

WSR 13-16-001
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed July 24, 2013, 1:07 p.m.]

The department would like to withdraw preproposal statement of inquiry WSR 12-20-050, filed October 1, 2012.

Cindy Fazio
Division Counsel
Division of Consumer Services

WSR 13-16-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed July 25, 2013, 8:44 a.m.]

Subject of Possible Rule Making: Amending WAC 388-25-0110, 388-148-0010, 388-25-0502, 388-25-0504, 388-25-0506, 388-25-0508, 388-25-0510, 388-25-0516, 388-25-0528, 388-25-0530, 388-25-0532, 388-25-0534, 388-25-0536, 388-25-0540, 388-25-0544, 388-25-0546 and 388-25-0548; new section WAC 388-25-0515; and repealing WAC 388-25-0518, 388-25-0520, 388-25-0522, 388-25-0524, 388-25-0526, and 388-25-0538.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.34.145, 13.34.267, 74.13.020, 74.13.031, 43.88C.010, 74.13.107, 43.131.416, 13.34.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure that children's administration/Washington state can continue to access federal matching funds for extended foster care. To clearly define the eligibility requirements for participation in the extended foster care program and criteria for continued juvenile court dependency or voluntary placement agreement and subsequent agreed order of dependency [dependency]. To ensure that eligible youth receive placement services as outlined by RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Children's administration will coordinate with any agency as necessary.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Pritchard, Program Manager, Children's Administration, P.O. Box 45710, Olympia, WA 98504, phone (360) 902-8487, fax (360) 902-7903, e-mail prji300@dshs.wa.gov.

WSR 13-16-027

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

(Division of Banks)

[Filed July 29, 2013, 9:11 a.m.]

Subject of Possible Rule Making: Implement the authority for semi-annual assessments, hourly examination fees, and other charges for work and services of the division of banks, or on its behalf, which have been authorized and also reauthorized by the legislature pursuant to ESHB 1325 (2013 c 76); consolidate all rule making regarding semi-annual assessments, hourly examination fees, and other fees and charges in chapter 208-544 WAC; make technical changes to chapter 208-544 WAC for purposes of clarity (including plain-language amendments and additions).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 30.04.030, 30.04.070 (as amended by 2013 c 76 s 2); 2013 c 76 s 32 (repealing RCW 30.08.095). Complies with OFM Guidance 3.a. and e.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule making would amend chapter 208-544 WAC to (1) provide for semi-annual assessments of nondepository [nondepository] trust companies, (2) adjust the hourly examination fee schedule and other charges for all of the division of banks' regulated institutions, (3) establish and/or clarify miscellaneous service charges, and (4) make technical changes for purposes of clarity (including plain-language amendments and additions), and promote equalization as between different types of chartered entities and based on considerations of asset size, examination hours, and services provided. It would consolidate all provisions related to semi-annual assessments, hourly examination fees, and other charges for work and services in a single location in chapter 208-544 WAC.

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 Ali Higgs, Assistant General Counsel for Banks, Department of Financial Institutions, P.O. Box 41200, Olympia, WA 98504, phone (360) 902-8704, e-mail ali.higgs@dfi.wa.gov.

July 29, 2013
Richard M. Riccobono
Division of Banks Director

WSR 13-16-029
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed July 29, 2013, 11:48 a.m.]

Subject of Possible Rule Making: The current certification reinstatement process in WAC 139-06-140 does not outline steps for filing a subsequent petition for reinstatement of certification after a hearing panel has denied the initial petition for reinstatement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change would allow for a subsequent petition for reinstatement of certification to be filed three years after the date of the entry of the hearing panel's final written order denying the prior petition for reinstatement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state criminal justice training commission (WSCJTC) regulates this process.

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 Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

July 29, 2013
 Sonja Hirsch
 Executive Assistant
 and Rules Coordinator

WSR 13-16-060
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed August 1, 2013, 3:40 p.m.]

Subject of Possible Rule Making: Agency will be reviewing WACs related to recreational conveyances inspection program. WACs being reviewed are WAC 352-44-020 Recreational conveyances—Certification and 352-44-080 Recreational conveyances—Simulated load test.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WACs being reviewed are:

WAC 352-44-020 Recreational conveyances—Certification—Changing the dates for the certificate, the certification is now set for an annual term beginning January 1. The certification is required prior for each season, winter (November 1 to May 31) or summer (June 1 - October 31).

