

WSR 24-23-007
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed November 7, 2024, 4:56 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to amend WAC 388-71-0985 and 388-112A-0600, continuing education and what topics may be covered in continuing education? The purpose of these changes include clarification, updating acceptable reasons for repeating continuing education courses, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Long-term care workers are required to complete 12 hours of continuing education annually. Clarification of when and under what circumstances it is acceptable to repeat a continuing education course may help reduce barriers, increase access, and support a well-trained workforce. Other edits related to clarity, grammar, and consistency are also included.

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. 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. 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 Bradley McFadden, Blake East, 4500 10th Avenue S.E., Lacey, WA 98503, phone 360-725-2563, email bradley.mcfadden@dshs.wa.gov.

November 7, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-23-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-18—Filed November 8, 2024, 10:02 a.m.]

Subject of Possible Rule Making: Amending current notice requirements for testing commercial fishing gear in chapter 220-353 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of fish and wildlife (department) seeks to clarify the requirements for notifying department law enforcement officers about testing commercial fishing gear for commercial fishing boat owners and operators.

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 Scott Bird, Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, phone 855-925-2801, project code 7510, email testingcommercialfishinggear@publicinput.com, website <http://publicinput.com/testingcommercialfishinggear>; or Lieutenant Erik Olsen, Region 4, 16018 Mill Creek Boulevard, Mill Creek, WA 98012-1541, phone 425-775-1311.

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>.

November 8, 2024
Scott Bird
Rules Coordinator

WSR 24-23-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 17, 2024, 10:59 a.m.]

Subject of Possible Rule Making: Anesthesiologist assistant profession fees. The department of health (department), in consultation with the Washington medical commission (commission), is considering rule making to establish a section in chapter 246-921 WAC to create licensing and regulation fees for anesthesiologist assistants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250, 43.70.280, and SB 5184 (chapter 362, Laws of 2024), codified as RCW 18.71D.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2021, the department performed a "sunrise review" on a proposal to license anesthesiologist assistants as a new health profession in Washington state. The sunrise review concluded that the unregulated practice of anesthesiology poses risks to public safety. It determined that the public would benefit from assurances of professional competency and that no other, more cost-effective measures could adequately protect the public. Consequently, the review recommended supporting the proposal with additional measures to ensure public safety.

In the 2024 legislative session, the legislature passed SB 5184 (chapter 362, Laws of 2024), codified as chapter 18.71D RCW, which directs the commission to adopt rules necessary for the licensure of anesthesiologist assistants. The department is considering rules in accordance with RCW 18.71D.020 and 43.70.250 to establish fees to license and regulate this new profession.

The commission has initiated a separate rule-making project under WSR 24-18-057 on August 28, 2024, to consider establishing a new chapter of rules that establish education, training, and examination requirements and continuing education requirements. The department will consider a new section of rule within the commission's chapter of rule to establish the fee requirements.

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 Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4637, TTY 711, email, HSQAfeerules@doh.wa.gov, website doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>; or Amelia Boyd, P.O. Box 47866, Olympia, WA 98504, phone 360-918-6336, TTY 711, email medical.rules@wmc.wa.gov, website wmc.wa.gov.

Additional comments: The department, in consultation with the commission, will notify interested parties by posting information to the department and commission websites and by use of GovDelivery. To join the commission's rules interested parties email list, please visit https://public.govdelivery.com/accounts/WAMC/subscriber/new?topic_id=WAMC_2.

November 12, 2024.
Kristin Peterson, JD
Chief of Policy
on behalf of Umair A. Shah, MD, MPH
Secretary of Health

WSR 24-23-077

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed November 19, 2024, 7:30 a.m.]

Subject of Possible Rule Making: WAC 458-65A-10005 Examinations of records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2), 82.32.300, 63.30.030, and 63.30.590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 63.30.590 (effective January 1, 2023) requires the department of revenue (department) to adopt rules governing standards and procedures for conducting an examination (i.e., audit) of records under RCW 63.30.580. This proposed rule establishes such standards and procedures, including for examinations that are conducted by third-party auditors on behalf of the department.

Process for Developing New Rule: Parties interested in the rule making may contact the individual listed below. The public may also participate by providing written comments during the rule-making process or by giving oral testimony at any public meetings or hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason André, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1580, fax 360-534-1606, TTY 800-833-6384, email jasona@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Jason André using one of the contact methods above. Written and oral comments will be accepted at the public meeting and after the public meeting by no later than December 27, 2024. [Meeting on] December 19, 2024, at 10:00 a.m., telephonic/internet meeting only. Contact Cathy Holder at CathyH@dor.wa.gov for dial-in/login information.

