

**WSR 23-22-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF HEALTH**

[Filed October 18, 2023, 4:26 p.m.]

Subject of Possible Rule Making: Auditory screening of school-age children. The Washington state board of health (board) is considering amending the auditory screening sections of chapter 246-760 WAC, Auditory and visual standards—School districts, to align with current national evidence-based practices and assess potential options regarding whether to include otoacoustic emission (OAE) screening technology in the board's rules. The board may also consider other technical or editorial changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board sets standards in chapter 246-760 WAC for the auditory and visual screening of children attending schools in Washington under the authority provided in RCW 28A.210.020. The purpose of these standards is to screen and identify students in Washington who may be experiencing hearing or vision impairments and refer them for diagnostic evaluation and care by an appropriate health care provider. Hearing screenings provide the opportunity to help detect a student's hearing loss or previously unrecognized hearing loss and intervene to limit further loss or otherwise address the loss and improve learning.

In response to a petition for rule making, the board, in consultation with the office of superintendent of public instruction (OSPI), will consider revisions to the auditory screening sections of the chapter, specifically, regarding the potential inclusion of OAE screening technology. The auditory screening sections of the rule haven't been updated since 2002. As such, other possible revisions may include aligning Washington standards with national school childhood hearing screening guidelines; for example, the American Academy of Audiology (AAA) Clinical Practice Guidelines and the American Speech-Language-Hearing Association (ASHA) Childhood Hearing Screening Guidelines, and making other technical or editorial changes as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Per RCW 28A.210.020, the board must seek the recommendations of OSPI regarding the administration of school auditory screening before revising the rules. The board will conduct this rule making in consultation with OSPI. In addition, the department of children, youth, and families (DCYF) has authority over screenings in early learning facilities. The board will invite DCYF to participate in this rule making to ensure coordination, as applicable.

Process for Developing New Rule: The board will use a collaborative rule-making approach in developing the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Molly Dinardo, P.O. Box 47990, Olympia, WA 98504-7790, phone 564-669-3455, fax 360-236-4088, TTY 711, email [molly.dinardo@sboh.wa.gov](mailto:molly.dinardo@sboh.wa.gov), website [sboh.wa.gov](http://sboh.wa.gov).

Additional comments: The board will work with partner agencies and may convene listening sessions or an advisory group for additional input. The board will keep interested parties informed of the rule making through email, the board's listserv and rule-making website,

and notices in the Washington State Register. Interested parties, including those who implement chapter 246-760 WAC, will have opportunities to provide comments through the rule-making process, including informal review of the draft rule, formal review and comment on the proposed rule, and at the board's public hearing.

October 18, 2023  
Michelle A. Davis  
Executive Director

WSR 23-22-020

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF COMMERCE

[Filed October 20, 2023, 8:46 a.m.]

Subject of Possible Rule Making: Establishing rules for a new low-income home rehabilitation grant program enacted in SHB 1250, chapter 380, Laws of 2023.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.330.482, 43.330.483.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The low-income home rehabilitation revolving loan program (loan program) was established in 2017 and served homeowners in rural areas and who have incomes at or below 200 percent of the federal poverty level. Upon the enactment of SHB 1250 (2023), the loan program terminated on July 1, 2023, and outstanding loans were forgiven. Additionally, SHB 1250 added a new section to chapter 43.330 RCW establishing a low-income home rehabilitation grant program and requiring commerce to adopt rules for implementation of this new program. Chapter 365-175 WAC, which includes rules previously adopted for the implementation of the loan program, must be amended to include new rules for the newly established grant program and to reflect the termination of the loan program.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nick Manning, P.O. Box 42525, Olympia, WA 98504, phone 360-564-4324, email Nick.Manning@commerce.wa.gov, website www.commerce.wa.gov.

October 20, 2023  
Amanda Hathaway  
Rules Coordinator

WSR 23-22-029

**PREPROPOSAL STATEMENT OF INQUIRY  
EASTERN WASHINGTON UNIVERSITY**

[Filed October 20, 2023, 4:40 p.m.]

Subject of Possible Rule Making: Chapter 172-10 WAC, Public records requests.

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: Update contact information and procedures for receiving and processing public records requests.

