

WSR 24-11-003
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 24-03—Filed May 2, 2024, 8:24 a.m.]

Subject of Possible Rule Making: Chapter 173-18 WAC, Shoreline Management Act—Streams and rivers constituting shorelines of the state; chapter 173-20 WAC, Shoreline Management Act—Lakes constituting shorelines of the state; chapter 173-22 WAC, Adoption of designations of shorelands and wetlands associated with shorelines of the state; chapter 173-26 WAC, State master program approval/amendment procedures and master program guidelines; and chapter 173-27 WAC, Shoreline management permit and enforcement procedures.

The department of ecology (ecology) is amending chapters 173-26 and 173-27 WAC to:

- Comply with the Shoreline Management Act (chapter 90.58 RCW) and address issues that have been identified through the review, adoption, and implementation of shoreline master programs (SMPs). These revisions will provide clarity around SMP approval/amendment procedures and permit and enforcement procedures. Additional amendments may be included for clarity.
- Add requirements for local governments to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Ecology is also amending chapters 173-18 and 173-20 WAC to update the list of streams, rivers, and lakes in completed SMP updates and amending chapter 173-22 WAC to clarify designations of shorelands and wetlands associated with shorelines of the state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.58.060 Review and adoption of guidelines—Public hearings, notice of—Amendments, 90.58.200 Rules and regulations, 90.58.630 Shoreline master programs—Impact of sea level rise and storm severity.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is considering amendments to chapters 173-22, 173-26, and 173-27 WAC pursuant to RCW 90.58.060 as part of our periodic review and update of these rules. Ecology intends to provide clarity around these WAC sections to facilitate effective shoreline planning and permit implementation, compliance, and enforcement at the local level. Amendments to chapter 173-22 WAC will clarify definitions and designation criteria for shorelands and wetlands associated with shoreline of the state.

In addition, we will amend chapter 173-26 WAC to implement E2SHB 1181, which amends the Shoreline Management Act (chapter 90.58 RCW). RCW 90.58.630 requires ecology to update its SMP guidelines to address sea level rise and storm severity in SMPs managed by local governments. Ecology will also consider amendments to chapters 173-22 and 173-27 WAC to address sea level rise and storm severity.

Ecology is also amending chapters 173-18 and 173-20 WAC consistent with update requirements within these rules to remove the lists of streams, rivers, and lakes for each county that has already comprehensively updated its SMP. Updated SMPs contain the accurate lists of shoreline waterbodies; we intend to update lists from these WAC for the counties that have completed SMP comprehensive updates to align lists in WAC and the SMPs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington

state department of commerce (commerce) establishes requirements for how local governments must address climate resilience in comprehensive planning. We are coordinating with commerce. Local governments regulate uses and developments on shorelines under the Shoreline Management Act. We will be coordinating with local governments.

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 Rebecca Rothwell, Department of Ecology, Shorelands and Environmental Assistance Program, 300 Desmond Drive, Lacey, WA 98503, phone 360-810-0025, for Washington relay service or TTY call 711 or 877-833-6341, email SMARulemaking@ecy.wa.gov, website <https://Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-26-27-Shoreline-Management-Act>. Sign up to receive notifications through GovDelivery at https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_324.

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.

April 22, 2024

Joenne McGerr

Shorelands and Environmental Assistance Program Manager

WSR 24-11-004

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed May 2, 2024, 12:12 p.m.]

Subject of Possible Rule Making: WAC 182-530-7150 Reimbursement—Compounded prescriptions, and 182-530-8150 Reimbursement—Automated maximum allowable cost (AMAC); 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 removing all instances of "automated maximum allowable cost" and "AMAC" from WAC 182-530-7150 and repealing WAC 182-530-8150. HCA is no longer using AMAC as a reimbursement method. 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: Not applicable.

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 Wendy Steffens, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-5145, fax 360-586-9727, TRS 711, email wendy.steffens@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 2, 2024
Wendy Barcus
Rules Coordinator

WSR 24-11-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Examining Board of Psychology)
[Filed May 2, 2024, 12:20 p.m.]

Subject of Possible Rule Making: Psychologist licensure requirements; implementation of legislation, lowering barriers to licensure, streamline credentialing, and other updates.

Amending chapter 246-924 WAC, Psychologists, and possibly repealing or creating new sections. The examining board of psychology (board) is considering rule amendments to implement recent legislation, including 2SHB 1724 (chapter 425, Laws of 2023) and E2SHB 2247 (chapter 371, Laws of 2024). To implement this legislation, the board will consider (1) lowering or removing barriers to entering and remaining in the behavioral health care workforce, (2) measures to streamline and shorten the credentialing process, (3) establishing a psychological associate license, (4) amending the licensure process for experienced psychologists licensed outside of Washington, and (5) other amendments to the chapter as appropriate. This may include streamlining the licensure process for graduates of non-American Psychological Associate (APA) programs and addressing other issues raised by the board, partners, or interested parties.

Additionally, this rule-making project will continue work started under WSR 23-06-041, under which the board began considering amendments related to licensure requirements, changes to the national examination, supervision requirements, the role of technology and telepsychology in the profession, additional options for sanctions, and other topics. These rule projects are being combined for efficiency, because both involve many of the same rule sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050, 18.130.800; 2SHB 1724 (chapter 425, Laws of 2023), and E2SHB 2247 (chapter 371, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to implement recent legislation. During the 2023 legislative session, 2SHB 1724 specifically directed the board to complete rule making to remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing process. Later, during the 2024 legislative session, E2SHB 2247 created the new psychological associate license and granted the board rule-making authority to waive licensure requirements for experienced psychologists licensed in a different jurisdiction. Rule making is necessary to amend existing licensure requirements and comply with new legislation.

