

**WSR 23-23-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed November 1, 2023, 3:54 p.m.]

Subject of Possible Rule Making: Reviewing, reevaluating, and updating chapter 463-30 WAC, Adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.50.040: "The council shall have the following powers: (1) To adopt, promulgate, amend, or rescind suitable rules and regulations, pursuant to chapter 34.05 RCW, to carry out the provisions of this chapter, and the policies and practices of the council in connection therewith."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The last update that occurred for this chapter was on October 11, 2004. The energy facility site evaluation council (EFSEC) became an independent agency on June 30, 2022. This necessitates reevaluation and possible updates to rules in a housekeeping or substantive capacity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The rule changes for chapter 463-30 WAC will be coordinated with the office of administrative hearings (OAH) and the Washington attorney general's office (AG).

Process for Developing New Rule: Collaborative efforts between EFSEC, OAH, and AG.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ali Smith, Rules Coordinator, 621 Woodland Square Loop S.E., phone 360-664-1345, email [rulemaking@efsec.wa.gov](mailto:rulemaking@efsec.wa.gov), website [efsec.wa.gov](http://efsec.wa.gov); or Dave Walker, Director of Administration, 621 Woodland Square Loop S.E., phone 360-664-1345, email [rulemaking@efsec.wa.gov](mailto:rulemaking@efsec.wa.gov), website [efsec.wa.gov](http://efsec.wa.gov).

October 30, 2023

David Walker

Director of Administrative Services

WSR 23-23-018

PREPROPOSAL STATEMENT OF INQUIRY

PENINSULA COLLEGE

[Filed November 2, 2023, 3:20 p.m.]

Subject of Possible Rule Making: Chapter 132A-104 WAC, Board of trustees, needs to be updated to reflect the changes in meeting dates and communication methods.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130, 28B.50.140, and 34.05.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the codification of rules regarding the board of trustees.

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: Updating current WAC to reflect board changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trisha Haggerty, Rules Coordinator, Peninsula College, 1502 East Lauridsen, Port Angeles, WA 98382, phone 360-417-6201, email thaggerty@pencol.edu, website www.pencol.edu.

November 2, 2023  
Trisha Haggerty  
Rules Coordinator

**WSR 23-23-023  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 8:57 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for chapter 308-107 WAC filed as WSR 16-21-084 on October 18, 2016.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-024  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:01 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry rule making for chapter 308-420 WAC filed as WSR 19-24-047 on November 26, 2019.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-025  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:02 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-104-025 and 308-104-035 filed as WSR 17-14-004 on June 22, 2017.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-026  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:04 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-104-010 filed as WSR 17-22-010 [17-22-065] on October 26, 2017.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-027  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:07 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-96A-026 filed as WSR 16-13-125 on June 21, 2016.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-028**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:08 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-124A-720 and 308-124H-820 filed as WSR 19-15-048 on July 12, 2019.

Ellis Starrett  
Rules Coordinator



**WSR 23-23-029  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:09 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for chapter 308-109 WAC filed as WSR 16-16-125 on August 3, 2016.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-030  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:10 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-110-010 and 308-110-030 filed as WSR 18-06-070 on March 5, 2018.

Ellis Starrett  
Rules Coordinator

**WSR 23-23-031  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed November 3, 2023, 9:10 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for Title 308 WAC and chapter 308-109 WAC filed as WSR 19-18-085 on September 4, 2019.

Ellis Starrett  
Rules Coordinator

WSR 23-23-036

PREPROPOSAL STATEMENT OF INQUIRY

BELLEVUE COLLEGE

[Filed November 3, 2023, 2:47 p.m.]

Subject of Possible Rule Making: Chapter 132H-133 WAC, Organization and general operating policies of 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 housekeeping changes 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).

November 3, 2023  
Loreen M. Keller  
Associate Director  
Policies and Special Projects

WSR 23-23-037

PREPROPOSAL STATEMENT OF INQUIRY

BELLEVUE COLLEGE

[Filed November 3, 2023, 2:48 p.m.]

Subject of Possible Rule Making: Chapter 132H-106 WAC, Bylaws and standing orders of 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 housekeeping changes 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).

