

**WSR 24-16-001**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed July 24, 2024, 12:02 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to add a new section to WAC 388-106-1000 through 388-106-1055 in the paid private duty nursing (PDN) section of WAC. The new section may be under WAC 388-106-1021, which is related to PDN paid holidays. Currently, PDN providers have been receiving holiday pay and referring to a Washington state employee WAC. PDN providers are not Washington state employees and therefore need to have clarity in this WAC section for paid holidays. During this rule making the department may identify and amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules for PDN providers and PDN holiday pay are unclear. Therefore, paid PDN contracted providers need clarity in WAC that outlines the days for which they will receive holiday pay.

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

Process for Developing New Rule: The department invites interested parties to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kaila O'Dell, 4450 10th Avenue S.E., Lacey, WA 98504, phone 360-915-3396, email [kaila.odell@dshs.wa.gov](mailto:kaila.odell@dshs.wa.gov), website <https://www.dshs.wa.gov/altsa/private-duty-nursing>; or Angela Nottage, 4450 10th Avenue S.E., Lacey, WA 98504, phone 360-725-2323, email [angela.nottage@dshs.wa.gov](mailto:angela.nottage@dshs.wa.gov).

July 24, 2024  
Katherine I. Vasquez  
Rules Coordinator

WSR 24-16-014  
PREPROPOSAL STATEMENT OF INQUIRY  
GREEN RIVER COLLEGE

[Filed July 25, 2024, 2:04 p.m.]

Subject of Possible Rule Making: Green River College is engaging in proposed rule making to update the student conduct code chapter 132J-126 WAC to reflect the adoption of the emergency rules which will be submitted on July 30, 2024.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Green River College is engaging in the rule-making process to maintain compliance with federal and state law as well as to update language and procedures to ensure due process for students and clear processes and procedures for the college. During the permanent rule-making process, Green River College will file emergency rules that will take place on August 1, 2024.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 2024 Title IX Regulations; § [34 C.F.R. Part] 106; 20 U.S.C. 1681 *et seq.*

Process for Developing New Rule: Revised draft of student conduct code will be presented to the following entities for comment: Student government, campus community, assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shawn Percell, 31920 124th Avenue S.E., Auburn, WA 98092, phone 253-887-5404, email [skpercell@greenriver.edu](mailto:skpercell@greenriver.edu), website <https://www.greenriver.edu>; or David Larsen, 31920 124th Avenue S.E., Auburn, WA 98092, email [DLarsen@greenriver.edu](mailto:DLarsen@greenriver.edu), website <https://www.greenriver.edu>.

July 25, 2024

Shawn Percell

Director of Judicial Affairs and Compliance

**WSR 24-16-024**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 26, 2024, 10:48 a.m.]

Subject of Possible Rule Making: WAC 182-502-0002 Eligible provider types; 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 behavioral health support specialist to the list of eligible providers. 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, telecommunications relay service (TRS) 711, email [valerie.freudenstein@hca.wa.gov](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Yvonne Keller, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9993, fax 360-586-9727, TRS 711, email [Yvonne.keller@hca.wa.gov](mailto:Yvonne.keller@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 26, 2024  
Wendy Barcus  
Rules Coordinator

WSR 24-16-030

PREPROPOSAL STATEMENT OF INQUIRY  
EASTERN WASHINGTON UNIVERSITY

[Filed July 27, 2024, 12:58 p.m.]

Subject of Possible Rule Making: Chapter 172-108 WAC, Adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating rules to reflect changes to the student conduct code, chapter 172-121 WAC, and a new code, Discrimination and Title IX violations by students, chapter 172-125 WAC, as well as changes to Title IX procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: These changes are being made to comply with regulations issued by the United States Department of Education.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email [ascharosch@ewu.edu](mailto:ascharosch@ewu.edu), website <https://inside.ewu.edu/policies/>.

July 27, 2024  
Annika Scharosch  
Associate Vice President

**WSR 24-16-046  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Filed July 30, 2024, 12:48 p.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of inquiry for 2023-02 Prior Authorization - Implementation of E2SHB 1357 (2023), published by the code reviser in WSR 23-15-108.

Mike Kreidler  
Insurance Commissioner

**WSR 24-16-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 24-10—Filed July 30, 2024, 2:07 p.m.]

Subject of Possible Rule Making: The Washington department of fish and wildlife (department) is considering amending rules in chapter 220-440 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is seeking to amend rules in chapter 220-440 WAC to clarify and improve the administration of livestock and crop damage claims.