Additionally, rule making may be necessary to align current rules with new developments within the profession, such as current APA accreditation standards, changes to the national examination, the increasing use of remote technologies to provide education and supervision, telepsychology treatment, professional association requests for expanded sanction options, and other issues raised by the board and the public. The board may also consider making housekeeping changes to clarify and streamline the rules as appropriate.

Incorporating changes into rule will provide clarity for licensees and allow the board to consistently uphold standards that protect public safety.

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 Nancy Delgado, P.O. Box 47850 Olympia, WA 98504-7850, phone 360-236-4951, TTY 711, email psychology@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in drafting the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use the GovDelivery examining board of psychology 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 "Examining Board of Psychology." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

May 2, 2024
Cedar O'Donnell, Ph.D., Chair
Examining Board of Psychology

**WSR 24-11-007
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed May 2, 2024, 1:35 p.m.]

The Washington department of fish and wildlife (department) is withdrawing its preproposal under WSR 24-07-016, filed on March 8, 2024. The department filed a new preproposal on this topic on March 1, 2024.

Scott Bird
Rules Coordinator

WSR 24-11-008
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed May 3, 2024, 10:06 a.m.]

Subject of Possible Rule Making: WAC 4-30-010 Definitions, 4-30-024 Public records, 4-30-034 Responding to board inquiries, 4-30-040 Integrity and objectivity, 4-30-042 Independence, 4-30-044 Contingent fees, 4-30-045 Commission and referral fees, 4-30-046 General standards, 4-30-048 Compliance with standards, 4-30-049 Accounting principles, 4-30-050 Confidential client information, 4-30-052 Acts discreditable, 4-30-054 Advertising and other forms of solicitation, 4-30-056 Form of organization and name, 4-30-070 What are the experience requirements in order to obtain a CPA license?, 4-30-090 Must an out-of-state individual holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?, 4-30-112 In state and out-of-state firm licensing requirements, 4-30-114 How do I apply for and maintain a firm license?, 4-30-130 Quality assurance review (QAR) requirements for licensed CPA firms, 4-30-132 Qualifying continuing professional education (CPE) activities, and 4-30-142 Disciplinary actions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy proposes amending rules for the following reasons (rules may appear in more than one category):

(1) Align the rules with HB 1920 RCW revisions. On March 7, 2024, Governor Inslee signed into law, HB 1920, which is effective June 6, 2024. WAC 4-30-010, 4-30-034, 4-30-040, 4-30-042, 4-30-044, 4-30-045, 4-30-046, 4-30-048, 4-30-049, 4-30-050, 4-30-052, 4-30-054, 4-30-056, 4-30-070, 4-30-090, 4-30-112, 4-30-114, 4-30-130, and 4-30-142.

(2) Provide guidance to consumers regarding client records. WAC 4-30-052.

(3) Clarify the basis for the board to impose discipline and move any exceptions into the professional conduct rules. WAC 4-30-040, 4-30-042, 4-30-044, 4-30-045, 4-30-046, 4-30-048, 4-30-049, 4-30-050, 4-30-052, 4-30-054, 4-30-056, and 4-30-142.

(4) Update the quality assurance review (QAR) requirements. WAC 4-30-130.

(5) Update to gender neutral pronouns. WAC 4-30-024, 4-30-040, 4-30-049, 4-30-132, and 4-30-142.

(6) Rename the rule. WAC 4-30-070, 4-30-090, and 4-30-114.

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

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov/>.

May 3, 2024
Michael J. Paquette, CPA
Executive Director

WSR 24-11-009

PREPROPOSAL STATEMENT OF INQUIRY

BOARD OF ACCOUNTANCY

[Filed May 3, 2024, 10:11 a.m.]

Subject of Possible Rule Making: WAC 4-30-057 Limitations on CPA inactive and CPA retired and 4-30-058 Other authorized titles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy proposes amending WAC 4-30-058 to clarify authorized title usage.

The board of accountancy proposes adoption of new WAC 4-30-057 to provide guidance on CPA inactive and CPA retired.

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

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov/>.

May 3, 2024

Michael J. Paquette, CPA
Executive Director

WSR 24-11-022
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 7, 2024, 9:15 a.m.]

Subject of Possible Rule Making: Chapter 296-831 WAC, Adult entertainer safety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.17 RCW; RCW 49.17.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will implement the requirements of section 1 of ESSB 6105 (chapter 304, Laws of 2024) codified under RCW 49.17.470. Specifically, this rule making will address some of the following:

- Requirements that an adult entertainment establishment provide certain trainings;
- Requirements that an adult entertainment establishment provide accessible panic buttons, and must submit annual proof of compliance and panic button maintenance to the department of labor and industries (L&I);
- Requirement that an adult entertainment establishment must have written policies and procedures for implementation of the block list and panic buttons requirements, and must make such policies, procedures, and any other related records available for inspection by L&I upon request;
- Requirements for security personnel availability, task dedication, and when additional security may be needed; and
- Other areas in chapter 296-831 WAC may require amendments based on this rule making.

Other requirements of ESSB 6105 related to adult entertainment establishments are enforced by L&I's fraud prevention and labor standards (FPLS) division and those requirements are being adopted under a separate, but coordinated, rule-making effort.

ESSB 6105 becomes effective January 1, 2025.

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

Process for Developing New Rule: Stakeholder meetings will be held to allow those affected by the rule to provide input prior to the rule proposal being filed. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are 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 Cynthia Ireland, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-791-5048, fax 360-902-5619, email Cynthia.Ireland@Lni.wa.gov, website <https://www.Lni.wa.gov/rulemaking-activity/>.