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, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email [ascharosch@ewu.edu](mailto:ascharosch@ewu.edu), website <https://inside.ewu.edu/policies/>.

October 20, 2023

Annika Scharosch

Associate Vice President

## WSR 23-22-030

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed October 23, 2023, 8:31 a.m.]

Subject of Possible Rule Making: Adding facility types to the list of opioid prescribing exclusions for dentists. The dental quality assurance commission (commission) is considering adding residential habilitation centers, nursing homes, and long-term hospitals to the list of opioid prescribing exclusions in WAC 246-817-905 Exclusions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.32.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On March 1, 2022, the commission received a rule-making petition requesting adding residential habilitation centers (RHC) to the list of exclusions for the opioid prescribing rules. The Washington medical commission received a similar petition and recently completed rule amendments to exempt patients in RHCs, nursing homes, and long-term hospitals to allow physicians and physician assistants in these facilities to continue a patient's pain medications without having to perform a history and physical or wait for the history and physical to be completed on the patient. The commission is considering adding similar rule language to the exclusions section of the opioid prescribing provisions for dentists to encourage cross-profession cohesion and improve patient safety.

The commission previously filed a CR-101 as WSR 22-20-011 to consider this issue relating to residential habilitation centers only. The commission has withdrawn and is replacing the previous one with this new CR-101 to include exclusions for nursing homes and long-term care hospitals in addition to residential habilitation centers.

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 Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 771 [711], email dental@doh.wa.gov, website doh.wa.gov/dental.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission 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](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the button titled "Sign up for Updates From DOH" at the bottom of the page. After signing in, select "Health Systems Quality Assurance," "Health Professions," and "Dental." You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

October 23, 2023

David L. Carsten, DDS, Chair  
Dental Quality Assurance Commission

**WSR 23-22-032  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed October 23, 2023, 12:07 p.m.]

This memo serves as notice that the department of health (department) is rescinding the preproposal statement of inquiry CR-101 for WAC 246-980-010 in chapter 246-980 WAC, Home care aide rules, which was filed August 3, 2021, and published as WSR 21-16-100.

The board is rescinding this CR-101 because multiple bills passed during the 2023 legislative session that impact the home care aide profession and require amendments to the same rule section. For the sake of efficiency, the department will rescind WSR 21-16-100 and complete all necessary rule making under a new rule package that includes implementation for multiple home care aide bills.

Individuals requiring information on this rule should contact Tracie Drake, email [tracie.drake@doh.wa.gov](mailto:tracie.drake@doh.wa.gov), phone 360-480-7479.

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 23-22-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 23, 2023, 1:26 p.m.]

Subject of Possible Rule Making: Music therapists. The department of health (department) is considering creating a new chapter of rules under Title 246 WAC to establish licensing regulations for music therapists, including fees. The department will consider any necessary rules for an advisory committee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.233.060, 18.233.070, 43.70.250; and chapter 18.233 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1247 (chapter 175, Laws of 2023), codified as chapter 18.233 RCW, directs the department to adopt rules necessary to implement a licensure program for music therapists. Rules must be in place by January 1, 2025, and include:

- Education, training, and examination requirements for initial licensure;
- Continuing education requirements;
- Fees for licensing, examination, and renewal; and
- Other qualifications as determined by the secretary.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email [music.therapist@doh.wa.gov](mailto:music.therapist@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: 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](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the "Sign up for Updates from DOH" 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 "Music Therapists."

October 23, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-22-052  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed October 25, 2023, 9:12 a.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-20-073 on September 29, 2023, (WAC 388-450-0185, 388-450-0190, 388-450-0195, and 388-478-0060) regarding basic food eligibility and annual updates for fiscal year 2023. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator



**WSR 23-22-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed October 25, 2023, 9:12 a.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to amend WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for basic food?, 388-450-0195 Does the department use my utility costs when calculating my basic food or WASHCAP benefits?, 388-478-0060 What are the income limits and maximum benefit amounts for basic food?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Agriculture (USDA), Food, and Nutrition Services (FNS) has issued annual updates to standards for the federal fiscal year 2024, effective October 1, 2023. These updates affect the standard deduction, shelter deduction, homeless shelter deduction, utility deduction, minimum and maximum allotments, and resource limits for the basic food program. As needed, planned amendments will also make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA FNS.