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 Jim Brown, 1111 Washington Street S.E., Olympia, WA 98501, phone 855-925-2801, project code 7249, email 2024cropdamagecr101@publicinput.com, website <https://publicinput.com/2024cropdamagecr101>.

Additional comments: Assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

July 30, 2024  
Scott Bird  
Rules Coordinator

**WSR 24-16-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**MILITARY DEPARTMENT**

[Filed July 30, 2024, 4:26 p.m.]

Subject of Possible Rule Making: Revisions to chapter 118-30 WAC, Local emergency management/services organizations, plans and programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.070 Local organizations and joint local organizations authorized—Establishment, operation—Emergency powers, procedures—Communication plans.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules are dated and based on outdated federal structure. Emergency management agencies within the state agree a revision is needed.

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 stakeholder meetings will be held to discuss changes to WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alexa Bach, 20 Aviation Drive #20, Camp Murray, WA 98430, phone 253-337-1123, email alexa.bach@mil.wa.gov, website <https://mil.wa.gov>; or Katie Spiekermann, 20 Aviation Drive #20, Camp Murray, WA 98430, phone 253-533-1492, email katherine.spiekermann@mil.wa.gov, website <https://mil.wa.gov>.

Additional comments: Emergency planning program and planning criteria will be discussed at stakeholder meetings. A public hearing(s) will be held for further input. A list of interested parties will be maintained by the planning program supervisor and notification of meetings and hearings will be sent to that list.

July 16, 2024  
Alexa Bach  
Planning Program Supervisor

**WSR 24-16-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 31, 2024, 7:56 a.m.]

Subject of Possible Rule Making: Hospital at-home services. The department of health (department) is considering rule making to establish standards for hospital at-home services and implement SHB 2295 (chapter 259, Laws of 2024). The department is considering amending WAC 246-320-010, 246-320-199, and creating a new section or sections in chapter 246-320 WAC to add hospital at-home services as a type of service that can be offered by hospitals, establish standards, and consider creating a fee to cover the costs of regulating the hospital at-home service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, 70.41.030, 70.41.100, and SHB 2295 (chapter 259, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2024, the legislature passed SHB 2295 which directs the department to conduct rule making to establish enforceable standards for hospital at-home services. Hospital at-home services were first provided during the coronavirus disease 2019 (COVID-19) pandemic to expand access and meet the demands for acute hospital beds. Hospitals have been permitted to treat some patients in their home with similar services that would be provided in the hospital, even after the COVID-19 emergency proclamations were rescinded, due to the department's regulatory flexibility and the health needs of Washingtonians. SHB 2295 directs the department to amend chapter 246-320 WAC to include hospital at-home services as a service that may be provided by hospitals so that the service type can be established in rule. The bill also directs the department to establish standards for the operation of a hospital at-home program and provides the secretary the authority to charge a fee to cover the costs associated with regulating the hospital at-home services. SHB 2295 requires that this rule making be completed by December 31, 2025. Rule making is the best approach because it establishes enforceable standards, clear expectations, and is a requirement of SHB 2295.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will inform and align with the federal Centers for Medicaid and Medicare Services and the Washington state health care authority while drafting the hospital at-home rules. This will be accomplished through the department's ongoing involvement with these agencies for hospital at-home services.

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 Tiffani Buck, P.O. Box 47850, Olympia, WA 98504-7850, phone 564-233-1121, TTY 711, email [tiffani.buck@doh.wa.gov](mailto:tiffani.buck@doh.wa.gov) or [ochsfacilities@doh.wa.gov](mailto:ochsfacilities@doh.wa.gov), website [doh.wa.gov](http://doh.wa.gov).

Additional comments: Interested parties can participate in drafting the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the GovDelivery acute care hospital interested parties list. To receive notices, interested persons may 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 la-



beled "Facilities Licensing and Certificate of Need" and then check "Facilities" and "Hospitals." You may check other boxes next to one or more of the facilities or programs listed to receive information regarding those facilities and programs.