May 7, 2024
Joel Sacks
Director

WSR 24-11-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 7, 2024, 9:18 a.m.]

Subject of Possible Rule Making: Labor standards for adult entertainment establishments; new section under chapter 296-128 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6105, to be codified under chapter 49.46 RCW, addresses protections for entertainers at adult entertainment establishments. ESSB 6105 includes the following labor standard requirements for an adult entertainment establishment:

- Apply leasing or other fees equally to all entertainers in an establishment, be stated in a written contract, and continue for at least three months;
- May not charge an entertainer any fees or interest for late or nonpayments, for failure to appear at a scheduled time, or that result in the entertainer carrying forward an unpaid balance from any previously incurred leasing fee;
- May not charge a leasing fee in an amount greater than the entertainer receives during the period of access or usage; or within an eight-hour period, any leasing fee that exceeds the lesser of \$150 or 30 percent of amounts collected by the entertainer for nonprivate performance areas and 30 percent of amounts collected by the entertainer for private performance areas;
- If charging a leasing fee, the contract must include a method for estimating the total amounts collected by the entertainer in any eight-hour period;
- Must display signage in designated areas on forbiddance of entertainers surrendering any tips or gratuities;
- May not take adverse action against an entertainer in response to the entertainer's use or collection of tips or gratuities; and
- Provide an entertainer with written notice of the reason or reasons for any termination or refusal to rehire the entertainer within 10 business days.

Chapter 49.46 RCW provides for the department of labor and industries (L&I) enforcement of the above requirements.

L&I's fraud prevention and labor standards (FPLS) division must adopt rules under WAC to implement and enforce these requirements related to adult entertainment establishments.

Other requirements related to adult entertainment establishments are enforced by L&I's division of occupational safety and health and those requirements are being adopted under a separate, but coordinated, rule-making effort.

ESSB 6105 becomes effective January 1, 2025.

Process for Developing New Rule: Stakeholder meetings will be held to allow those affected by the rule to provide input prior to the rule proposal being filed. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after the rules are proposed by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bridget Osborne, Administrative Regulations Analyst, L&I, FPLS, Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone 360-902-5552, email esrules@lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

May 7, 2024
Joel Sacks
Director

WSR 24-11-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 7, 2024, 3:26 p.m.]

Subject of Possible Rule Making: Implementing chapter 319, Laws of 2024, flexible and part-time work for general and limited authority Washington peace officers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; and chapter 319, Laws of 2024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making necessary changes to implement chapter 319, Laws of 2024, which allows law enforcement agencies to have general and limited authority and Washington peace officers to work part-time while remaining eligible for law enforcement officers' and fire fighters' benefits.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

May 7, 2024
Bianca Stoner
Rules Coordinator

WSR 24-11-035
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 8, 2024, 10:27 a.m.]

Subject of Possible Rule Making: Title 314 WAC; the Washington state liquor and cannabis board (LCB) is considering amending WAC 314-55-115(1) and amending, repealing, or creating other sections of Title 314 WAC as necessary to allow cannabis licensees who buy cannabis from other cannabis licensees more flexibility than currently exists when paying via check. Rules currently require the check to be provided prior to or at the time of delivery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.328, 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: LCB accepted a petition for rule making on March 29, 2023, requesting amendment of WAC 314-55-115(1) to allow checks to be mailed up to three days after delivery. By amending the rule and allowing more leeway when paying via check, cannabis licensees may have increased flexibility in payment arrangements with vendors, in an industry where access to banking is difficult if not impossible due to Federal prohibition.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daniel Jacobs, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

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

May 8, 2024
David Postman
Chair

WSR 24-11-044
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed May 9, 2024, 11:30 a.m.]

Subject of Possible Rule Making: WAC 484-10-035 Veterans' affairs advisory committee (VAAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.60A.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will update outdated language, address changes in meeting structure, acknowledge homes liaisons and community town halls, and update the process for removing a VAAC member as a result of not attending regular meetings.

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 Heidi Audette, 1102 Quince Street S.E., phone 360-791-8966, fax 360-725-2197, TTY 360-725-2199, email heidia@dva.wa.gov, website <https://www.dva.wa.gov/wacs-rulemaking>.

May 8, 2024

Heidi Audette

Communications and Legislative Director

WSR 24-11-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
VETERANS AFFAIRS

[Filed May 9, 2024, 11:33 a.m.]

Subject of Possible Rule Making: WAC 484-50-010 Public records.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 42.56.440, 43.60A.290.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The updated rules are consistent with language
changes to RCW 42.56.440 and 43.60A.290.

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 Heidi Audette, 1102 Quince Street S.E., phone 360-791-8966,
fax 360-725-2197, TTY 360-725-2199, email heidia@dva.wa.gov, website
<https://www.dva.wa.gov/wacs-rulemaking>.

May 8, 2024

Heidi Audette

Communications and Legislative Director

WSR 24-11-049

PREPROPOSAL STATEMENT OF INQUIRY

BOARD OF ACCOUNTANCY

[Filed May 10, 2024, 9:00 a.m.]

Subject of Possible Rule Making: WAC 4-30-053 Client records.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The board of accountancy proposes adoption of WAC
4-30-053 to provide guidance to consumers regarding client records.

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

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 Kirsten Donovan, Rules Coordinator, Washington State Board
of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone
360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email
Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov/>.