November 3, 2023  
Loreen M. Keller  
Associate Director  
Policies and Special Projects

**WSR 23-23-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed November 6, 2023, 10:22 a.m.]

Subject of Possible Rule Making: WAC 182-508-0001 Washington apple health—Coverage options for adults not eligible under MAGI methodologies, 182-512-0920 SSI-related medical—Deeming/allocation of income from nonapplying spouse; 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 182-508-0001 and 182-512-0920 to remove the maximum age restriction for apple health for workers with disabilities categorically needy coverage. This change is consistent with amendments made to RCW 74.09.540 and WAC 182-511-1050, effective January 1, 2020. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

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](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://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](mailto:paige.lewis@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

November 6, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-23-046  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed November 6, 2023, 12:28 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 21-03-042 on January 14, 2021 (WAC 388-101D-0200), regarding suspending and terminating client residential services. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

## WSR 23-23-051

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed November 7, 2023, 2:18 p.m.]

Subject of Possible Rule Making: Prescription transfers. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-345 and potentially establishing a new section in chapter 246-945 WAC to clarify the expectation of pharmacies related to prescription transfers upon patient request. Other amendments to facilitate the timely transfer of prescription may also be considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received feedback from interested parties about challenges obtaining requested prescription transfers permitted by WAC 246-945-345(2) and voted to consider rule making to address the concerns at the March 2, 2023, business meeting. WAC 246-945-345(2) states that upon patient request, prescriptions "may be transferred." The term "may" makes the provision difficult to enforce. The commission is considering amending the provision to make the prescription transfer required upon request, rather than optional. The commission may also consider further amendments to facilitate the timely transfer of prescriptions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Drug Enforcement Administration (DEA) is the federal agency responsible for regulating controlled substances, including controlled substance prescription transfers. WAC 246-945-345(2) only relates to noncontrolled prescription transfers. There is no other state or federal agency that regulates noncontrolled prescription transfers. If the commission were to make other changes related to controlled substance prescription transfers, it would ensure that it would not create a direct conflict with DEA regulation on the same topic. DEA enforces its rules independently of the commission.

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 Julia Katz, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-791-1167, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

October 3, 2023

Ken Kenyon, PharmD, BCPS, Chair  
Pharmacy Quality Assurance Commission



**WSR 23-23-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed November 8, 2023, 1:18 p.m.]

Subject of Possible Rule Making: Chapter 314-55 WAC; the Washington state liquor and cannabis board (board) is considering rule making to implement E2SSB 5080 (chapter 220, Laws of 2023), enacted during the 2023 legislative session, related to various provisions of the social equity in cannabis program. As part of this rule making, the board is considering creating new, and amending or repealing existing, rules throughout chapter 314-55 WAC as necessary to implement E2SSB 5080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.335, 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to implement the following provisions of E2SSB 5080:

- Updating definitions such as disproportionately impacted area (DIA), social equity plan, social equity applicant, and other relevant definitions within the scope of the social equity in cannabis program;
- Creating a framework and process for local jurisdiction input on outlet density;
- Expanding social equity license issuance and reissuance;
- Providing for license mobility and county threshold establishment; and
- Other revisions as necessary to align current rules within the scope of E2SSB 5080.

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 Cassidy West, Policy and Rules Manager, P.O. Box 43080, Olympia, WA 98504, phone 360-878-4235, 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 board website at [lcb.wa.gov](http://lcb.wa.gov).

November 8, 2023  
David Postman  
Chair

**WSR 23-23-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed November 13, 2023, 9:27 a.m.]

Subject of Possible Rule Making: WAC 392-343-035 Space allocations and 392-343-060 Determining the construction cost allocation.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-343-035; the space allocations are outdated and do not meet the space needs of local school districts for current educational programs offered to students. The proposed updated rule will phase in increases to the current space allocations to help meet the space needs of providing current educational opportunities to students.

WAC 392-343-060; the current process to determine the construction cost allocation has not permitted the superintendent to adjust the construction cost allocation to reflect actual market rate of construction and modernizing a school. The proposed update will allow the superintendent to set the construction cost allocation to reflect current market conditions.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504, phone 360-742-4028, TTY 360-664-3631, email [Schoolfacilityrules@k12.wa.us](mailto:Schoolfacilityrules@k12.wa.us), website [ospi.k12.wa.us](http://ospi.k12.wa.us).