July 31, 2024  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 24-16-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed July 31, 2024, 1:47 p.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Registered professional engineers and land surveyor fees; and chapter 196-30 WAC, Fees for on-site wastewater treatment designers and inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035, 18.43.050, 18.43.150, 18.210.050, 18.210.060, 18.210.120, 18.210.140, and 18.210.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.43.150 and 18.210.200 requires the board of registration for professional engineers and land surveyors (board) to "set fees at a level adequate to pay the costs of administering this chapter." It has been over 20 years since fees have been raised for engineers and land surveyors, and over 17 years since fees were raised for on-site septic designers. Fee increases are needed to mitigate the risk of fund balance depletion due to expenses exceeding revenues. Further, the fee increase is moderate and should minimize the risk of over collecting revenues.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of licensing (DOL). The board currently utilizes DOL's Professional On-line Licensing and Regulatory Information System (POLARIS) for the licensing of the professions under the board's purview. Board staff will work with DOL's POLARIS team to ensure timelines are met regarding updating the system with amended fees.

Process for Developing New Rule: Negotiated rule making; and notice will be made to stakeholders and active licensees via the board's contact lists and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and 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 Shanán Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

August 6, 2024  
Ken Fuller  
Director

WSR 24-16-072

PREPROPOSAL STATEMENT OF INQUIRY

COLUMBIA BASIN COLLEGE

[Filed July 31, 2024, 2:16 p.m.]

Subject of Possible Rule Making: Columbia Basin College's (college) student code of conduct, under chapter 132S-100 WAC, and other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the college's student conduct code (code) into compliance with a new final rule governing sex discrimination grievance procedure recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lindsey Carpenter, 2600 North 20th Avenue, Pasco, WA 99301, phone 509-543-1481, fax 509-544-2029, email [lcarpenter@columbiabasin.edu](mailto:lcarpenter@columbiabasin.edu), website [www.columbiabasin.edu](http://www.columbiabasin.edu); or Corey Osborn, 2600 North 20th Avenue, Pasco, WA 99301, phone 509-542-5548, fax 509-544-2029, email [cosborn@columbiabasin.edu](mailto:cosborn@columbiabasin.edu), website [www.columbiabasin.edu](http://www.columbiabasin.edu).

July 29, 2024  
Corey Osborn, Vice President  
Human Resources and Legal Affairs

## WSR 24-16-073

PREPROPOSAL STATEMENT OF INQUIRY  
COLUMBIA BASIN COLLEGE

[Filed July 31, 2024, 2:17 p.m.]

Subject of Possible Rule Making: Columbia Basin College's (college) student code of conduct, under chapter 132S-100 WAC, and other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On April 19, 2024, the United States Department of Education released its final rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment.

In addition to complying with the new final rule, the college is updating its Title IX hearing procedure for students to address jurisdiction and prohibited conduct changes. These new definitions of prohibited behavior and updated procedures are necessary to address conduct that may pose a threat to the general welfare of the college community and/or college operations and to protect the constitutional and procedural rights of individual students.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lindsey Carpenter, 2600 North 20th Avenue, Pasco, WA 99301, phone 509-543-1481, fax 509-544-2029, email [lcarpenter@columbiabasin.edu](mailto:lcarpenter@columbiabasin.edu), website [www.columbiabasin.edu](http://www.columbiabasin.edu); or Corey Osborn, 2600 North 20th Avenue, Pasco, WA 99301, phone 509-542-5548, fax 509-544-2029, email [cosborn@columbiabasin.edu](mailto:cosborn@columbiabasin.edu), website [www.columbiabasin.edu](http://www.columbiabasin.edu).

July 29, 2024  
Corey Osborn, Vice President  
Human Resources and Legal Affairs

**WSR 24-16-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 1, 2024, 10:01 a.m.]

Subject of Possible Rule Making: Chiropractic fees and renewal cycle updates. The department of health (department) is considering revisions to WAC 246-808-990 to update chiropractic and X-ray technician licensure, registration, renewal, and other fees including clarifying updates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.037, 43.70.110, 43.70.250, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fees charged at initial application and annual renewal generate revenue for the chiropractic profession. To set fees appropriately, the department considers the financial forecast of the profession and sets a fee amount designed to align revenue with the cost of licensing and regulating the profession.

By June 2016, the commission had built a fund balance of \$2.2 million, 10 times the recommended reserve level. In order to draw down the excess fund balance, the commission reduced fees in fiscal year (FY) 2017, creating an annual deficit. This effort succeeded in bringing the fund balance to \$500,000 by FY 2023.

The program's fund balance is currently declining at an average annual rate of 50 percent. The department projects an increase in expenditures over the next two years due to rising salary, benefit, and disciplinary costs, and the implementation of the HELMS licensing system. These factors combined are expected to reduce the fund balance an average of \$300,000 annually over the next six years.

