

WSR 24-04-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 26, 2024, 1:57 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering adding new sections in chapter 388-106 WAC to implement a state funded guardianship, conservatorship, and alternative arrangements assistance program. The rules will describe the program requirements including, but not limited to, eligibility criteria, application process, payment details, administrative appeals, and overpayments. During this rule making, the department may make additional changes necessary to improve the program requirements, provide clarity, and add or amend other related rules as may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060, 43.20B.030, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering implementing a program to provide assistance with guardianship and conservatorship for certain clients or potential clients of the department. Because this is a public assistance program, the eligibility and program requirements meet the definition of rules under RCW 34.05.010 (16)(c). The rules will allow the public to identify whether they might be eligible for the program, the steps to apply for assistance, the process to appeal department decisions, and other relevant aspects of the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: **Administrative office of the court:** Responsible for overseeing certification of professional guardians and conservators with the supreme court of Washington, which is a requirement for contractors under this proposed rule-making language.

Certified professional guardianship and conservatorship review board: Responsible for overseeing certification of professional guardians' and conservators' compliance with statewide policies and procedures and standards of practice for professional guardians, including proposed program contractors.

Health care authority: Responsible for establishment of WAC 182-513-1530 which outlines maximum guardianship fee and related cost deductions allowed from a client's participation or room and board on or after June 1, 2018.

Process for Developing New Rule: Collaborative; the department welcomes the public to take part in developing the rules. Anyone interested should contact the staff persons identified below. Stakeholder interest meeting to be conducted for contractor/provider feedback on rules. At a later date, the department 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 Sarah Tremblay, P.O. Box 45600, Lacey, WA 98503, phone 564-999-1032, email sarah.tremblay@dshs.wa.gov; or Kelli Emans, P.O. Box 45600, Lacey, WA 98503, phone 360-725-3213, email kelli.emans@dshs.wa.gov.

January 26, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-04-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed January 29, 2024, 9:24 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is proposing to amend WAC 388-829-0040, 388-829-0050, 388-829-0065, and 388-101D-0105, and may amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.041, 71A.12.030, 74.39A.074, and 74.39A.341.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to ensure providers complete the skills-demonstration portion of CPR training in person. During the course of this review, 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 29, 2023 [2024]
Katherine I. Vasquez
Rules Coordinator

WSR 24-04-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed January 29, 2024, 10:46 a.m.]

Subject of Possible Rule Making: Physician visa waivers, updates to chapter 246-562 WAC.

The department of health (department) is considering a chapter review to reorganize sections and amend rules regarding J-1 physician visa waivers. The department is exploring updates to help meet the greatest needs across Washington state. The department will also look for increased clarity in the organizational structure, application criteria, and requirements for letters of support.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.185.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a chapter review to organize and amend section titles for logical structure and clarity of the rules addressed. Conducting a chapter review will address repetitive and misplaced content in chapter sections. Rules in chapter 246-562 WAC were last revised in 2016. The department uses these rules to help determine which physicians are eligible for the J-1 physician visa waiver program and which sites can employ these physicians. The department is considering amending rules pertaining to the J-1 visa waiver requirement and process for physicians to benefit health systems with the greatest need. The J-1 visa waiver program has become increasingly competitive, and the department wants to work with interested parties to consider changing the criteria for J-1 visa waiver applicants, revise the deadlines for receiving applications, and create scoring methodology for reviewing applications to meet the areas of greatest need. The rule changes will also address the criteria for providing letters of support for the United States Health and Human Services' Waiver Program and the National Interest Waiver Program.

The department is filing this new CR-101 to expand and change the scope of this rule making. The original CR-101 filed under WSR 23-12-089 will be withdrawn. The department will no longer consider establishing an application fee; however, in addition to the topics addressed above, the new scope of this rule-making project will also be to consider organizing and amending section titles, removing repetitive requirements, and addressing misplaced content throughout the chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of State and United States Citizenship and Immigration Services conduct final review and final approval of J-1 visa waivers. If applications meet the minimum federal standards, states are given leeway to administer the programs to meet the greatest need.