Process for Developing New Rule: The department invites the 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 Alexis Miller, P.O. Box 45470, Olympia, WA 98504-5470, phone 253-579-3144, email alexis.a.miller@dshs.wa.gov.

October 25, 2023  
Katherine I. Vasquez  
Rules Coordinator

**WSR 23-22-054  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed October 25, 2023, 9:16 a.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 22-10-008 on April 22, 2022, (WAC 388-434-0015) regarding waiver of mid-certification reviews during the COVID-19 pandemic. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

**WSR 23-22-056  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed October 25, 2023, 9:19 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 20-10-091 on May 5, 2020, (chapter 388-107 WAC) regarding modified admissions per HB [SHB] 2448 involving enhanced services [services] facilities. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

**WSR 23-22-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 25, 2023, 9:47 a.m.]

Subject of Possible Rule Making: Dental therapist; the department of health (department) is considering establishing new chapter 246-819 WAC for the dental therapist profession in order to implement ESHB 1678 (chapter 460, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1678; RCW 18.265.020, 18.265.800, 43.70.250, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, ESHB 1678 established the new profession of dental therapy. ESHB 1678 authorizes the department to adopt rules in order to implement this legislation.

Dental therapists are considered mid-level dental providers who work in collaboration with a licensed dentist. This legislation authorizes dental therapists to practice in federally qualified health centers, tribal federally qualified health centers, and federally qualified health center look-a-likes.

The legislature finds that good oral health is an integral piece of overall health and well-being. Dental related issues are a leading reason that Washingtonians seek care in hospital emergency departments. The intent of this legislation is to expand access to oral health care by addressing racial and ethnic disparities in health and rural health care access gaps by providing care in local communities through dental therapists.

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

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 Bruce Bronoske, Jr., P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4843, fax 360-236-2901, TTY 711, email [bruce.bronoske@doh.wa.gov](mailto:bruce.bronoske@doh.wa.gov), website [www.doh.wa.gov](http://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](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the "sign up for updates from DOH" 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 "Dental Therapy." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

October 24, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-22-061**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 25, 2023, 10:05 a.m.]

Subject of Possible Rule Making: Special supplemental nutrition program for women, infants, and children (WIC). The department of health (department) is considering amending chapter 246-790 WAC to increase flexibility in allowed vendor types and update program requirements for vendors. The department is also considering amendments to the participant compliance rules to reflect virtual service options.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department administers the special supplemental nutrition program for WIC, which allows participants to purchase certain foods from authorized vendors using their WIC benefits. The department is considering expanding the allowed WIC vendor types and making updates to vendor requirements. This would increase participant choice for where to use their benefits, may increase access for participants in rural areas, and may improve customer service for WIC participants.

As part of the COVID-19 pandemic response, virtual services were necessary to offer WIC participants when many in-person operations were suspended. Many participants continue to use virtual services, and the department has seen an increase in participation and a decrease in missed appointments. The department is continuing to offer virtual appointments in addition to in-person services. To continue the virtual services, amendments may be needed to reflect differences in how services are offered virtually compared to in person.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture Food and Nutrition Service administers the WIC program. The department will ensure that any rules adopted will align with federal rules.

Process for Developing New Rule: [No 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 Karen Mullen, P.O. Box 47380, Olympia, WA 98504-7903, phone 360-515-8279, email karen.mullen@doh.wa.gov; or Me'Kyel Bailey, P.O. Box 47380, Olympia, WA 98504-7903 [7380], phone 360-767-9161, email mekyel.bailey@doh.wa.gov.

Additional comments: To receive notifications regarding this rule making, please contact either Karen Mullen or Me'Kyel Bailey to be added to the department's interested parties list.

October 25, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-22-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed October 25, 2023, 10:22 a.m.]

