# WSR 24-02-034 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration) [Filed December 26, 2023, 2:10 p.m.]

Subject of Possible Rule Making: WAC 388-825-058, 388-825-082, 388-825-083, 388-828-9000, 388-828-9140; chapter 388-832 WAC; WAC 388-845-0220, 388-845-0500, 388-845-0505, 388-845-0510, 388-845-2010, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is considering amending rules from these chapters in order to update lists of available services, their names, descriptions, limits, and qualified providers, and to increase the individual and family service award amounts. During the course of this review, the department of social and health services (DSHS) 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: 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.

> December 22, 2023 Katherine I. Vasquez Rules Coordinator

#### WSR 24-02-035 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 26, 2023, 2:17 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-478-0015 Need standards for cash assistance, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They

Might Accomplish: Planned amendments will update standards of need for cash assistance programs as required annually by RCW 74.04.770. 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: None.

Process for Developing New Rule: 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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, fax 360-725-4905, email Patrick.Budde@dshs.wa.gov.

> December 26, 2023 Katherine I. Vasquez Rules Coordinator

# WSR 24-02-038 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 27, 2023, 11:30 a.m.]

Subject of Possible Rule Making: Supervisor directory and standards, and stipend program for licensure for mental health counselors, marriage and family therapists, and social workers. The department of health (department) is considering amending, repealing, or creating new sections in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. The department is considering establishing (1) a directory to help mental health counselor, marriage and family therapist, and social worker associates find supervisors, (2) minimum standards for supervision of associates, and (3) a stipend program to offset some costs of supervision for associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040, 18.225.180; 2SHB 1724 (chapter 425, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2023 legislative session, the legislature passed 2SHB 1724 (chapter 425, Laws of 2023) to increase the behavioral health workforce by reducing barriers to licensure. To address the burden of obtaining supervised experience hours, section 7 of 2SHB 1724, codified as RCW 18.225.180, requires the department to adopt rules to establish a database of qualified supervisors and a stipend program for associates. To implement the bill, this rule-making project will consider rules establishing requirements to be listed on the directory, setting minimum standards to supervise associates, establishing requirements for the stipend program, and making other changes as appropriate.

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 Brandon Williams, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4700, TTY 711, email brandon.williams@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 the licensed counselor GovDelivery list to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, please go to https:// public.govdelivery.com/accounts/WADOH/subscriber/new. 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 "Licensed Counselors." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

> December 27, 2023 Kristin Peterson, JD Chief of Policy for Umair A. Shah, MD, MPH Secretary

#### WSR 24-02-043 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed December 27, 2023, 2:21 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit?, 388-450-0050 How does your participation in the community jobs (CJ) program affect your cash assistance and basic food benefits?, 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit, 388-450-0106 How does the department count my income if someone in my family cannot get assistance because of their alien status?, 388-450-0112 Does the department allocate the income of an ABD cash client to legal dependents?, 388-450-0113 Does the department allocate income of a housing and essential needs (HEN) referral recipient to legal dependents?, 388-450-0115 Does the department allocate the income of a financially responsible person who is excluded from the assistance unit?, 388-450-0116 How does the department count my income if I cannot get assistance because I am an alien?, 388-450-0120 Does the department allocate the income of financially responsible parents to a pregnant or parenting minor?, 388-450-0130 Does the department allocate the income of a nonapplying spouse to a caretaker relative?, 388-450-0137 Does the department allocate income of an ineligible spouse to an ABD cash client?, 388-450-0138 Does the department allocate income of an ineligible spouse to a housing and essential needs (HEN) referral recipient?, 388-450-0170 Does the department provide an earned income deduction as an incentive for persons who receive TANF/SFA to work?, 388-450-0177 Does the department offer an income deduction for the ABD cash program as an incentive for clients to work?, 388-450-0178 Does the department offer an income deduction for housing and essential needs (HEN) referral applicants and recipients as an incentive to work?, and 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA? DSHS may amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 49.46.120, 74.04.005, 74.04.050, 74.04.0052, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.655, 74.04.770, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.09.035, 74.09.530, 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective August 1, 2024, planned amendments will incorporate changes to earned income disregards for cash assistance programs, per 2SHB 1447 (chapter 418, Laws of 2023). If applicable, these amendments will 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: Not applicable.

Process for Developing New Rule: 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 Rocio Loera, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-480-5477, email rocio.loera@dshs.wa.gov; or Kat Gussett, P.O. Box 45470, Olympia, WA 98504-5470, phone 509-290-8435, email Kathryn.gussett@dshs.wa.gov.

> December 27, 2023 Katherine I. Vasquez Rules Coordinator

# WSR 24-02-044 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

# SOCIAL AND HEALTH SERVICES

(Economic Services Administration) [Filed December 27, 2023, 3:46 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend the following WAC sections and other related rules as may be required: WAC 388-416-0005 How long can I get Basic Food?, 388-418-0011 What is a mid-certification review, and do I have to complete one in order to keep receiving benefits?, and other related rules as may be required. Planned amendments are necessary to comply with the approved federal waiver for the elderly simplified application project (ESAP), extending the basic food certification period from 12 months to 36 months for households where all members are age 60 or older and/or disabled adults with no earned income. Other related rules as may be required. If applicable, these amendments will make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.500, 74.04.510, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: See above.