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 Sarah Gambrill, P.O. Box 47856, Olympia, WA 98504-7856, phone 564-669-1697, TTY 711, email J1VisaWaiver@doh.wa.gov, website <https://doh.wa.gov/public-health-healthcare-providers/rural-health/workforce-recruitment-and-retention>; or Kelly Shaw, P.O. Box 47856, Olympia, WA 98504-7856, phone 360-480-8693, TTY 771 [711], email J1VisaWaiver@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the Gov-Delivery list. To receive notices, 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 "Rural Health." You may also check one or more of the other professions or facilities listed to receive information related to that specific topic.

January 29, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

**WSR 24-04-022
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed January 29, 2024, 10:49 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-562 WAC, which was filed June 6, 2023, and published in WSR 23-12-089.

The department is withdrawing this CR-101 because we are expanding the scope of the rule-making project under a new CR-101 to conduct a chapter review and organize the sections in chapter 246-562 WAC for logical structure and clarity of the rules addressed.

Individuals requiring information on this rule should contact Sarah Gambrill, J-1 visa waiver program manager, at 564-669-1697, or J1VisaWaiver@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 24-04-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 30, 2024, 9:32 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is creating rules in a new chapter in Title 388 WAC for the long-term services and supports trust program (WA Cares). This rule making will address the assessment and service delivery process for beneficiaries and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (3)(j).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is tasked with developing and adopting rules for implementing the responsibilities outlined in RCW 50B.04.020(3) for the WA Cares program. This section of rule will address beneficiary assessments, service denial or termination, and complaint resolution for service delivery. This includes the purpose of assessment, assessed values, reassessment, notification of assessment outcomes, reasons and requirements for service denial or termination, and other topics identified as being necessary for general provisions and approved services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The employment security department and the health care authority. Coordination will occur between departments and agencies for consistent implementation of the WA Cares program under chapter 50B.04 RCW.

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 Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, fax 360-725-3265, telecommunication[s] relay service 1-800-833-6384, email Arielle.Finney2@dshs.wa.gov.

January 30, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-04-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 30, 2024, 9:33 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is creating rules in a new chapter in Title 388 WAC for the long-term services and supports trust program (WA Cares). This rule making will address general provisions, approved services, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (3)(j).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is tasked with developing and adopting rules for implementing the responsibilities outlined in RCW 50B.04.020(3) for the WA Cares program. This section of rule will address general provisions, approved services, and other related rules as appropriate. This section will address governance, purpose, and definitions, as well as address covered services, service requirements, and minimum qualifications for service types, and other topics identified as being necessary for general provisions and approved services.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The employment security department and the health care authority. Coordination will occur between departments agencies for consistent implementation of the WA Cares program under chapter 50B.04 RCW.

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 Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, fax 360-725-3265, telecommunication[s] relay service 1-800-833-6384, email Arielle.Finney2@dshs.wa.gov.

January 30, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-04-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 30, 2024, 9:34 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is creating rules in a new chapter in Title 388 WAC for the long-term services and supports trust program (WA Cares). This rule making will address the intake and application process for beneficiaries and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (3)(j).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is tasked with developing and adopting rules for implementing the responsibilities outlined in RCW 50B.04.020(3) for the WA Cares program. This section of rule will address beneficiary rights and responsibilities, eligibility requirements, applying for services, and other topics identified as being necessary for intake and application.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The employment security department and the health care authority. Coordination will occur between departments and agencies for consistent implementation of the WA Cares program under chapter 50B.04 RCW.

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 Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, fax 360-725-3265, telecommunication[s] relay service 1-800-833-6384, email Arielle.Finney2@dshs.wa.gov.