By FY 2024, the commission's fund balance will decline below the recommended reserve level; by FY 2025, the fund balance will reach a deficit of \$51,000. The goal of updating fee amounts is to fund and balance the required administrative and regulatory costs of the program.

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 Betty J. Moe, P.O. Box 47857, Olympia, WA 98504, phone 360-236-2868, TTY 711, email Betty.Moe@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/chiropractor-chiropractic-x-ray-technician>; or Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4637, TTY 711, email HSQAFeeRules@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission and the department will be conducting rules workshops with interested parties and subject matter experts. The commission will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov), and select the "Subscribe" button at the bottom of the page and then select "Chiropractic Quality Assurance Commission."

August 1, 2024  
Kristin Peterson, JD

Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

## WSR 24-16-087

PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY

[Filed August 1, 2024, 10:25 a.m.]

Subject of Possible Rule Making: WAC 182-503-0535 Washington apple health—Citizenship and immigration status, and 182-507-0135 Immigration status requirement for refugee medical assistance (RMA); other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending WAC 182-503-0535 and 182-507-0135 to update the parole period for certain persons from Ukraine to qualify for refugee medical assistance. This change is required by federal law. The agency filed an emergency rule under WSR 24-16-047 to give this change immediate effect. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and Office of Refugee Resettlement.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunications relay service (TRS) 711, email [brian.jensen@hca.wa.gov](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Giovanny Delgado, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1919, fax 360-586-9727, TRS 711, email [Giovanny.delgado@hca.wa.gov](mailto:Giovanny.delgado@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 1, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-16-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 1, 2024, 10:52 a.m.]

Subject of Possible Rule Making: WAC 392-157-125 Time for meals. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.235.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the superintendent of public instruction (OSPI) is considering revising WAC 392-157-125 to better align with state auditor performance audit results, leading research, and national best practices by requiring a minimum seated lunchtime of 20 minutes in K-12 public schools.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leanne Eko, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6200, TTY 360-664-3631, email [leanne.eko@k12.wa.us](mailto:leanne.eko@k12.wa.us), website [ospi.k12.wa.us](http://ospi.k12.wa.us); or Jessica Seale, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-890-6740, TTY 360-664-3631, email [Jessica.seale@k12.wa.us](mailto:Jessica.seale@k12.wa.us), website [ospi.k12.wa.us](http://ospi.k12.wa.us).

August 1, 2024  
Chris P. S. Reykdal  
State Superintendent of Public Instruction



**WSR 24-16-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 1, 2024, 11:35 a.m.]

Subject of Possible Rule Making: WAC 182-543-2200 Proof of delivery; 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 clarify and update the coverage criteria for medical equipment provided to clients who receive medicaid-funded care in nursing facilities. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunications relay service (TRS) 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Dani Crawford, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-0983, fax 360-586-9727, TRS 711, email [dani.crawford@hca.wa.gov](mailto:dani.crawford@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 1, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-16-109  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed August 5, 2024, 9:18 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-09-049 on April 17, 2023, (WAC 388-76-10315) regarding resident record—required and providing clear language about long-term care ombuds access to resident records.

The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

**WSR 24-16-110  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed August 5, 2024, 9:21 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 22-24-012 on November 29, 2022, (WAC 388-76-10750) regarding safety and maintenance clarifying hand sanitizer compliance.

The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez  
Rules Coordinator

**WSR 24-16-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BATES TECHNICAL COLLEGE**

[Filed August 5, 2024, 12:24 p.m.]

Subject of Possible Rule Making: To bring Bates Technical College's (college) student conduct code (code) into compliance with a new final rule governing sex discrimination grievance procedures recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On April 19, 2024, the United States Department of Education released its final rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment. The deadline for implementing this new rule is August 1, 2024.

In addition to complying with the new final rule, the college is updating its student conduct code to address inconsistencies and clarity issues created by the revisions necessary to comply with the final rule as well as recently enacted state law. These new definitions of prohibited behavior and updated procedures are necessary to address conduct that may pose a threat to the general welfare of the college community and/or college operations and to protect the constitutional and procedural rights of individual students.