November 13, 2023  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

## WSR 23-23-076

**PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed November 13, 2023, 9:52 a.m.]

Subject of Possible Rule Making: The employment security department (department) currently runs three programs: State unemployment insurance, WA Cares, and paid family and medical leave. As part of its duties, the department receives payments from employers for each program. This rule making will address how payments will be allocated across these programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, 50.24.010, 50A.10.030, 50A.05.060, 50B.04.020, 50B.04.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department currently runs three programs: State unemployment insurance, WA Cares, and paid family and medical leave. As part of its duties, the department receives payments from employers for each program. Occasionally, a payment is sent to the department that does not indicate what program(s) the payment was intended for. There are currently no rules addressing how employer payments are allocated across these programs. Therefore, the department is engaging in rule making to add rules that will address how payments will be allocated across these programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lawrence Larson, P.O. Box 9046, phone 360-890-3460, fax 844-652-7096, TTY relay 711, email Lawrence.larson@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

November 13, 2023  
Joy Adams  
Acting Policy Director

## WSR 23-23-079

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

[Filed November 13, 2023, 10:44 a.m.]

Subject of Possible Rule Making: Private detention facilities. The department of health (department) is considering establishing chapter 246-385 WAC as a new chapter of rules to set inspection and operational standards for private detention facilities, health and safety standards for detained persons, and issuance of civil penalties pursuant to 2SHB 1470 (chapter 419, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SHB 1470 (chapter 419, Laws of 2023); and chapter 70.395 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1470 requires the department to adopt rules for operational, health, and safety standards to ensure persons detained in private detention facilities are provided sanitary, hygienic, and safe living conditions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of labor and industries, the office of the attorney general, and United States Immigration and Customs Enforcement. Coordination with these agencies will occur as identified in 2SHB 1470. The department will convene a broad-based work group and invite state and federal agencies and interested parties to participate.

Process for Developing New Rule: The department will use a collaborative rule-making approach. The department will keep interested parties informed of the rule development through email and posting information on the department's rule making and program websites. Interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nina Helpling, P.O. Box 47822, Olympia, WA 98504-7822, phone 360-236-3065, TTY 711, email [Nina.Helpling@doh.wa.gov](mailto:Nina.Helpling@doh.wa.gov), website <https://doh.wa.gov>.

November 13, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-23-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed November 15, 2023, 8:10 a.m.]

Subject of Possible Rule Making: WAC 139-05-300 is being updated to include corrections officers and limited authority officers in the 24-hour annual in-service training requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are required now that corrections officers and limited authority officers are recognized as certified officers. Certified officers will be required to complete 24-hours of annual in-service training, including the criminal justice training commission's two-hour CIT online course.

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: Language was developed internally as planned changes are made based on existing rules that impact only internal governmental operations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email Lacey.Ledford@cjtc.wa.gov, website cjtc.wa.gov; or Kayla Wold, email Kayla.Wold@cjtc.wa.gov.

November 15, 2023  
Lacey Ledford  
Rules Coordinator

**WSR 23-23-118  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed November 16, 2023, 6:32 a.m.]

The Washington state patrol hereby withdraws the CR-101 for chapter 212-90 WAC, Fire protection sprinkler fitters, filed on August 21, 2023, as WSR 23-17-133.

Kimberly Mathis  
Rules Coordinator

**WSR 23-23-119  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed November 16, 2023, 6:33 a.m.]

The Washington state patrol hereby withdraws the CR-101 for chapter 212-80 WAC, Fire protection sprinkler system contractors, filed on August 21, 2023, as WSR 23-17-132.

Kimberly Mathis  
Rules Coordinator

WSR 23-23-120

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed November 16, 2023, 7:28 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, 212-80-205, 212-80-210, 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. Changes within WAC 212-80-205 provide clarity.

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. 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.

November 16, 2023  
John R. Batiste  
Chief



WSR 23-23-121

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed November 16, 2023, 7:28 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 212-90-093, 212-90-205, and 212-90-215 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.