January 30, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-04-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed January 30, 2024, 9:35 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is creating rules in a new chapter in Title 388 WAC for the long-term services and supports trust program (WA Cares). This rule making will address provider registration and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (3)(j).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is tasked with developing and adopting rules for implementing the responsibilities outlined in RCW 50B.04.020(3) for the WA Cares program. This section of rules will address provider rights, registration requirements including minimum qualifications and operational standards, application process, disputed services and fraudulent activity, and other related rules as appropriate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The employment security department and the health care authority. Coordination will occur between departments and agencies for consistent implementation of the WA Cares program under chapter 50B.04 RCW.

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 Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, fax 360-725-3265, telecommunication[s] relay service 1-800-833-6384, email Arielle.Finney2@dshs.wa.gov.

January 30, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-04-053
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed January 31, 2024, 3:26 p.m.]

Subject of Possible Rule Making: To update chapter 139-02 WAC regarding the timing and inspection of records and updating other portions of this WAC for clarity and consistency.

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: The rules will update the inspection sections of the WAC to be in alignment with the hours of operation of the campus and to require appointments to conduct record inspections on campus. The rule change will also update language in other sections for clarity and consistency.

Process for Developing New Rule: Intergovernmental rule making that only applies to other governmental agencies or solely impacts the Washington state criminal justice training commission's rules.

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 Derek Zable, 19010 1st Avenue South, Burien, WA 98148, email Derek.Zable@cjtc.wa.gov, website cjtc.wa.gov.

January 31, 2024
Lacey Ledford
Rules Coordinator

WSR 24-04-060

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2024-01—Filed February 1, 2024, 10:03 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-08, 182-12, and 182-16 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC to support the public employees benefits board program.

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

Process for Developing New Rule: The 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 Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2024
Wendy Barcus
Rules Coordinator

WSR 24-04-061

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Public Employees Benefits Board)

[Admin #2024-02—Filed February 1, 2024, 10:10 a.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement public employees benefits board (PEBB) policy resolutions and make other technical amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160; and PEBB policy resolutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC that may require PEBB policy resolutions to support the PEBB program.

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

Process for Developing New Rule: The 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 Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2024
Wendy Barcus
Rules Coordinator

WSR 24-04-062

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Admin #2024-01—Filed February 1, 2024, 10:14 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-30, 182-31, and 182-32 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC to support the school employees benefits board program.

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

Process for Developing New Rule: The 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 Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2024
Wendy Barcus
Rules Coordinator

WSR 24-04-064

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Admin #2024-02—Filed February 1, 2024, 10:18 a.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement school employees benefits board (SEBB) policy resolutions and make other technical amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160; and SEBB policy resolutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC that may require SEBB policy resolutions to support the SEBB program.

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

Process for Developing New Rule: The 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 Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2024
Wendy Barcus
Rules Coordinator

WSR 24-04-065
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed February 1, 2024, 12:40 p.m.]

Subject of Possible Rule Making: WAC 181-79A-231 School nurse certification requirements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC change will update the school nurse certification policy to match updated department of health licensure changes as a result of Washington recently entering into the nurse licensure compact.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Nguyen, 600 Washington Street S.E., Olympia, WA 98504, phone 360-489-4471, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

February 1, 2024
Michael Nguyen
Rules Coordinator

WSR 24-04-066

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed February 1, 2024, 12:59 p.m.]

Subject of Possible Rule Making: Osteopathic physicians and surgeons general provision for opioid prescribing and tapering rules. The board of osteopathic medicine and surgery (board) is considering amending WAC 246-853-661 Exclusions, 246-853-730 Periodic review, and 246-853-755 Tapering requirements, to modernize the language, add clarity, and align rules with the Washington medical commission (WMC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.57.800, 18.130.050.

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

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

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

As a result, WMC filed a CR-101 under WSR 23-17-094 on August 16, 2023, to consider rule amendments to opioid prescribing rules for allopathic physicians based on recent updates to CDC opioid prescribing recommendations. The board works to remain consistent with WMC, as osteopathic physicians and allopathic physicians regularly provide care in the same settings. Maintaining consistency with WMC makes rules easier to apply standards in the complex health care regulatory environment and for licensees to understand.