Process for Developing New Rule: Full rule-making process. Consultation with stakeholders such as student government and employee representatives.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Hannah Herber, 1101 South Yakima Avenue, Tacoma, WA 98405, phone 253-680-6100, email [Hannah.herber@batestech.edu](mailto:Hannah.herber@batestech.edu); or Tina Muller, 1101 South Yakima Avenue, Tacoma, WA 98405, phone 256-680-7007, email [tina.muller@batestech.edu](mailto:tina.muller@batestech.edu).

August 5, 2024

Hannah Herber

Executive Assistant to the President

**WSR 24-16-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 6, 2024, 11:12 a.m.]

Subject of Possible Rule Making: WAC 182-51-0900 Data confidentiality.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; and ESHB 1508, section 2 (2)(a), chapter 80, Laws of 2024.

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 language about data sharing between the drug price transparency program, the prescription drug affordability board, and the health care cost transparency board to align with ESHB 1508, section 2 (2)(a), chapter 80, Laws of 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 Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services (TRS) 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Julie Colacurcio, Program Questions, P.O. Box 45502, phone 360-725-9585, fax 360-586-9727, TRS 711, email [julie.colacurcio@hca.wa.gov](mailto:julie.colacurcio@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 6, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-16-129**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 6, 2024, 11:37 a.m.]

Subject of Possible Rule Making: WAC 296-14-8810 Pension tables, pension discount rate and mortality tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.44.070(1), and 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to amend the rule by lowering the pension discount rate (PDR) to better align with the rate of return for long-term treasuries for self-insured pensions. These reductions allow our financial statements to more accurately reflect our liabilities and overall financial position, and are consistent with recommendations from our annual independent actuarial review of our rate making.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Department of Labor and Industries, Insurance Services, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email [suzanne.campbell@Lni.wa.gov](mailto:suzanne.campbell@Lni.wa.gov).

August 6, 2024  
Joel Sacks  
Director

**WSR 24-16-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 6, 2024, 2:30 p.m.]

Subject of Possible Rule Making: Washington Equal Pay and Opportunities Act (EPOA). New chapter under Title 296 WAC, Department of labor and industries (L&I).

Statutes Authorizing the Agency to Adopt Rules on this Subject: EPOA, RCW 49.58.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature passed SHB 1905, chapter 353, Laws of 2024. The bill significantly expands the existing worker protections against pay and promotion discrimination based on gender under EPOA, chapter 49.58 RCW, by broadening its protections to include 14 protected classes.

L&I has enforcement authority for EPOA, and existing statute language provides L&I with rule-making authority.

L&I will engage in rule making to implement and enforce new EPOA requirements as well as clarify existing requirements.

SHB 1905 goes into effect on July 1, 2025.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state human rights commission; United States Equal Employment Opportunity Commission.

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 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 Reed Simock, L&I, Fraud Prevention and Labor Standards, Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone 360-480-3237, fax 360-902-5552, email [ESRules@Lni.wa.gov](mailto:ESRules@Lni.wa.gov).

Additional comments: For more information on L&I rule making, visit the rule-making activity web page at <https://www.lni.wa.gov/rulemaking-activity/>.

August 6, 2024  
Joel Sacks  
Director

**WSR 24-16-137**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Podiatric Medical Board)  
[Filed August 6, 2024, 8:16 p.m.]

Subject of Possible Rule Making: Removing licensure barriers for podiatric physicians and surgeons. WAC 246-922-055 Reciprocity requirements. The podiatric medical board (board) is considering updates to reduce licensure barriers for podiatric physicians and surgeons. The board is considering amending reciprocity requirements in order to comply with 2SHB 1724 (chapter 425, Laws of 2023), codified at RCW 18.130.077.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015 and 18.130.077.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.130.077 requires disciplining authorities to waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure for longer than 90 days.

The goal of the substantial equivalency is to address work force shortages and reduce licensing barriers. This legislation requires waiving all initial exam requirements.

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 Tommy Simpson III, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4910 or 564-669-8421, TTY 711, email [tommy.simpson@doh.wa.gov](mailto:tommy.simpson@doh.wa.gov), website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/podiatric-physician-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](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov), and select the "Subscribe" button at the bottom of the page. After signing in, select "Health Systems Quality Assurance." Next, select "Health Professions" and then click on "Podiatric Medical Board." You may also check the box next to any professions listed to receive information related to that specific profession.

August 5, 2024  
U. James Chaney  
Executive Director  
Podiatric Medical Board



## WSR 24-16-138

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed August 6, 2024, 8:17 p.m.]

