes under the "Health Systems Quality Assurance (HSQA)" and "Facilities Licensing and Certificate of Need" headings, as well as the "Behavioral Health Care Integration" heading; and (6) scroll to the bottom of the page and click "Submit."

August 14, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-17-081

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 15, 2023, 10:02 a.m.]

Subject of Possible Rule Making: WAC 182-517-0100 Federal medicare savings programs; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; section 211(84), chapter 475, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending WAC 182-517-0100 to increase the eligibility threshold for certain medicare savings programs. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Mark Westenhaver, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 15, 2023
Wendy Barcus
Rules Coordinator

WSR 23-17-088
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 15, 2023, 2:55 p.m.]

Subject of Possible Rule Making: WAC 182-531-0200 Physician-related and health care professional services requiring prior authorization, 182-531-0375 Audiology services, 182-547-0850 Coverage—Clients age twenty-one and older; 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 (agency) is revising these rules to include coverage for adult cochlear implants for apple health (medicaid) clients. The legislature provided funding for adult cochlear implants in the 2023-2025 omnibus operating budget. During the course of this review, the agency 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: Not applicable.

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, Rule-Making 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 Korrina Dalke, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-2005, fax 360-586-9727, TRS 711, email korrina.dalke@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 15, 2023
Wendy Barcus
Rules Coordinator

WSR 23-17-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 15, 2023, 4:13 p.m.]

Subject of Possible Rule Making: Athletic trainers and medications in chapter 246-916 WAC, Athletic trainers. The department of health (department) and the athletic training advisory committee (committee) are proposing to create a new section in the athletic trainer rules in response to SHB 1275 (chapter 143, Laws of 2023). Rule making is necessary to clarify that athletic trainers are not permitted to purchase, store, or administer controlled substances, and to clarify training requirements for an athletic trainer to purchase, store, and administer medications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.250.020, 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to clarify that athletic trainers are not permitted to purchase, store, or administer controlled substances, and to clarify training requirements for an athletic trainer to purchase, store, and administer medications.

SHB 1275 authorizes athletic trainers to purchase, store, and administer over-the-counter medications as prescribed by an authorized health care practitioner for the practice of athletic training and permits athletic trainers who have completed accredited training programs on pharmacology and medication administration to purchase, store, and administer medications in accordance with the accredited training programs, as prescribed by an authorized health care practitioner for the practice of athletic training. Rule making will ensure there is clarity regarding the kinds of training that will be acceptable, and will also clarify that for the purposes of this chapter, medications do not include controlled substances.

The department had previously filed a CR 101 as WSR 23-07-128 for rules regarding athletic training, but is withdrawing that and refiling this new one to include implementation of SHB 1275.

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 Allyson McIver, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2878, fax 360-236-2901, TTY 711, email allyson.mciver@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and then click on "Athletic Training." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

August 14, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-17-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed August 16, 2023, 8:11 a.m.]

Subject of Possible Rule Making: Physicians and physician assistants general provision for opioid prescribing and tapering rules. The Washington medical commission (commission) is considering amending the following rules to modernize the language, add clarity, and bring the rules more in line with current practice: WAC 246-918-801 (physician assistants) Exclusions, 246-918-845 (physician assistants) Patient evaluation and patient record—Subacute pain, 246-918-855 (physician assistants) Patient evaluation and patient record—Chronic pain, 246-918-870 (physician assistants) Periodic review—Chronic pain, 246-918-900 (physician assistants) Tapering considerations—Chronic pain, 246-919-851 (physicians) Exclusions, 246-919-895 (physicians) Patient evaluation and patient record—Subacute pain, 246-919-905 (physicians) Patient evaluation and patient record—Chronic pain, 246-919-920 (physicians) Periodic review—Chronic pain, and 246-919-950 (physicians) Tapering considerations—Chronic pain. The commission is considering amending these WAC to modernize the language, add clarity, and bring the rules more in line with current practice.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On November 3, 2022, the Center for Disease Control and Prevention (CDC) released an update to their 2016 "Clinical Practice Guideline for Prescribing Opioids for Chronic Pain", entitled "CDC Clinical Practice Guideline for Prescribing Opioids for Pain" (guideline). The guideline expands its scope to include opioid prescribing for all pain (with certain exemptions). As such, the guideline more closely parallels the Washington state opioid prescribing rules developed in 2017-2018 and implemented in January of 2019, mandated by ESHB 1427 (chapter 297, Laws of 2017), and covering all Washington state opioid prescriber groups, including all allopathic physicians and physician assistants overseen by the commission. However, there are some differences.