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. 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 23-23-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed November 17, 2023, 1:06 p.m.]

Subject of Possible Rule Making: New chapter within the developmental disabilities administration's (DDA) portion of Title 388 WAC and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DDA is planning to write a new chapter of rules that will establish the process for certifying DDA providers not otherwise certified by residential care services. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

November 17, 2023  
Katherine I. Vasquez  
Rules Coordinator

WSR 23-23-152

PREPROPOSAL STATEMENT OF INQUIRY  
BUILDING CODE COUNCIL

[Filed November 20, 2023, 5:15 p.m.]

Subject of Possible Rule Making: WAC 51-55-0300 and 51-55-0600, amendment to the 2021 International Wildland-Urban Interface Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074, 19.27.560.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council directed staff to start rule making to amend sections in Chapters 3 and 6 of the 2021 International Wildland-Urban Interface Code. The reason for the amendments is to address concerns raised by stakeholders, subject matter experts, and citizens.

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 Dustin Curb, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-972-4158, email [dustin.curb@des.wa.gov](mailto:dustin.curb@des.wa.gov), website [www.sbcc.wa.gov](http://www.sbcc.wa.gov).

November 17, 2023

Tony Doan  
Chair

**WSR 23-23-156**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed November 21, 2023, 8:43 a.m.]

Subject of Possible Rule Making: Naturopathic physician services; WAC 296-23-205 General instructions—Naturopathic physicians, and 296-23-215 Office visits and special services—Naturopathic physicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will update billing and coding requirements for naturopathic physicians to support consistency with other payers and other attending provider types.

This rule making intends to amend WAC 296-23-205 General instructions—Naturopathic physicians; and repeal WAC 296-23-215 Office visits and special services—Naturopathic physicians.

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

Process for Developing New Rule: Parties interested in this rule may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. A public hearing will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tina Vorse, Department of Labor and Industries, Insurance Services, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-5934, fax 360-902-4249, email Tina.Vorse@Lni.wa.gov, website <https://www.Lni.wa.gov/rulemaking-activity>.

November 21, 2023  
Joel Sacks  
Director

**WSR 23-23-170**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
[Order 22-02—Filed November 22, 2023, 8:13 a.m.]

Subject of Possible Rule Making: The Washington state department of ecology (ecology) plans to amend chapter 173-305 WAC, Hazardous waste fee regulation. This rule making will focus on clarifying how we implement the hazardous waste fee regulation, including the hazardous waste planning fee (planning fee). We will also make updates throughout the chapter to reflect new statutory references and improve clarity.

The planning fee does not clarify how we calculate the fee for an individual waste stream that designates as both dangerous waste (DW) and extremely hazardous waste (EHW). This rule making will clarify how we calculate the planning fee for this type of waste stream. It will also better explain how we implement chapter 173-305 WAC by making the current language concise and easier to understand.

Ecology previously filed a CR-101 to amend this chapter on September 14, 2022 (WSR 22-19-037). We withdrew that CR-101 on October 13, 2023 (WSR 23-21-072). This new CR-101 filing will improve clarity, consistency, and plain language throughout the chapter rather than in one section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.218 RCW, Hazardous waste fees.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology establishes the planning fee based on several factors, including the risk associated with the type of waste generated by a facility. Fees for EHW are subject to a risk factor (a multiplier) that is 10 times higher than the risk factor for DW. However, WAC 173-305-220 doesn't state which risk factor applies to an individual waste stream that is both DW and EHW. This lack of clarity leads to inequitable fees for some businesses. Businesses that generate and report a waste stream that is both DW and EHW pay a higher fee than businesses that generate the same waste stream but don't report the EHW. We will consider adding language to WAC 173-305-220 and related sections to clarify how we calculate the planning fee, including a statement that fees for these waste streams should be calculated as DW only.

In this rule making, we intend to prevent an inequitable financial impact to facilities that report both DW and EHW codes for an individual waste stream without changing how those facilities manage waste; increase transparency by clarifying how ecology calculates the planning fee; and improve clarity, consistency, and plain language throughout the chapter.