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 Services (FNS) administers supplemental nutrition assistance program provisions of the 2008 Food and Nutrition Act, as amended, codified in C.F.R. DSHS amends rules to align with the act, federal regulations, and FNS administrative notices and formal guidance. DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

Process for Developing New Rule: 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 Carolyn Horlor, P.O. Box 45470, Olympia, WA 98504-4570, phone 360-764-0676, email carolyn.horlor@dshs.wa.gov.

> December 27, 2023 Katherine I. Vasquez Rules Coordinator

# WSR 24-02-050 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed December 28, 2023, 10:31 a.m.]

Subject of Possible Rule Making: WAC 182-502-0002 Eligible provider types and 182-531-1400 Psychiatric physician-related services and other professional mental health 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) is adding mental health counselor associates, social worker associates, and marriage and family therapist associates as provider types eligible to provide covered health care services to eligible clients. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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 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 Teresa Claycamp, Program Questions, P.O. Box 42730, Olympia, WA 98504-2730, phone 360-974-9448, fax 360-586-9727, TRS 711, email teresa.claycamp@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

> December 28, 2023 Wendy Barcus Rules Coordinator

# WSR 24-02-074 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed January 2, 2024, 9:57 a.m.]

Subject of Possible Rule Making: Making further revisions to recent retiree return to work rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; chapter 110, Laws of 2022, and chapters 99 and 410, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of retirement systems (department) recently completed rule making to implement three retiree return to work bills, including chapter 110, Laws of 2022, and chapters 99 and 410, Laws of 2023. After completing the rule, the department identified further revisions that are necessary to correct conflicting rules to achieve full implementation.

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 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

> January 2, 2024 Bianca Stoner Rules Coordinator

# WSR 24-02-075 PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed January 2, 2024, 11:31 a.m.]

Subject of Possible Rule Making: WAC 172-122-200 Notice of trespass.

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 procedures for trespassing someone from

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, Eastern Washington University, 211 Tawanka Hall, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website https://inside.ewu.edu/policies/.

> January 2, 2024 Annika Scharosch Associate Vice President

#### WSR 24-02-086 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed January 3, 2024, 8:03 a.m.]

Subject of Possible Rule Making: WAC 182-538-070 Payments, corrective action, and sanctions for managed care organizations (MCOs); 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 subsection (8) to more accurately reflect how the agency pays federally qualified health centers and rural health clinics for managed care services and deleting subsection (9) to be consistent with the integrated managed care contract standards for delivery case rate payments. 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 Greg Sandoz, Program Questions, P.O. Box 45503, Olympia, WA 98504-5503, phone 360-725-2065, fax 360-586-9727, TRS 711, email greg.sandoz@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

> January 3, 2024 Wendy Barcus Rules Coordinator

# WSR 24-02-088 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)
[Filed January 3, 2024, 8:53 a.m.]

Subject of Possible Rule Making: Chapter 388-826 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: The developmental disabilities administration (DDA) is planning to amend chapter 388-826 WAC to update provider certification requirements and other service delivery requirements. During the course of this review, the department of social and health services (DSHS) 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: 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.

January 3, 2024 Katherine I. Vasquez Rules Coordinator

# WSR 24-02-090 PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed January 3, 2024, 9:53 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarification and refinement of WAC to align with state law and update procedures.

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 Dave Piersma, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, website sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA 98504, phone 360-725-5788, fax 360-664-4619, email victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

> January 2, 2024 Amanda Doyle Chief of Staff

# WSR 24-02-091 PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed January 3, 2024, 9:53 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update WAC to reflect legislative changes and to update and clarify procedures.

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 Dave Piersma, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, website sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA 98504, phone 360-725-5788, fax 360-664-4619, email victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

January 2, 2024 Amanda Doyle Chief of Staff

# WSR 24-02-092 PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed January 3, 2024, 9:54 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this proposal is to create the process and standards for hash checksum validation in a manner that ensures consistency in counties throughout the state.

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 Dave Piersma, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, website sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA 98504, phone 360-725-5788, fax 360-664-4619, email victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

> January 2, 2024 Amanda Doyle Chief of Staff

# WSR 24-02-093 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Order 24-01—Filed January 3, 2024, 10:04 a.m.]

Subject of Possible Rule Making: Establish logbook requirements for Columbia River commercial fishing downstream of Bonneville Dam. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.045, 77.04.055, 77.04.020, and 77.04.012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To collect fishing effort, catch and release information from Columbia River commercial fisheries to assist in management purposes. The information collected would provide additional updates to established observation and voluntary logbook datasets to inform modeling and management of fisheries for the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These rules would expand on the data available for planning and assessing commercial fishery catch statistics in the Columbia River. The parties to the US v. Oregon Management Agreement jointly manage harvest of salmon and steelhead throughout most of the Columbia River and its tributaries. Washington also coordinates Columbia River fisheries with the state of Oregon under the Columbia River Compact under RCW 77.75.010.

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 phone 855-925-2801, project code #6378, email columbiariverlogbook@publicinput.com; or Bethany Deacy, 5525 South 11th Street, Ridgefield, WA 98642, phone 360-600-7069, email Bethany.Deacy@dfw.wa.gov.

> January 3, 2024 Scott Bird Rules Coordinator