The board is considering rule making to work with interested parties and the public to possibly revise the following WAC to address those three items: WAC 246-853-661 Exclusions, 246-853-730 Periodic review, and 246-853-755 Tapering requirements.

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

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email osteopathic@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/osteopathicphysician-and-surgeon>.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153 and select "Osteopathic Board."

January 30, 2024
U. James Chaney
Executive Director

WSR 24-04-068

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed February 1, 2024, 3:39 p.m.]

Subject of Possible Rule Making: Continuing education (CE) requirements for osteopathic physicians. The board of osteopathic medicine and surgery (board) is considering amending WAC 246-853-080 to update CE requirements for licensure renewal of osteopathic physicians to clarify Washington-specific mandated CE requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.130.050, 18.130.250, and 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board recently adopted a new health equity CE rule in WAC 246-853-075 to implement ESSB 5229 (chapter 276, Laws of 2021). ESSB 5229 directs the board to adopt rules establishing the standards for health equity CE, which must be completed at least once every four years.

Currently, WAC 246-853-080 Continuing education, does not refer to the new rule in WAC 246-853-075 or mention the new health equity CE requirement. The current requirements outlined in WAC 246-853-080 state that holding a current national certification or recognition award may fulfill all CE requirements, which does not include a provision to require inclusion of health equity or any other Washington-specific mandated CE. Amending this rule is needed to ensure osteopathic physicians are aware that they are required to take the health equity training requirement and all other legislatively mandated CE.

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 Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email osteopathic@doh.wa.gov, website www.doh.wa.gov/osteo.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153 and select "Osteopathic Board."

January 30, 2024
U. James Chaney
Executive Director

**WSR 24-04-078
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed February 5, 2024, 9:12 a.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 22-15-050 on July 15, 2022 (chapter 388-14A WAC), regarding making the administrative support establishment process more efficient [by] implementing ESSB 6037 (chapter 6, Laws of 2018). The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 24-04-087

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed February 6, 2024, 8:00 a.m.]

Subject of Possible Rule Making: WAC 458-20-182 Warehouse businesses and 458-20-XXX Warehouse and grain elevators and distribution centers exemption—Remittance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2), 82.32.300, 82.04.280, 82.08.820, and 82.12.820.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-182; the purpose of this rule-making effort is to update the definitions for "storage warehouse" and "warehouse" to match the definitions in RCW 82.04.280 and 82.08.820. Additionally, this rule-making effort adds subsections regarding dry stack storage, portable self-storage containers, prescription drug warehousing, and other rules to reference. Other changes have been made to enhance readability of the rule. WAC 458-20-XXX; the purpose of this rule-making effort is to provide information about the qualifying criteria, application, and documentation requirements for the retail sales and use tax exemptions provided in RCW 82.08.820 and 82.12.820, respectively.

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: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Perry Stern, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-524-1588, fax 360-534-1606, TTY 800-833-6384, email PerryS@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Perry Stern using one of the contact methods above. Written and oral comments will be accepted at the public meeting on Tuesday, March 19, 2024, at 10:00 a.m. This meeting will be conducted over the internet/telephone. Contact Barbara Imperio at BarbaraI@dor.wa.gov for dial-in/login information.

February 6, 2024
Brenton Madison
Rules Coordinator

WSR 24-04-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 6, 2024, 9:50 a.m.]

Subject of Possible Rule Making: Create a chapter in Title 296 WAC regarding fire resistant materials applicator.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.105.040, 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries' (L&I) division of occupational safety and health (DOSH) is required to implement and enforce SHB 1323 passed by the Washington state legislature in the 2023 session. SHB 1323, codified under chapter 49.105 RCW, requires a training and certification program be created for individuals who apply fire-resistant materials and provides for enforcement. The training must be provided by an apprenticeship program registered with the Washington state apprenticeship and training council, fire-resistant material manufacturers, or other certified training providers approved by DOSH. Fire protection measures are critical design elements to control the spread of fire and help protect structural steel, contain fire, and limit damage.