WAC 352-44-080 Recreational conveyances—Simulated load test, state parks is proposing to repeal WAC 352-44-080. State parks has adopted ANSI B77.1, current edition as the governing standard; it covers load testing, having a WAC covering the same issue gives the opening for conflicts.

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 Nata Jo Hurst, Administrative Assistant 3, Washington State Parks and Recreation Commission, 1111 Israel Road S.W., P.O. Box 42650, Olympia, WA 98504-2650, nata.hurst@parks.wa.gov, (360) 902-8638, or fax (360) 586-0207.

July 30, 2013
 Valeria Evans
 Management Analyst

WSR 13-16-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed August 5, 2013, 1:43 p.m.]

Subject of Possible Rule Making: Chapter 170-297 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making in chapter 170-297 WAC is necessary in order to ensure consistency between the chapter and chapter 246-110 WAC as recently amended by the department of health (DOH). Further rule making may be necessary in order to clarify and/or update one or more sections within chapter 170-297 WAC. The department may file more than one proposed rule (CR-102) under this notice, and may, if appropriate, adopt emergency rules on a temporary basis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) plans to coordinate rule making with or seek input on the draft rules with DOH.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, by fax (360) 586-0533, or by writing to the DEL

Rules Coordinator, Department of Early Learning, P.O. Box 40972, Olympia, WA 98504-0972.

August 5, 2013
Matt Judge
Rules Coordinator

WSR 13-16-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Credit Unions)
[Filed August 5, 2013, 4:02 p.m.]

Subject of Possible Rule Making: Credit Union Act, chapter 31.12 RCW. Propose and adopt rules to implement chapter 34, Laws of 2013 (SB 5302) regarding compensation paid to credit union directors and supervisory committee members. Chapter 208-444 WAC or new chapter will be created under Title 208 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.516 and 31.12.365 (as passed legislature in 2013, section 6, chapter 34, Laws of 2013). These rules are proposed in compliance with OFM Guidance 3(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of financial institutions wants to adopt rules to implement SB 5302 (chapter 34, Laws of 2013), addressing credit unions corporate governance. These new rules will address compensation paid to credit union directors and supervisory committee members.

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. Interested parties may participate in this rule making by attending public meetings and hearings. Interested parties may also make comments in writing to P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8701, e-mail dcu@dfi.wa.gov.

The rule-making web site is <http://www.dfi.wa.gov/cu/rulemaking.htm>.

August 5, 2013
Linda Jekel
Division Director
Division of Credit Unions

WSR 13-16-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed August 6, 2013, 8:29 a.m.]

Subject of Possible Rule Making: Chapter 220-72 WAC, Oyster diseases and pests, and specifically oyster drills.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must amend the rules designating tideland areas infested with Japanese oyster drills in order to protect currently uninfested tidelands from the transfer of shellfish harboring oyster drills or their eggs. Surveys indicate that in some areas, Japanese oyster drills have expanded their range to include previously uninfested tidelands.

The department also seeks to correct several errors in the latitude/longitude descriptions of current drill-infested areas. These corrections will help perpetuate shellfish resources by minimizing the chances that Japanese oyster drills are spread through shellfish transfers.

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 Lori Preuss, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by September 20, 2013. Expected proposal filing on or after October 2, 2013.

August 6, 2013
Lori Preuss
Rules Coordinator

WSR 13-16-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed August 6, 2013, 10:17 a.m.]

Subject of Possible Rule Making: Chapter 296-32 WAC, Safety standards for telecommunications.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Safety standards for telecommunications, chapter 296-32 WAC, were originally created in 1975. Although there have been partial rule changes over the years (1976 through 2002), a full review of this chapter, in its entirety, has not taken place.

Since inception of chapter 296-32 WAC approximately thirty-five years ago, technology in the area of telecommunications has rapidly advanced. Our telecommunications rules have not kept pace with that advancement. Safety has been compromised for our communication tower workers, as no specific standards currently exist for their industry. Training requirements in the current rule are generalized and not specific to the critical work skills necessary to perform telecommunication tasks in a safe and effective manner. Radio frequency radiation (RFR) training, and a requirement for rescue training are extremely important areas of worker safety in this industry, and neither are currently addressed in this chapter.

Additionally, safety standards for directional boring machinery usage, which has become a constant in telecommunications work, should be included in chapter 296-32 WAC. Aside from the manufacturer's safety manuals for the specific type of boring machinery being used, our workers have no other safety standard to follow at this time.