May 10, 2024

Michael J. Paquette, CPA
Executive Director

WSR 24-11-050
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket U-240281—Filed May 10, 2024, 2:05 p.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (UTC) is directed, under ESHB 1589 (chapter 351, Laws of 2024), to adopt rules to implement consolidated planning requirements for large combination electric and natural gas utilities that allow for integrated system plans that may include existing statutorily required plans. UTC is also directed to adopt by rule a cost test for emissions reduction measures achieved by large combination utilities to comply with state clean energy and climate policies. This rule making is recorded as Docket U-240281 at UTC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.280.030, 19.280.040, 19.285.040, 19.285.080, 19.405.060, 19.405.100, 80.28.130, 80.01.040, 80.28.365, 80.28.380, 80.28.425; chapter 351, Laws of 2024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are required to implement ESHB 1589. The rules will provide guidance for large combination utilities in how to consolidate existing plans and goals into an integrated system plan, as provided in ESHB 1589, that may encompass the Energy Independence Act, Clean Energy Transformation Act, gas company conservation targets, electric utility resource plans and clean energy action plans, transportation electrification plans, multiyear rate plans, and pipeline safety and replacement plans. Rules will also establish a cost test for emissions reduction measures achieved by large combination utilities to comply with state clean energy and climate policies.

Process for Developing New Rule: UTC will ask for initial written comments on the CR-101 and will conduct an initial workshop. UTC will request additional comments on draft rules prior to a second workshop and drafting proposed rules in the CR-102 phase.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Killip, Executive Director and Secretary, 621 Woodland Square Loop S.E., Lacey, WA 98503, phone 360 664-1173, fax 360-586-1150, TTY 1-800-833-6384 or 711, email records@utc.wa.gov, website www.utc.wa.gov/e-filing.

May 10, 2024
Jeff Killip
Executive Director and Secretary

**WSR 24-11-056
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed May 13, 2024, 1:10 p.m.]

This memo serves as notice that the examining board of psychology (board) is withdrawing the preproposal statement of inquiry CR-101 for psychology licensing requirements in WAC 246-924-010, 246-924-043, 246-924-046, 246-924-047, 246-924-049, 246-924-053, 246-924-056, 246-924-059, 246-924-070, 246-924-100, 246-924-493, and 246-924-495, which was filed February 23, 2023, and published as WSR 23-06-041.

The board is withdrawing this CR-101 because recent legislation has required the board to adopt rules on additional topics, including a new credential type. For the sake of efficiency, the board will withdraw WSR 23-06-041 and complete all necessary rule making under a new rule package.

Individuals requiring information on this rule should contact Nancy Delgado, email psychology@doh.wa.gov, or phone 360-236-4951.

Tami M. Thompson
Regulatory Affairs Manager

WSR 24-11-058
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 13, 2024, 1:27 p.m.]

Subject of Possible Rule Making: Testing requirements for proprietary treatment products in WAC 246-272A-0110. The department of health (department) is considering to amend WAC 246-272A-0110, Table I, Category 2 to add NSF/ANSI 40 testing for Category 2 products.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 (3) and (4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Category 2 products treat high-strength sewage from restaurants and other facilities that generate high levels of oil and grease. Prior to the recent rule revision, the rule required testing for Category 2 products under the EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies/EPA Environmental Technology Verification (April 2001). This protocol tested for organic sewage strength (CBOD5), suspended solids (TSS), and oil and grease. EPA archived this testing protocol in 2013. During the recent rule revision, the EPA Method 1664, Revision B (February 2010) testing was adopted for Category 2 systems to treat oil and grease. However, this recommendation neglected to assure that Category 2 products are also tested for organic sewage strength (CBOD5) and suspended solids (TSS). A manufacturer provided formal comment highlighting this oversight and recommended Category 2 products instead be tested with NSF/ANSI 40 - Residential Wastewater Treatment Systems (versions dated between January 2009 and May 31, 2021). The department will consider if Category 2 products should be tested by both EPA Method 1664, Revision B (February 2010) and NSF/ANSI 40 - Residential Wastewater Treatment Systems (versions dated between January 2009 and May 31, 2021) to ensure the product is tested for organic sewage strength (CBOD5), suspended solids (TSS), and oil and grease.

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 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 Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, TTY 711, email peter.beaton@doh.wa.gov, website www.doh.wa.gov; or Jeremy Simmons, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3346, TTY 711, email jeremy.simmons@doh.wa.gov, website www.doh.wa.gov.

May 13, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-11-063

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 13, 2024, 5:25 p.m.]

Subject of Possible Rule Making: WAC 51-11C-40314, 2021 Washington State Energy Code, Commercial Provisions, Use of electric resistance and fossil fuel-fired HVAC heating equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.020, 19.27A.025, and 19.27A.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The building code council was petitioned to amend Items 5 and 7 of Section C403.1.4 in the 2021 Washington State Energy Code, Commercial Provisions, to consider the inclusion of other than electric resistance heaters as supplemental heating for air-to-air heat pumps and ground source heat pumps.

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: Stakeholder and subject matter expert technical advisory group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9278, email sbcc@des.wa.gov, website sbcc.wa.gov.

May 10, 2024
Daimon Doyle
Council Chair

WSR 24-11-067
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 14, 2024, 11:40 a.m.]

Subject of Possible Rule Making: Expiration date for organization licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 9.46.070 authorizes the gambling commission (commission) to issue licenses for a period not to exceed one year to certain organizations. Currently, those licenses expire at the end of a quarter, depending on when their license was initially approved. However, this caused some difficulties when the commission adjusted annual license fees in June 2023. Because of the quarterly expiration of organizational licenses, it took nine months before all organizational licensees began paying the adjusted license fees. Additionally, it currently takes 13 months from the implementation of the rule change for all licensees to be subject to the adjusted gross gambling receipts rate and 22 months (April 30, 2025) to receive a full year of revenue from the adjusted rates. This lengthy process creates extreme challenges in forecasting cash flow and collecting adjusted license fees in a timely manner.