Subject of Possible Rule Making: Adding minimum age requirements for dental assistant registration. The dental quality assurance commission (commission) is considering amending WAC 246-187-190 Dental assistant registration, to include a minimum age requirement for dental assistant registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.260.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has been receiving an increased number of minors applying for dental assistant registration. Applicants as young as age 12 have applied for dental assistant registration. Each of these applications must be reviewed on an individual basis by the commission, which increases the workload for commission panel reviews. Dental assistant positions are often in areas where hazardous substances are present and there is a risk of possible exposure to bodily fluids or other infectious agents. Rule making is the best option to set clear expectations for dental assistant registration applicants.

On April 26, 2024, during the commission business meeting, the commission authorized rule making to amend WAC 246-817-190 to set a standard minimum age requirement for dental assistants. Updating this rule would prevent minors from applying for dental assistant registration.

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 Debbie Gardner, Program Manager, P.O. Box 47852, Olympia, WA, 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 771 [711], email dental@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rulemaking, visit doh.wa.gov. To subscribe to GovDelivery, please visit doh.wa.gov and select the button titled "Sign up for Updates From DOH" at the bottom of the page. After signing in, select "Health Systems Quality Assurance" and "Health Professions" and "Dental." You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

August 1, 2024

Bryan Swanson, DDS, Chair  
Dental Quality Assurance Commission

**WSR 24-16-140**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 24-05—Filed August 7, 2024, 8:12 a.m.]

Subject of Possible Rule Making: Chapter 173-224 WAC, Water quality permit fees. The purpose of this chapter is to provide a permit fee system for state waste discharge and National Pollutant Discharge Elimination System (NPDES) permits issued by the department of ecology (ecology) pursuant to RCW 90.48.160, 90.48.162, or 90.48.260.

Chapter 173-224 WAC implements RCW 90.48.465 that requires ecology to establish, by rule, annual fees to recover the cost of administering the wastewater and stormwater permit programs. The rule making considers the economic impact on small dischargers and public entities, and provides appropriate adjustments where applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.48 RCW, Water pollution control; RCW 90.48.465 Water discharge fees—Report to the legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.48.465 requires ecology to establish, by rule, annual permit fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology adopted chapter 173-224 WAC, Water quality permit fees, in response to this law in 1989.

This rule making allows ecology to continue recovering expenses in operating and managing the permit programs. Ecology is considering adjusting permit fees for fiscal years 2026 and 2027 to recover the projected program costs next biennium and move closer to payment equity between permit fee categories. Ecology may also consider new permit fee categories, changes to the structure of specific permit fee categories, technical changes, and rule language changes to facilitate understanding.

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

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 Ligeia Heagy, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-233-8279, Washington relay service or TTY call 711 or 877-833-6341, email [wqfeeunit@ecy.wa.gov](mailto:wqfeeunit@ecy.wa.gov), website <https://ecology.wa.gov/WQ-fee-rule>, <https://ecology.wa.gov/EmailList/WQfee>; or Matthew Tietjen, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-280-3697, Washington relay service or TTY call 711 or 877-833-6341, email [wqfeeunit@ecy.wa.gov](mailto:wqfeeunit@ecy.wa.gov), website <https://ecology.wa.gov/WQ-fee-rule>, <https://ecology.wa.gov/EmailList/WQfee>.

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.

August 7, 2024  
Vincent McGowan, P.E.



**WSR 24-16-144**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BUILDING CODE COUNCIL**

[Filed August 7, 2024, 9:44 a.m.]

Subject of Possible Rule Making: Amendment of WAC 51-51-1500 Adoption and amendment of the 2021 International Mechanical Code, to adopt an updated Underwriter Laboratories (UL) standard for household and other electrical appliances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.035 and 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The UL standard was updated in response to the new requirements for lower global warming potential refrigerants, known as A2L refrigerants. These A2L refrigerants are typically more flammable than the previous A1 refrigerants. The new standard provides higher safety standards for these refrigerants and includes new requirements for leak detection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of ecology is currently in the process of writing rules on the requirements for A2L refrigerants. The adoption of this standard is one the factors in determining the effective date for a portion of their rule.

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 Dustin Curb, P.O. Box 41449, Olympia WA 98504-1449, phone 360-407-9277, email sbcc@des.wa.gov, website sbcc.wa.gov.

July 16, 2024  
Daimon Doyle  
Council Chair