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 the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after rule language is proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Arthur Wagner, L&I, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-4233, fax 360-902-5619, email Arthur.Wagner@lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity>.

February 6, 2024
Joel Sacks
Director

WSR 24-04-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed February 7, 2024, 10:10 a.m.]

Subject of Possible Rule Making: WAC 110-425-0030 Definitions, 110-425-0080 Children eligible for enrollment, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.505, 43.216.512, 43.216.5052; and E2SSB 5237, chapter 199, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fair Start for Kids Act (E2SSB 5237) directs the department of children, youth, and families to establish a definition of an Indian child that will be used for early childhood education and assistance program (ECEAP) enrollment. The definition will include federally and nonfederally recognized tribal members and increase clarity around which children are eligible for enrollment as an Indian child into ECEAP programming. The definition needs to be in rule by July 1, 2024.

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: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nicole Parker, phone 360-338-5162, email nicole.parker@dcyf.wa.gov, website www.dcyf.wa.gov; or Amy Emerson, phone 360-972-5385, email amy.emerson@dcyf.wa.gov, website www.dcyf.wa.gov.

February 7, 2024
Brenda Villarreal
Rules Coordinator

WSR 24-04-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed February 7, 2024, 10:55 a.m.]

Subject of Possible Rule Making: WAC 36-12-195 License fees, renewals and requirements, 36-13-010 License fees, renewals and requirements, 36-14-110 License fees, renewals and requirements, 308-11-030 Auctioneer fees, 308-14-200 Court reporter fees, 308-17-150 Private investigative agency, private investigator, and armed private investigator fees, 308-18-150 Private security guard company, private security guard, and armed private security guard fees, 308-19-130 Bail bond recovery agent, bail bond agency, branch office and bail bond agent fees, 308-20-210 Fees, 308-22-050 Fees, 308-33-105 Employment agency fees, 308-70-130 Fees, 308-127-160 Fees, 308-129-110 Seller of travel registration fees, 308-312-060 Fees, 308-320-050 Registration fees, 308-320-060 Annual renewal dates, forms, and fees, 308-320-070 Charges and fees, 308-408A-090 Home inspector fees, and 308-420-240 Fees and charges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses —Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (department) is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Current fees are insufficient to sustain these programs. The department is considering fee increases that would go into effect in the summer of 2024.

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 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov; or Katherine McDaniel, P.O. Box 9020, Olympia, WA 98507, phone 360-634-5238, email kcmcdaniel@dol.wa.gov.

February 7, 2024
Ellis Starrett
Rules and Policy Manager

**WSR 24-04-102
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed February 7, 2024, 10:56 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for chapter 308-124 WAC filed as WSR 24-03-164 on January 24, 2024.

Ellis Starrett
Rules Coordinator

WSR 24-04-103

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed February 7, 2024, 10:57 a.m.]

Subject of Possible Rule Making: Chapter 308-124 WAC, Real estate—Definitions and brief adjudicative proceedings; and chapter 308-124C WAC, Real estate—Records and responsibilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041 Director—General powers and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing is considering rule making to define "as soon as reasonably practical" related to the timeline for entering into a written services agreement, per SSB 5191 passed during the 2023 legislative session, and other rule changes as identified during chapter rule review.

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 98513, phone 360-902-0131, email rulescoordinator@dol.wa.gov; or Catharine Naegeli, 405 Black Lake Boulevard S.W., Olympia, WA 98502, phone 360-664-1891, email catharine.naegeli@dol.wa.gov.

February 7, 2024

Ellis Starrett

Rules and Policy Manager

WSR 24-04-105
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed February 7, 2024, 11:11 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 amend Title 434
WAC in accordance with state and federal law and update and clarify
procedures for consistency in county elections offices 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 98504-0229, 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
98504-0229, phone 360-725-5788, fax 360-664-4619, email
victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

February 7, 2024
Amanda Doyle
Chief of Staff