Staff are proposing that we initiate rule making to align all organizational license expiration dates to June 30th. This will aid in revenue forecasting as well as simplify implementation and communication to licensees when adjusting license fees in the future. Rule making would take the form of amending existing rules and/or adding additional rules to chapters 230-03, 230-05, and/or 230-06 WAC.

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Adam Amorine, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

May 14, 2024

Adam Amorine

Legal Manager and Rules Coordinator

WSR 24-11-068
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed May 14, 2024, 11:43 a.m.]

Subject of Possible Rule Making: In an effort to modernize technology, the gambling commission (commission) has authorized staff to replace the current legacy IT systems. The commission has authorized staff to identified several chapters of Title 230 WAC that will need to be amended or updated as we approach implementation of the new IT systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule changes will correspond to the new capabilities of the new IT system and will allow for more efficient processes for staff, licensees, and applicants. For example, the new IT systems will allow for electronic submission of documents, electronic notification, and electronic service of documents. These rule changes will likely affect several different WAC chapters including, but not limited to, permitting and licensing rules (chapter 230-03 WAC), fees (chapter 230-05 WAC), rules for all licensees (chapter 230-06 WAC), fund-raising event rules (chapter 230-09 WAC), bingo rules (chapter 230-10 WAC), and hearing rules (chapter 230-17 WAC).

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Adam Amorine, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3440, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

May 14, 2024

Adam Amorine

Legal Manager and Rules Coordinator

WSR 24-11-079
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 15, 2024, 12:28 p.m.]

Subject of Possible Rule Making: WAC 182-546-4700 Ambulance transportation—Ambulance transport fund—Purpose; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.70.901 (SB 5122, chapter 11, Laws of 2023), 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 this rule to extend the expiration date for the ambulance transport fund from July 1, 2024, to July 1, 2028, to align with RCW 74.70.901 (SB 5122, chapter 11, Laws of 2023). 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: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stefanee Hale, Program Questions, P.O. Box 42716, Olympia, WA 98504, phone 360-725-9528, fax 360-586-9727, TRS 711, email Stefanee.hale@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 15, 2024
Wendy Barcus
Rules Coordinator

WSR 24-11-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed May 16, 2024, 10:59 a.m.]

Subject of Possible Rule Making: Updating chapter 110-145 WAC, Licensing requirements for group care facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of children, youth, and families licensing division (LD) is updating chapter 110-145 WAC, Licensing requirements for group care facilities, and any related WAC to align with the D.S. Settlement Agreement. LD will engage in negotiated rule making (NRM) for foster care placements to be more developmentally appropriate and flexible to meet individual youth's needs. The NRM will address the requirements of the settlement, identify areas that need clarification, and make general housekeeping updates.

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 Jason Churchwell, 316 West Boone Avenue, Spokane, WA 99201, phone 509-385-9364, email Jason.churchwell@dcyf.wa.gov, website www.dcyf.wa.gov; or Libby Wagner, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-999-7613, email Elizabeth.wagner@dcyf.wa.gov, website www.dcyf.wa.gov.

May 16, 2024
Brenda Villarreal
Rules Coordinator

WSR 24-11-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed May 17, 2024, 1:48 p.m.]

Subject of Possible Rule Making: Establishing the use of nitrous oxide in office based surgical settings. The Washington medical commission (commission) is considering amending WAC 246-919-601 to exempt the use of nitrous oxide in office-based surgical settings under certain circumstances. Additionally, the commission is considering adding a new subsection to further address the use of nitrous oxide in such settings.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2010, the commission implemented WAC 246-919-601 to enhance patient safety by establishing consistent standards and competency for procedures involving analgesia, anesthesia, or sedation performed in office-based settings. This rule was created to complement new legislation mandating the licensing of ambulatory surgical facilities.

It sets forth specific requirements to ensure patient safety during procedures in a physician's office. These requirements include accreditation or certification of the facility, competency standards, separation of surgical and monitoring functions, written emergency care and transfer protocols, the ability to rescue patients who enter a deeper level of sedation than intended, and the presence or immediate availability of a licensed health care practitioner certified in advanced resuscitative techniques appropriate for the patient's age group.

WAC 246-919-601 (3)(a) provides an explicit exemption from rule requirements for procedures involving only minimal sedation. According to WAC 246-919-601 (2)(e), minimal sedation is restricted to medications administered orally, intranasally, or intramuscularly. In 2020, the commission updated the rule to include "intranasal" in the definition of minimal sedation, allowing for the use of midazolam when sprayed into the nasal cavity. However, the rule does not specify whether the use of nitrous oxide qualifies as minimal sedation and thus exempts it from the rule.

Nitrous oxide, an inhaled anesthetic, produces a sedative effect dependent on the dosage and can be used for procedural sedation, general anesthesia, dental anesthesia, and managing severe acute pain. When used as the sole anesthetic agent at a concentration of 50 percent or less (combined with oxygen), nitrous oxide minimally affects respiration and does not induce muscle relaxation. In this capacity, nitrous oxide induces brief sedation with low risk to the patient, provided specific safeguards are in place.

Given these considerations, the commission is considering classifying the administration of nitrous oxide as minimal sedation, therefore excluding it from WAC 246-919-601. The commission filed an interpretive statement under WSR 23-23-048 Establishing the use of nitrous oxide in office based surgical settings, that lays out these considerations. The purpose of this rule making is to establish the considerations in rule. The commission is also considering adding a new subsection to provide additional guidance for the use of nitrous oxide in office-based surgical settings.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.wa.gov, website <https://wmc.wa.gov>.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

May 16, 2024
Kyle S. Karinen
Executive Director
Washington Medical Commission

WSR 24-11-110
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 20, 2024, 8:13 a.m.]