The commission contracted with Gregory Terman, MD, who is a former pro tempore commissioner of the commission as well as a professor of anesthesiology and pain medicine at the University of Washington in Seattle, to do a comprehensive comparison of the commission's opioid prescribing rules covering physicians (WAC 246-919-850 through 246-919-990) and physician assistants (WAC 246-918-800 through 246-918-835) to the guideline. Dr. Terman was also asked to recommend changes to the commission's opioid prescribing rules based on the differences found between the commission's opioid prescribing rules and the guideline. Dr. Terman provided the commission with a report titled "Comparing and Contrasting the 2022 CDC Opioid Prescribing Guideline and the 2019 Washington State Prescribing Rules" (report). Based on the recommendations in the report, the commissioners voted to initiate rule making on the following items:

1. Exempting patients with sickle cell disease.
2. State in rule that not all chronic pain patients need to be tapered off opioids.
3. Clearer rules regarding biological specimen testing.

Rules on this subject may be needed to allow patients with sickle cell disease to receive the care they need in an efficient manner, provide physicians and physician assistants with more clarity on when and how to taper patients to whom they prescribe opioids for chronic pain, and provide rules that address how to work with patients that have an aberrant biological specimen test.

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 Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.wa.gov, website <https://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.

August 14, 2023
Melanie de Leon
Executive Director

**WSR 23-17-096
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 16, 2023, 11:07 a.m.]

The department of licensing requests the withdrawal of the proposed [preproposed] rule making for Title 308 WAC, filed with the code reviser's office as WSR 23-11-144 on May 24, 2023.

Ellis Starrett
Rules Coordinator

**WSR 23-17-097
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 16, 2023, 11:11 a.m.]

The department of licensing requests the withdrawal of the proposed [preproposed] rule making for chapter 308-101 WAC, filed with the code reviser's office as WSR 23-11-145 on May 24, 2023.

Ellis Starrett
Rules Coordinator

WSR 23-17-101
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 16, 2023, 3:13 p.m.]

Subject of Possible Rule Making: WAC 182-550-2600 Inpatient psychiatric services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 2SSB 5103, 68th legislature, 2023 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending this section to replace outdated terms such as "residential support network (RSN)" and "mental health designee," to delete references to the department of mental health, and to update language regarding authorization and certification for inpatient psychiatric care consistent with the current managed care and administrative services organization (ASO) structure. The agency is also making changes to align with 2SSB 5103, 68th legislature, 2023 regular session. This legislation requires the agency to provide a hospital payment for apple health clients who meet the criteria for discharge from a hospital stay to certain facilities but who cannot be discharged because placement is unavailable. This revision provides for the payment of medically necessary ancillary services to be billed by and paid to the hospital separately. During the course of this review, the agency 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: Not applicable.

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, Rule-Making Questions, P.O. Box 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 Yvonne Keller, Program Questions, P.O. Box 98504-2730, phone 360-725-9993, fax 360-586-9727, TRS 711, email yvonne.keller@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 16, 2023
Wendy Barcus
Rules Coordinator

WSR 23-17-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed August 16, 2023, 4:45 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) is updating administrative rules in chapter 110-30 WAC and other related [related] rules that govern its authority and processes for investigating referrals of alleged child abuse or neglect. These changes are being taken pursuant to chapter 441, Laws of 2023 (ESSB 5515), which amended RCW 26.44.210.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 26.44 RCW; RCW 74.13.031, 74.04.050; and chapter 441, Laws of 2023 (ESSB 5515).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5515, section 3 (1)(c), requires DCYF to "adopt rules to implement this section." Section 3 of this bill amended RCW 26.44.210 to expand DCYF's investigative duties to include several new program types: The Washington center for deaf and hard of hearing, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.02[0] (2)(o), and residential private schools (defined in subsection 3(3) of that same bill).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCYF will inform the Washington center for deaf and hard of hearing about its expanded investigative duties under this bill. DCYF will also inform the center on draft language and provide at least two opportunities for the center to offer insight and feedback.

Process for Developing New Rule: Collaboration between DCYF, the attorney general's office, the Washington center for deaf and hard of hearing, and other stakeholder groups and partners identified throughout the rule development and public hearing processes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melissa Sayer, phone 360-584-8666, email melissa.sayer@dcyf.wa.gov.

August 16, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-17-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed August 16, 2023, 4:52 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) is updating rules in Title 110 WAC concerning training requirements for health and safety topics in child care and early learning programs, including requirements concerning first aid and CPR certification. Revisions will be made to chapters 110-300 and 110-301 WAC, and other related rules. These changes are being taken pursuant to a petition received by the agency on July 13, 2023.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.216 RCW; RCW 43.216.020, 43.216.250; chapter 42.56 RCW; 42 U.S.C. §§ 9857 - 9858r, and 45 C.F.R. part 98.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On July 13, 2023, DCYF received a petition from a child care center representative asking the agency to update health and safety training rules and requirements in Title 110 WAC. Rules on this subject detail requirements for licensed child care and early learning providers throughout Washington state. Accordingly, a change to these rules is the only way to amend licensing requirements concerning health and safety training.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCYF is and will continue to collaborate with the appropriate representatives for center, family home, and school age child care and early learning programs via identifying stakeholders, developing a negotiated rule-making process, and developing a timeline to implement any new requirements that come from this rule change.