Subject of Possible Rule Making: Title 314 WAC. The Washington state liquor and cannabis board (LCB) is considering amending WAC 314-55-020 and 314-55-080; and repealing, amending, and creating rule sections in Title 314 WAC as necessary to update requirements for cannabis retailers to maintain medical cannabis endorsements and to add a voluntary surrender mechanism.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 (cannabis) and 69.50.375 Cannabis retailers—Medical cannabis endorsements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On March 29, 2023, LCB accepted a rule petition related to removing medical cannabis endorsements for cannabis retailers not complying with the requirements and to create a framework for retailers to voluntarily surrender the endorsement. Consistent with RCW 34.05.330 (1)(b), LCB is initiating the rule-making process to begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of amending the language in WAC 314-55-020 and 314-55-080; and repealing, amending, and creating new sections in Title 314 WAC as necessary to update the requirements for cannabis retailers to maintain a medical cannabis endorsement including, but not limited to, a voluntary surrender mechanism.

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 Daniel Jacobs, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, fax 360-704-5027, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), website [lcb.wa.gov](http://lcb.wa.gov).

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the LCB website at [lcb.wa.gov](http://lcb.wa.gov).

October 25, 2023  
David Postman  
Chair

**WSR 23-22-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**POLLUTION LIABILITY**  
**INSURANCE AGENCY**

[Filed October 26, 2023, 10:26 a.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to adopt a new rule, chapter 374-10 WAC, pursuant to the authority established under chapter 70A.545 RCW. The new rule will establish the state financial assurance program and include the following:

- Program eligibility and enrollment requirements;
- Coverage and payment limits;
- PLIA lien and cost recovery authority;
- Fraud provisions;
- Review of agency decisions;
- Service provider requirements and procedures; and
- Program reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 70A.545.100(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's legislature directed PLIA to create and administer a state financial assurance program that: (1) Adequately protects public health and safety and the environment from impacts due to petroleum underground storage tank system releases; and (2) meets the federal requirements for financial assurance so that a petroleum release will be appropriately addressed. The program focuses on prevention of releases, responsiveness to any release, and emphasizes remediation of releases in areas of risk for drinking water impacts or to equitably protect human health and the environment in communities that are marginalized, overburdened, and underserved.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PLIA will administer the state financial assurance program to ensure that cleanup from petroleum releases meet the substantive requirements of the Model Toxics Control Act, chapter 70A.305 RCW and chapter 173-340 WAC.

Process for Developing New Rule: PLIA will follow the standard process for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phi Ly, P.O. Box 40930, Olympia, WA 98504, phone 800-822-3905, TTY 800-833-6388, email rules@pia.wa.gov, website www.pia.wa.gov.

October 26, 2023  
Phi Ly  
Legislative and Policy Manager

**WSR 23-22-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed October 26, 2023, 12:03 p.m.]

Subject of Possible Rule Making: Transition to kindergarten; establish a new chapter within Title 392 WAC and amend chapters 392-121 and 392-122 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.072 and 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In alignment with 2SHB 1550, passed by the Washington state legislature in 2023, the office of superintendent of public instruction (OSPI) is considering rule making concerning transition to kindergarten programs. The proposed rules would provide for program administration, allocation of state funding, and minimum standards and requirements for transition to kindergarten programs. In addition, technical changes to apportionment sections may 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 Samantha Bowen, Early Learning Director, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 509-200-0157, TTY 360-664-3631, email [samantha.bowen@k12.wa.us](mailto:samantha.bowen@k12.wa.us), website [ospi.k12.wa.us](http://ospi.k12.wa.us).

October 26, 2023  
Chris P. S. Reykdal  
State Superintendent of Public Instruction



**WSR 23-22-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed October 26, 2023, 2:24 p.m.]

Subject of Possible Rule Making: WAC 182-530-7050 Reimbursement—Dispensing fee; 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 this rule in accordance with the settlement agreement in the case of *National Association of Chain Drug Stores, et al., v. Washington State Health Care Authority, et al.* (Case No. 51489-3-II) and for the purpose of ensuring the continuation of federal medicaid funding. HCA also filed an emergency rule-making order under WSR 23-22-074, while the permanent rule-making process is being completed. 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 Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [valerie.freudenstein@hca.wa.gov](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Wendy Steffens, Program Questions, P.O. Box 45510, Olympia, WA 98504-5510, phone 360-725-5145, fax 360-586-9727, TRS 711, email [wendy.steffens@hca.wa.gov](mailto:wendy.steffens@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

October 26, 2023  
Wendy Barcus  
Rules Coordinator

WSR 23-22-081

PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION

[Filed October 27, 2023, 11:01 a.m.]