Subject of Possible Rule Making: WAC 182-550-4400 Services—Exempt from DRG payment; 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 this rule to add gender affirming surgery services to being exempt from diagnosis-related group payment. 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: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Abby Cole, Program Questions, P.O. Box 42716, Olympia, WA 98504, phone 360-725-1835, fax 360-586-9727, TRS 711, email abby.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 20, 2024
Wendy Barcus
Rules Coordinator

WSR 24-11-115
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 20, 2024, 3:40 p.m.]

Subject of Possible Rule Making: WAC 182-550-3800 Rebasng; 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 these rules to provide more general language due to frequent changes of percentages and dollar amounts. 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: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Abby Cole, Program Questions, P.O. Box 42716, Olympia, WA 98504, phone 360-725-1835, fax 360-586-9727, TRS 711, email abby.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 20, 2024
Wendy Barcus
Rules Coordinator

WSR 24-11-117
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2024-01—Filed May 21, 2024, 6:24 a.m.]

Subject of Possible Rule Making: Implementation of SSB 5986 and updates to the Balance Billing Protection Act (BBPA) rules in chapter 284-43B WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.49.110, 48.02.060; amending RCW 48.49.060, section (3), chapter 218, Laws of 2024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5986 was signed into law on March 19, 2024. The legislation adds ground ambulance balance billing protections to BBPA. Rule making is necessary to revise chapter 284-43B WAC to include reference to ground ambulance services. The rules will facilitate the implementation of the law changes by ensuring that affected entities understand their rights and obligations under the new law. Rule making is also necessary to update BBPA rules including, but not limited to, consideration of arbitrator fees and revisions to the arbitration process for arbitration authorized under RCW 48.49.135.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of health (DOH) and the office of the insurance commissioner (OIC) share responsibility for enforcement of violations of the balance billing prohibition. OIC has been and will continue to coordinate with DOH on implementation of these provisions. DOH will be invited to participate in any OIC rule making related to enforcement. The provisions of BBPA also apply to health plans offered through the public employee benefits board and school employees benefits board, which are administered by the Washington state health care authority (HCA). HCA also will be invited to participate in this rule making.

Process for Developing New Rule: Submit comments by June 21, 2024.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

May 21, 2024
Mike Kreidler
Insurance Commissioner

WSR 24-11-123
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 21, 2024, 8:44 a.m.]

Subject of Possible Rule Making: Reporting and classification amendments. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2025 Reporting and classification amendments, classification development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified and amendments will not impact employer rates.

As part of this rule making, the department of labor and industries (L&I) also intends to review these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Also as part of this rule making, L&I intends to respond to legislation that may require implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: L&I will solicit input from the business community by way of the internet. L&I will use input to formulate proposed changes to the existing rules and advise customers of future rule making by the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, email JoAnne.Attwood@Lni.wa.gov, website www.Lni.wa.gov/rulemaking-activity.

May 21, 2024
Joel Sacks
Director

WSR 24-11-126
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2024-02—Filed May 21, 2024, 11:08 a.m.]

Subject of Possible Rule Making: Relating to health care benefit managers (HCBMs) including, but not limited to, implementation of E2SSB 5213 (chapter 242, Laws of 2024).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.200.900, 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 5213 (chapter 242, Laws of 2024) amends state law concerning the business practices of HCBMs and pharmacy benefit managers (PBMs, which are a type of HCBM). The law's provisions address, among other issues, PBM reimbursement to pharmacies for dispensing prescription drugs; consumer access to mail order and retail pharmacies; consumer out-of-pocket costs for prescription drugs; HCBM registration and reporting; and oversight authority of the office of the insurance commissioner (OIC) regarding HCBM registration and operations. Rule making is necessary to revise existing HCBM rules at chapter 284-180 WAC and to ensure that all affected entities understand their rights and obligations under the new law.

In addition, rule making related to HCBMs is necessary to ensure that OIC can effectively oversee HCBMs in light of recent health care industry developments. OIC may revise provisions of chapter 284-180 WAC or chapter 284-170 WAC to accomplish this.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OIC is promulgating regulations that apply to the commercial health plans that it regulates. However, self-funded group health plans, which the United States Department of Labor regulates under the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et. seq.), may elect to participate in sections 5, 7, and 8 of E2SSB 5213, under section 9(2) of E2SSB 5213.

Additionally, chapter 48.200 RCW regulates HCBM contracts under plans offered through the public employee benefits board (PEBB) and the school employees benefits board (SEBB). The Washington state health care authority (HCA) administers the PEBB and SEBB programs. OIC will provide an opportunity for HCA to participate in this rule making.

Process for Developing New Rule: Please submit comments by June 20, 2024.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA 98501, phone 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

May 21, 2024
Mike Kreidler
Insurance Commissioner

WSR 24-11-127

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 21, 2024, 11:16 a.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC, Adoption and amendment of the 2024 International Building Code.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington state building code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to evaluate revisions made to the codes by the national model code organizations, and to consider proposals for state-wide code amendments. The estimated effective date of the 2024 codes is November 1, 2026.

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: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting State Building Code Council Staff, P.O. Box 41449, Olympia, WA 98504-1449, email sbcc@des.wa.gov, website www.sbcc.wa.gov.

May 3, 2024
Daimon Doyle
Council Chair

WSR 24-11-128

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 21, 2024, 11:17 a.m.]

Subject of Possible Rule Making: Chapter 51-52 WAC, Adoption and amendment of the 2024 International Mechanical Code and International Fuel Gas Code with Washington state amendments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The building code council is reviewing the 2024 changes to the national model code and associated codes and standards and soliciting changes to these documents and the existing state amendments: The 2024 International Mechanical Code, the 2024 International Fuel Gas Code, the 2024 National Fuel Gas Code (NFPA 54), and the 2024 Liquefied Petroleum Gas Code (NFPA 58).