Process for Developing New Rule: Negotiated rule making and collaboration between DCYF, the attorney general's office, relevant child care unions and associations, and other stakeholder groups and partners identified throughout the rule development, negotiated rule making, and public hearing processes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Radcliffe, phone 253-341-2325, email ann.radcliffe@dcyf.wa.gov.

August 16, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-17-124
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 21, 2023, 7:48 a.m.]

Subject of Possible Rule Making: WAC 182-509-0220 Washington apple health—How resources are considered, 182-519-0050 Monthly income and countable resource standards for medically needy (MN); 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 (agency) is amending WAC 182-509-0220 to specify that medicare savings programs do not have a resource limit, which is consistent with section 211(40), chapter 475, Laws of 2023, and WAC 182-517-0100 as amended under WSR 22-21-043. The agency is amending WAC 182-519-0050 to correct a website address for the Washington apple health income and resource standards chart and update the medically needy income level and federal benefit rate. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services; United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Mark Westenhaver, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 21, 2023
Wendy Barcus
Rules Coordinator

WSR 23-17-132
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed August 21, 2023, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 212-80 WAC, Fire protection sprinkler system contractors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.160.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 212-80-073 and 212-80-215 are needed to coincide with legislative changes to chapter 18.160 RCW that amended changes to the licensing fees and the enforcement and fines for a contractor who commits an infraction, which will become effective January 1, 2024.

A change is also needed in WAC 212-80-048, 212-80-093, and 212-80-205 for clarity and consistency and to ensure the rules comply with current laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov.

August 21, 2023
John R. Batiste
Chief

WSR 23-17-133

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed August 21, 2023, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 212-90 WAC, Fire protection sprinkler fitters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.270 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 212-90-018, 212-90-093, and 212-90-205 are needed to coincide with legislative changes to RCW 18.270.020 and 18.270.070 that amended changes to the certification requirements, which will become effective January 1, 2024.

A change is also needed in WAC 212-90-205 for clarity and consistency and to ensure the rules comply with current laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov.

August 21, 2023
John R. Batiste
Chief

WSR 23-17-154
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 22, 2023, 3:27 p.m.]

Subject of Possible Rule Making: WAC 182-513-1100 Definitions related to long-term services and supports (LTSS); 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 (agency) is amending WAC 182-513-1100 to define intensive behavioral health treatment facility (IBHTF) as a residential treatment facility licensed under chapter 246-337 WAC, and add additional definitions related to long-term services and supports. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services, Washington state department of health.

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 Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 22, 2023
Wendy Barcus
Rules Coordinator

WSR 23-17-155
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 22, 2023, 4:57 p.m.]

Subject of Possible Rule Making: Similar compensated relationship for the purpose of retirees returning to work.

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: Clarifying the definition of "similar compensated relationship" as it applies to retirees returning to work while continuing to qualify for pension 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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules.

August 22, 2023
Bianca Stoner
Rules Coordinator

WSR 23-17-157

PREPROPOSAL STATEMENT OF INQUIRY

CENTRALIA COLLEGE

[Filed August 22, 2023, 4:54 p.m.]

Subject of Possible Rule Making: Chapter 132L-117 WAC, Parking and traffic regulations.

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: The existing parking and traffic regulations were outdated. Necessary changes were needed to reflect actual processes and procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board of community and technical colleges.

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 Janet Reaume, 600 Centralia College Boulevard, Centralia, WA 98531, phone 360-623-8589, email janet.reaume@centralia.edu, website www.centralia.edu.

August 22, 2023

Janet Reaume

Executive Assistant to the President

WSR 23-17-164

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed August 23, 2023, 10:03 a.m.]

Subject of Possible Rule Making: WAC 308-56A-525 Vehicle seller's report of sale.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 Rule-making authority, and 46.12.650 Releasing interest—Reports of sale—Transfer of ownership—Requirements—Penalty, exceptions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5282 authorizes licensed vehicle dealers to file reports of sale on behalf of customers who sell, trade in, or otherwise transfer ownership to the dealer. The existing rule must be updated to reflect this allowance.

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 Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rulemaking-activity; or Dani Rannow, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-3745, email drannow@dol.wa.gov, website <http://dol.wa.gov>.

August 23, 2023

Ellis Starrett

Rules and Policy Manager