Subject of Possible Rule Making: The conditions and requirements for situating nonhouse-banked, Class F, and house-banked card rooms adjacent to each other.

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: WAC 230-06-046, regarding additional requirements for licensed business premises of nonhouse-banked, Class F, and house-banked card rooms, establishes the conditions under which card rooms cannot be adjacent to each other. There is a need to further clarify under which limited conditions nonhouse-banked, Class F, and house-banked card rooms can be adjacent to each other. This rule making may take the form of amending WAC 230-06-046 and/or creating a new rule.

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa C. McLean, Legislative and Policy Manager, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3454, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

October 27, 2023

Lisa C. McLean

Legislative and Policy Manager

**WSR 23-22-085**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BELLEVUE COLLEGE**

[Filed October 27, 2023, 2:39 p.m.]

Subject of Possible Rule Making: Chapter 132H-160 WAC, Admissions, residency classification and registration regulations—Schedule of fees and financial aid for Community College District VIII.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bellevue College proposes changes to comply with SSHB 2513 (this bill prohibits colleges from withholding a student's official transcript for debt collection), to remove and/or update outdated information, and to clarify rules.

Process for Developing New Rule: Proposed changes will be presented to the college community and a public hearing 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 Loreen McRea Keller, 3000 Landerholm Circle S.E., A-201, Bellevue, WA 98007, phone 425-564-6155, email [loreen.keller@bellevuecollege.edu](mailto:loreen.keller@bellevuecollege.edu).

October 27, 2023  
Loreen M. Keller  
Associate Director  
Policies and Special Projects

**WSR 23-22-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 30, 2023, 1:24 p.m.]

Subject of Possible Rule Making: Prescription monitoring program (PMP), clarifying terms and information about prescription history for PMP. The department of health (department) is considering clarifying that prescribers can request the history of prescriptions they have written. The department is considering changes to WAC 246-470-010, 246-470-030, and 246-470-050 and potentially other related sections in chapter 246-470 WAC to help clarify rules including terms and definitions relating to PMP.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.225.025; and chapter 70.225 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering clarifying terms and definitions used in the PMP rules after receiving several questions from various interested parties around definitions of "sold," "dispense," "filled," and "distributed" during a state auditor's office audit of the PMP as well as in various other routine operational situations. The department will consider those questions and concerns during the rule-making process. The department is also considering clarifying that prescribers can request the history of prescriptions they have written. Clarifying and defining some phrases found in rule is necessary to cut down on confusion about what the rules mean for dispensers and prescribers.

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 Jennifer Kang, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-688-6644, TTY 711, email [jennifer.kang@doh.wa.gov](mailto:jennifer.kang@doh.wa.gov), website <https://doh.wa.gov/public-health-healthcare-providers/healthcare-professions-and-facilities/prescription-monitoring-program-pmp>.

Additional comments: Rule-making notices will be delivered via GovDelivery. You may subscribe to the Washington state PMP GovDelivery listserv to receive updates at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Select "Health Systems Quality Assurance" and "Health Professions," and then select "Prescription Monitoring Program" and any other lists you wish to subscribe to.

October 30, 2023  
Todd Mountin, PMP  
Deputy Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-22-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed October 30, 2023, 2:31 p.m.]

Subject of Possible Rule Making: Hospital fees. The department of health (department) is considering rule amendments to update fees for acute care hospitals, WAC 246-320-199, and private psychiatric hospitals, WAC 246-322-990. The department will also consider changes to clarify and standardize language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110 and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to rules regarding acute care and private psychiatric hospital fees to address funding needs. An update may be necessary to adequately fund the hospital inspection, investigation, and licensing programs to protect patients. RCW 43.70.250 requires that fees must cover regulatory program expenses which necessitates the program(s) to be self-funding and changes to rules are the only way to make fee adjustments.

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 Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4637, TTY 711, email HSQAFeeRules@doh.wa.gov, website doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: 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](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the "Sign up for Updates From DOH" 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 "Community Health Systems," and then click "Facilities" or select the relevant facility type(s).

October 30, 2023  
Todd Mountin, PMP  
Deputy Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-22-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 31, 2023, 8:30 a.m.]