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: Technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting State Building Code Council Staff, P.O. Box 41449, Olympia, WA 98504-1449, email SBCC@des.wa.gov, website www.sbcc.wa.gov.

May 21, 2024
Daimon Doyle
Council Chair

WSR 24-11-129

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 21, 2024, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 51-11C WAC, Adoption and Amendments of the 2024 Washington State Energy Code, Commercial.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.025, 19.27A.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council (council) regularly reviews the Washington state building code, as outlined in chapter 51-04 WAC and RCW 19.27A.025, to evaluate revisions made to the codes by the national model code committees, and to consider proposals for statewide code amendments. Additionally, RCW 19.27A.160 directs the council to adopt energy codes that incrementally move towards achieving a 70 percent net energy consumption compared to the 2006 Washington State Energy Code. The estimated effective date of the 2024 codes is November 1, 2026.

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: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting State Building Code Council Staff, P.O. Box 41449, 1500 Jefferson Street S.E., Olympia, WA 98504, email SBCC@des.wa.gov, website www.sbcc.wa.gov.

May 21, 2024
Daimon Doyle
Council Chair

WSR 24-11-130

PREPROPOSAL STATEMENT OF INQUIRY

BUILDING CODE COUNCIL

[Filed May 21, 2024, 11:22 a.m.]

Subject of Possible Rule Making: Chapter 51-54A WAC, Amendment of the 2024 International Fire Code.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington state building code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to evaluate revisions made to the codes by the national model code organizations, and to consider proposals for state-wide code amendments. The estimated effective date of the 2024 codes is November 1, 2026.

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: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting State Building Code Council Staff, P.O. Box 41449, Olympia, WA 98504-1449, email SBCC@des.wa.gov, website www.sbcc.wa.gov.

May 21, 2024
Daimon Doyle
Council Chair

WSR 24-11-131
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2024-03—Filed May 21, 2024, 11:24 a.m.]

Subject of Possible Rule Making: Implementation of E2SHB 1357 (2023) and SSB 6228 (2024) and updates to prior authorization rules, prior authorization modernization and substance use disorder treatment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.0161, 48.43.520, 48.43.761, 48.43.762; and section 11, chapter 366, Laws of 2024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the legislature modernized prior authorization processes to prevent delays in care and improve health outcomes. To implement those objectives, the office of the insurance commissioner (OIC) will resume its proposed rule making on prior authorization revisions from last year's E2SHB 1357 (RCW 48.43.830) and will include the corresponding mental health-related utilization management requirements from this year's 2SSB 6228 (chapter 366, Laws of 2024). Multiple provisions within chapter 284-43 WAC need amendments to be consistent with the enacted legislation. This rule-making package will recommence at the CR-101 phase.

This effort may include, but is not limited to: (1) Updating prior authorization review time frames, clinical review criteria, and prior authorization processes; (2) updating the initial authorization requirements for substance use disorder treatment; and (3) clarifying what may be considered when determining medical necessity for substance use disorder treatment.

This proposed rule making will ensure that necessary rules are adopted by OIC in a timely manner. These proposed rules will facilitate implementation of these laws by ensuring that all affected health care entities understand their rights and obligations under the new laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OIC is promulgating administrative regulations related to the commercial plans that it regulates. However, there are other state agencies that may be affected by the legislation requiring this rule making. The state department of health (DOH) and health care authority (HCA) are affected by the new prior authorization legislation. HCA and OIC also have statutory duties related to the legislation concerning substance use disorder treatment.

Therefore, OIC will coordinate this rule making with the state DOH and HCA by offering notices and opportunities for written comment or feedback with multiple participation forums. The new prior authorization law also requires coordination with the federal Centers for Medicare and Medicaid Services interoperability and prior authorization rule, so OIC will continue to regularly monitor that rule implementation and guidance.

Process for Developing New Rule: Please submit comments by June 21, 2024.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA

98501, phone 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email
rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

May 21, 2024
Mike Kreidler
Insurance Commissioner

WSR 24-11-132
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 21, 2024, 11:28 a.m.]

Subject of Possible Rule Making: WAC 182-550-3830 Adjustments to inpatient rates, 182-550-7550 OPPS payment enhancements; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.5225 (3)(a), 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 these rules to reduce the sole community hospital rate multiplier to 1.25, effective July 1, 2024. 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: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Craig, Program Questions, P.O. Box 42716, Olympia, WA 98504, phone 360-725-0938, fax 360-586-9727, TRS 711, email melissa.craig@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 21, 2024
Wendy Barcus
Rules Coordinator

WSR 24-11-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 21, 2024, 1:28 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to amend WAC 388-400-0030 Who is eligible for refugee cash assistance?, 388-424-0001 Citizenship and immigration status—Definitions, 388-424-0006 Citizenship and alien status—Date of entry, 388-424-0015 Immigration eligibility restrictions for the SFA, ABD cash, and PWA programs, 388-424-0020 How does my alien status impact my eligibility for federally funded Basic Food benefits?, 388-424-0030 How does my immigration status impact my eligibility for state-funded benefits under the food assistance program?, 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?, 388-466-0005 Immigration status requirements for refugee cash assistance, 388-466-0120 Refugee cash assistance (RCA), and 388-466-0150 Refugee employment and training services.

During the course of this rule making, the department may amend or adopt 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, 74.04.510, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will update definitions related to federal benefits for certain immigration statuses, and clarify eligibility information for refugee cash assistance, refugee employment and training services, and the additional requirements for emergent needs (AREN) program. 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: None.