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 Megan Hillyard, Department of Ecology, Hazardous Waste and Toxics Reduction Program, P.O. Box 330316, Shoreline, WA 98133-9716, phone 425-559-5463, for Washington relay service or TTY call 711 or 877-833-6341, email [hwfeerule@ecy.wa.gov](mailto:hwfeerule@ecy.wa.gov), website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-305>, sign up to receive email notices Hazardous Waste Planning Fee Rulemaking ListServ [contact agency for link].

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.

November 22, 2023  
Katrina Lassiter  
Program Manager

WSR 23-23-176

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING

[Filed November 22, 2023, 10:17 a.m.]

Subject of Possible Rule Making: WAC 308-96B-020 General provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.19.010 Criteria for natural persons—Application—Identification cards, placards, and license plates.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 308-96B-020 will specify that customers need to be Washington state residents to qualify for special parking privileges for persons with disabilities.

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](mailto:rulescoordinator@dol.wa.gov), website <https://www.dol.wa.gov/about/rulemaking-activity>; or Sina Talalemotu, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-4004, email [stalalemot@dol.wa.gov](mailto:stalalemot@dol.wa.gov).

November 22, 2023  
Ellis Starrett  
Rules and Policy Manager

**WSR 23-23-178**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed November 22, 2023, 10:20 a.m.]

Subject of Possible Rule Making: Chapter 308-81 WAC is a new chapter of rule that will establish transportation network company licensure under HB [ESHB] 2076 passed during the 2022 legislative session. The rules will support licensing and auditing of company records per chapter 46.72B RCW. During chapter creation, the department of licensing (DOL) will consider rule making necessary to implement HB [ESHB] 2076, align rule to current policies or practice, identify law references, consider rule readability, and make other changes identified during the WAC review.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.72B.160 Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DOL is creating a new rule chapter to support implementation of HB [ESHB] 2076 regarding transportation network companies per the requirements of chapter 46.72B RCW by specifying the process for auditing company records to create uniform regulation for transportation network companies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of revenue processes license intake for transportation network companies. The office of the insurance commissioner, the human rights commission, and the department of labor and industries may have relevance to this rule making. As necessary, DOL will engage these agencies to coordinate this rule.

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., phone 360-902-0131, email [rulescoordinator@dol.wa.gov](mailto:rulescoordinator@dol.wa.gov), website [dol.wa.gov/about/rulemaking-activity](http://dol.wa.gov/about/rulemaking-activity); or Evelyn Manley-Rodriguez, 405 Black Lake Boulevard S.W., Olympia, WA 98502, phone 360-688-8253, email [evelyn.manleyrodriguez@dol.wa.gov](mailto:evelyn.manleyrodriguez@dol.wa.gov).

November 21, 2023  
Ellis Starrett  
Rules and Policy Manager



**WSR 23-23-181  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed November 22, 2023, 10:33 a.m.]

The health care authority (HCA) requests withdrawal of the pre-proposal statement of inquiry filed as WSR 20-09-130 on April 21, 2020, and distributed in the 20-09 State Register. HCA may refile at a later date.

Wendy Barcus  
Rules Coordinator

**WSR 23-23-182**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed November 22, 2023, 10:36 a.m.]

Subject of Possible Rule Making: WAC 182-557-0200 Health home program—Eligibility; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending this rule to clarify: (1) Which medicaid recipients are eligible for the health home program; and (2) that people with third-party medical coverage are ineligible for this program. 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: None.

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](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Glenda Crump, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1338, fax 360-586-9727, TRS 711, email [Glenda.crump@hca.wa.gov](mailto:Glenda.crump@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

November 22, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-23-184**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed November 22, 2023, 10:38 a.m.]

Subject of Possible Rule Making: WAC 182-532-530 Family planning only programs—Covered services, 182-530-550 Family planning only programs—Payment limitations, 182-530-560 Family planning only programs—Documentation requirements; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this rule to expand screening and preventative services for certain sexually transmitted infections during a client visit focused on family planning. 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: None.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, 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](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Andrea Estes, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1652, fax 360-586-9727, TRS 711, email [andrea.estes@hca.wa.gov](mailto:andrea.estes@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

November 23, 2023  
Wendy Barcus  
Rules Coordinator