There has been a significant increase in injuries including fatalities since the rule was adopted thirty-five years ago, particularly since cell phone technology has appeared and evolved. Therefore, it is recommended that L&I move forward with this important rule-making effort. In addition, references may also be updated throughout our chapters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies (other than OSHA) are known to regulate worker safety and health for this subject.

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 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, Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5516, fax (360) 902-5619, e-mail cynthia.ireland@lni.wa.gov.

August 6, 2013
Joel Sacks
Director

August 6, 2013
Douglas L. Moore
Executive Secretary

WSR 13-16-085
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 6, 2013, 10:53 a.m.]

Subject of Possible Rule Making: WAC 260-40-065
Multiple entries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify under what conditions a trainer may enter more than two horses in a race.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

WSR 13-16-086

PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 6, 2013, 10:53 a.m.]

Subject of Possible Rule Making: WAC 260-84-060
Penalty matrix.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the penalty matrix to reflect changes in the WACs.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

August 6, 2013
Douglas L. Moore
Executive Secretary

WSR 13-16-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health and Service Integration Administration)

[Filed August 7, 2013, 11:21 a.m.]

Subject of Possible Rule Making:

- Repeal WAC 388-865-0469 Applied behavior analysis (ABA) and create a new section for ABA services in chapter 388-877A WAC, Outpatient mental health services.
- Repeal WAC 388-865-0400 Community support service providers, 388-865-0405 Competency requirements for staff, 388-865-0420 Intake evaluation, 388-865-0425 Individual service plan, and 388-865-0460 Counseling and psychotherapy services—Additional standards.
- Amend sections in chapters 388-877, 388-877A, 388-877B, and 388-877C WAC.
- Add a new section in chapter 388-877 WAC pertaining specifically to medicaid requirements.
- Amend WAC 388-865-0511 Evaluation and treatment facility certification.

- Update and/or repeal other rules as a result of this rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.02, 70.96A, 71.05, 71.24, 71.34, 74.50 RCW; RCW 74.08.090, 43.20A.890; 42 C.F.R. Part 8.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to:

- Repeal WAC 388-865-0469 which provides the licensure, certification, and staffing requirements for agencies providing ABA services to assist children with autism spectrum disorders.
- Add a new section in chapter 388-877A WAC, Out-patient mental health services, that replaces WAC 388-865-0469.
- Repeal WAC 388-865-0400, 388-865-0405, 388-865-0420, 388-865-0425, and 388-865-0460 because the requirements in these sections are now included in chapters 388-877 and 388-877A WAC.
- Amend sections in chapters 388-877, 388-877A, 388-877B, and 388-877C WAC in order to clarify and update language pertaining to licensing behavioral health agencies and certifying licensed agencies to provide mental health, chemical dependency, and/or problem and pathological gambling services.
- Create a new section that pertains specifically to medicaid.
- Remove evaluation and treatment facility bed fee language from WAC 388-877-0365 and place in WAC 388-865-0511.

Other clarifications, corrections, and policy changes that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will be coordinating the rule making for the ABA services rule with the health care authority which administers rules in Title 182 WAC for ABA services requirements.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact Kathy Sayre, DBHR Rules Manager, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-848-5429, e-mail kathy.sayre@dshs.wa.gov. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

August 7, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-16-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Behavioral Health and Service Integration Administration)

[Filed August 7, 2013, 11:46 a.m.]

Subject of Possible Rule Making: Repeal WAC 388-800-0040 What is ADATSA?, 388-800-0045 What services are offered by ADATSA?, 388-800-0120 As an eligible ADATSA client, when would I get state-funded medical assistance?, and other related rules may be amended, as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.04.050, 74.08.090, 74.09.035, 74.09.530; Patient Protection and Affordable Care Act established under Public Law 111-148; 42 C.F.R. § 431, 435, and 457, and at 45 C.F.R. § 155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature did not appropriate any funds for the Alcohol and Drug Addiction Treatment and Support Act (ADATSA) in the new biennium budget. ADATSA-related medical care services recipients will be medicaid eligible under the Affordable Care Act (ACA) starting January 1, 2014.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating the repeal of these rules and necessary amendments to other rules with the health care authority (HCA).

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, DBHR Rules Manager, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-848-5429, e-mail kathy.sayre@dshs.wa.gov.

August 7, 2013
Katherine I. Vasquez
Rules Coordinator