Subject of Possible Rule Making: Electrical rules: WAC 296-46B-906 Inspection fees, 296-46B-909 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, electrician certificate and examination, copy, and miscellaneous fees, and 296-46B-911 Electrical testing laboratory and engineer accreditation fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.031 and 19.28.251.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering a fee increase by the fiscal growth factor for the electrical program (program) to support increased operating expenses for inspections and other program services. The current fee levels are insufficient to cover current program expenses. The fee increase is necessary to ensure that revenues match expenditures.

This rule making also considers removing the fee for printed copies of the electrical laws and rules. The program will no longer be providing printed copies as electronic versions are available online for customers for printing.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meagan Edwards, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-522-0125, fax 360-902-6134, email Meagan.Edwards@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/electrical/laws-rules-policies>.

October 31, 2023  
Joel Sacks  
Director

**WSR 23-22-108  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed October 31, 2023, 11:21 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for criteria for trauma designation (WAC 246-976-580 [and 246-976-700]), which was filed January 8, 2021, and published under WSR 21-03-011.

The department is withdrawing this CR-101 because the comments received from interested parties during the public comment process indicated substantial opposition to the rule as proposed. As a result, the department will continue to use its existing authority and rules to determine the need for new trauma centers and the optimal distribution of trauma services to ensure equitable access to trauma care.

Individuals requiring information on this rule should contact Anthony Partridge, program manager, at [anthony.partridge@doh.wa.gov](mailto:anthony.partridge@doh.wa.gov).

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 23-22-123**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 23-06—Filed November 1, 2023, 7:49 a.m.]

Subject of Possible Rule Making: Ecology is beginning a rule making to amend chapter 173-166 WAC, Emergency drought relief.

Ecology currently has an emergency drought rule in effect, chapter 173-167 WAC, Emergency drought funding, which is effective through November 20, 2023. Ecology may adopt subsequent emergency rules until the permanent rule is adopted.

Through rule making, ecology plans to integrate information related to how ecology manages its emergency drought funding program into the permanent rule governing emergency drought relief. This rule making plans to streamline administration of emergency drought funding and to add clarity and definition to processes and terms related to emergency drought relief.

This update also intends to integrate equity considerations into funding distribution, including considerations identified under the Healthy Environment for All Act. Additionally, this rule making seeks to clarify appeals processes for emergency drought funding decisions, as well as the petition process for drought declaration.

As droughts become more common with a changing climate, an updated drought rule will provide increased efficiency and transparency around emergency drought relief.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.83B RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is amending this rule to integrate information related to ecology's drought response funding program into the permanent drought rule. This avoids the need for emergency rule making each year an emergency drought declaration is made.

With permanent drought response funding secured through recent legislation, ecology seeks to provide clear and transparent information regarding the distribution of emergency drought funds.

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 emergency droughts in Washington; however, other state agencies are involved in the process to declare a drought. Ecology will coordinate with these state agencies and solicit their feedback in all public stages of this rule development. These include the department of health, department of fish and wildlife, department of agriculture, and the state conservation commission.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Caroline Mellor, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-628-4666, Washington relay service or TTY call 711 or 877-833-6341, email [Caroline.Mellor@ecy.wa.gov](mailto:Caroline.Mellor@ecy.wa.gov), website in progress.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.



Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

October 31, 2023

Ria Berns

Water Resources Program Manager

WSR 23-22-126

PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION

[Filed November 1, 2023, 10:34 a.m.]

Subject of Possible Rule Making: Emergency waiver of certain requirements, chapter 180-111 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.195.010, 28A.230.090, 28A.150.220(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Public comments and correspondence to the state board of education (board) from education practitioners have requested the board consider extending an emergency waiver of graduation pathway requirements due to continuing effects of the COVID-19 pandemic. Rules to extend the waiver may be needed if, upon examining past use of the emergency waiver and continuing barriers to students completing graduation pathway requirements, the board determines extending or revising the waiver of the graduation pathway requirement is warranted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the superintendent of public instruction.

Process for Developing New Rule: The board will seek feedback on the rule making from partner agencies and educational advocacy organizations.

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 360-753-6712, TTY 360-664-3631, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Linda Drake, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6028, fax 360-753-6712, TTY 360-664-3631, email linda.drake@k12.wa.us, website www.sbe.wa.gov.

October 30, 2023  
Randy Spaulding  
Executive Director