Process for Developing New Rule: the department welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. 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 Yein Pyo, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-819-0335, fax 360-725-4905, email yein.pyo@dshs.wa.gov.

May 21, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-11-148

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 24-01—Filed May 22, 2024, 7:45 a.m.]

Subject of Possible Rule Making: The Washington department of ecology (ecology) started a rule making to develop new chapter 173-339 WAC, Cosmetic products restrictions. Ecology is conducting this rule making to:

- Make cosmetics safer for consumers and the environment.
- Reduce consumers' and workers' exposure to formaldehyde.
- Address the disproportionate harms caused by cosmetic products in overburdened communities and vulnerable populations.
- Reduce the amount of formaldehyde entering the environment.

Under the authority of chapter 70A.560 RCW, Toxic-Free Cosmetics Act, ecology may adopt a rule that identifies chemicals used in cosmetic products that release formaldehyde (formaldehyde releasers) and adopt restrictions for the identified formaldehyde releasers. This rule may include:

- Restrictions that apply to the use of specified formaldehyde releasers used in cosmetic products.
- Allowances for products currently in the chain of commerce—stockpiled or available for purchase.
- Compliance schedules.
- Definitions of key terms such as "intentionally added."
- Other requirements or restrictions allowed by law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.560 RCW, Cosmetic products—Toxic chemical.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: People use cosmetic products every day to clean their bodies or alter their appearance. Cosmetic products include items such as makeup, perfume, shampoo, hair gels, body wash, deodorant, hand lotion, and shaving cream. These products can contain chemicals that are toxic to people and the environment.

In the Chemicals in Cosmetics Used by Washington Residents Report (January, 2023), ecology and the department of health found that many cosmetic products contain toxic chemicals. Some products disproportionately marketed to women of color, such as hair relaxers and skin lightening creams, often contain toxic chemicals.

Some chemicals used in cosmetic products release formaldehyde, which exposes people to the chemical when they use the product. Formaldehyde can cause cancer, harm brain function, increase the risk of asthma, and irritate eyes and skin. Exposure can also lead to allergic reactions. Cosmetic products also can release formaldehyde into indoor and outdoor air. Formaldehyde can also enter wastewater streams as products are washed down the drain.

In 2023, Washington state adopted chapter 70A.560 RCW to ensure the safety of cosmetic products and protect Washington residents from toxic exposure. The law:

- Restricts the manufacture, sale, and distribution of cosmetic products containing nine chemicals or chemical classes.
- Directs ecology to assess the hazards of chemicals or chemical classes that can provide the same or similar function as the re-

stricted chemicals or chemical classes and make that information available to the public.

- Directs ecology to implement initiatives to support small businesses that manufacture cosmetic products, and to support independent cosmetologists and small businesses that provide cosmetology services in efforts to transition to safer cosmetic products.
- Authorizes ecology to adopt a rule that restricts the use of specified formaldehyde releasers in cosmetic products.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Environmental Protection Agency regulates toxic chemicals through the Toxic Substance Control Act. The federal Food and Drug Administration regulates cosmetic products under the authority of the federal Food Drug and Cosmetic Act and the Fair Packaging and Labeling Act. Many states regulate chemicals in consumer products or have proposed regulations. Ecology will consider these regulations when developing requirements and will coordinate with these agencies as necessary.

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 Stacey Callaway, Department of Ecology, Hazardous Waste and Toxics Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-584-5661, Washington relay service or TTY call 711 or 877-833-6341, email ToxicFreeCosmetics@ecy.wa.gov, website rule-making web page.

Additional comments: Get involved in this rule making by: Signing up for email announcements; attending summer webinars. Our next webinar will occur on June 11, 2024. See our events listing web page for more information; or using our online comment form to provide feedback on draft rule requirements, the rule-making process, and our efforts to implement chapter 70A.560 RCW. [Contact agency for links.]

Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of the rule making. Ecology will also complete an environmental justice assessment in compliance with RCW 70A.02.06[0] as part of this rule making.

May 21, 2024

Katrina Lassiter

Hazardous Waste and Toxics Reduction Program Manager

WSR 24-11-158
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed May 22, 2024, 10:50 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (LCB) is amending WAC 314-55-097 and other rules in Title 314 WAC that may be necessary to implement SSB 5376 (chapter 243, Laws of 2024) allowing sales of nonhazardous cannabis waste, including allowing sales of cannabis waste to persons who are not cannabis licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5376 (chapter 243, Laws of 2024); RCW 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are needed to implement SSB 5376 which will allow licensed cannabis producers and processors to sell nonhazardous solid cannabis waste material from their licensed production or processing operations to buyers who are not licensed by LCB.

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

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 Jeff Kildahl, Regulatory Analyst, P.O. Box 43080, Olympia, WA 98504, phone 360-480-7960, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

May 22, 2024
David Postman
Chair

WSR 24-11-159

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed May 22, 2024, 11:06 a.m.]

Subject of Possible Rule Making: The department of licensing (DOL) is considering creating a new chapter and section of rules to implement the requirements of SHB 1996 passed during the 2024 legislative session. These rules will address various topics such as licensing, auditing of company records, and regulatory oversight of recreational vehicle manufacturer and dealer licensees by DOL.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 Rule-making authority; and chapter 87, Laws of 2024 (SHB 1996).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Necessary to implement recently passed legislation and align rules to current policies and practices.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-791-2091, email RulesCoordinator@dol.wa.gov, website dol.wa.gov/about/rulemaking-activity; or Brandon Bannister, 1125 Washington Street N.E., Olympia, WA 98501, phone 360-634-5156, email Brandon.Bannister@dol.wa.gov.

May 22, 2024
Ellis Starrett
Rules and Policy Manager