November 19, 2024
Brenton Madison
Rules Coordinator

WSR 24-23-079
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 19, 2024, 9:02 a.m.]

Subject of Possible Rule Making: WAC 392-700-165 Funding and reimbursement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.175.010, 28A.175.100, 28A.175.115.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule updates to examine apportionment distribution practices within open doors youth reengagement relating to apportionment retention between providers and school districts. Open doors partnering providers have requested OSPI reexamine and possibly revise long-standing rules. Some have shared concern that universal or minimum distribution rates of apportionment funding inhibit partnership between provider types and districts. The purpose of this rule making is to address concerns raised by partnering providers, which include the need to reexamine and potentially revise long-standing rules to enhance collaboration between provider types and districts. Specifically, the rule making aims to improve funding distribution.

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 Mandy Paradise, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-4958, TTY 360-664-3631, email mandy.paradise@k12.wa.us, website ospi.k12.wa.us.

November 19, 2024
Chris P.S. Reykdal
State Superintendent of Public Instruction

WSR 24-23-097

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 24-07—Filed November 20, 2024, 7:44 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is considering amendments to chapter 173-423 WAC, the clean vehicles program rule. Washington law (RCW 70A.30.010) requires ecology to adopt certain California regulations to maintain consistency with California's emissions standards for new motor vehicles and engines. To date, ecology has delivered on this legislative requirement to adopt regulations consistent with the following California programs: Advanced clean cars, advanced clean cars II, advanced clean trucks, and heavy-duty low-NOx omnibus standards.

Ecology is currently considering amendments to Washington regulations that will track amendments to California's advanced clean trucks and heavy-duty low-NOx omnibus regulations currently adopted and/or under consideration by the California air resources board. These amendments are important to streamline program implementation, provide additional compliance flexibility, and maintain consistency with other states and the federal government. The advanced clean trucks regulations apply to medium- and heavy-duty engine and vehicle manufacturers and require zero-emission models to make up an increasing percentage of new vehicle sales in Washington, starting with engine model year 2025. The heavy-duty low-NOx omnibus regulation applies to heavy-duty internal combustion engine manufacturers and requires them to meet more protective air quality standards, particularly on oxides of nitrogen and particulate matter, starting in model year 2026.

Ecology is also inviting public input about additional California motor vehicle emissions standards the agency should consider adopting in a future rule making to comply with the requirements in chapter 70A.30 RCW and efficiently and cost-effectively reduce greenhouse gas emissions from transportation in line with Washington's greenhouse gas emissions reduction mandates in RCW 70A.45.020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.30 RCW, Motor vehicle emission standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with chapter 70A.30 RCW, ecology is exploring amending these rules to maintain consistency with and implement California's motor vehicle emission standards. Amendments to both the heavy-duty low-NOx omnibus regulation and the advanced clean trucks regulation from California, as well as potential additional California motor vehicle emissions standards, are crucial to achieving Washington's greenhouse gas emissions reduction mandates in RCW 70A.45.020.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 42 U.S.C. Section 7507 (also known as Section 177 of the Clean Air Act) allows states to adopt and enforce California's vehicle emission standards instead of the federal ones if the state standards are identical to the California standards. The United States Environmental Protection Agency (EPA) regulates the subject at the federal level; ecology is awaiting decisions from EPA on a preemption waiver request that will impact this rule making. At the state level, ecology will be coordinating with the department of licensing to discuss implementation of the rule.

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 Nikki Harris, Department of Ecology, Climate Pollution Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-764-6018, Washington relay service or TTY call 711 or 877-833-6341, email Nikki.harris@ecy.wa.gov, website <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-423>.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

November 20, 2024
Joel Creswell, Program Manager
Climate Pollution Reduction

WSR 24-23-101

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 20, 2024, 9:13 a.m.]

Subject of Possible Rule Making: WAC 182-503-0010 Washington apple health—Who may apply, 182-503-0070 Washington apple health—When coverage begins, 182-503-0505 Washington apple health—General eligibility requirement, and 182-505-0210 Washington apple health—Eligibility for children; 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: Under Washington's medicaid transformation project 2.0 in accordance with Section 1115(a) of the Social Security Act, the health care authority (HCA) is amending these sections to provide re-entry services before the beneficiary's expected date of release. During this review, HCA may identify additional related changes that improve clarity or update policy.

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

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 relay services (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Mark Westenhaver, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 20, 2024
Wendy Barcus
Rules Coordinator