

## WSR 22-16-015

## AGENDA

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

[Filed July 22, 2022, 11:40 a.m.]

Following is the department of social and health services (DSHS) semi-annual rule-making agenda for July 1 - December 31, 2022. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/office-of-the-secretary/dshs-semi-annual-rule-making-agenda>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Semi-Annual Rule-Making Agenda  
July 1 - December 31, 2022

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
<b>Aging and Disability Services Administration</b>					
<b>Home and Community Services Division</b>					
	Chapters 388-112A and 388-71 WAC	The department is planning to reconcile the differences in the training section language, update language related to new technologies, and update language related to inclusivity. The department may amend other related rules as required.	WSR 22-03-046 Filed 1/13/2022		
	388-106-1400, 388-106-1405, 388-106-1422, 388-106-1455, 388-106-1458, 388-106-1475	The department is planning to amend new freedom waiver WAC 388-106-1400 through 388-106-1480.	WSR 22-03-090 Filed 1/18/2022	WSR 22-14-059 Filed 6/29/2022	
	388-113-0010, 388-113-0020, 388-113-0025, 388-71-0503, 388-71-0510, 388-71-0511, 388-71-0513, 388-71-0520, 388-71-0523	The department is planning to repeal and amend sections of chapter 388-71 WAC, Home and community services and programs; and chapter 388-113 WAC, Disqualifying crimes and negative actions.	WSR 22-06-011 Filed 2/18/2022	WSR 22-14-039 Filed 6/27/2022  WSR 22-12-079 Filed 5/31/2022	
	388-06-0030, 388-06-0500, 388-06-0510, 388-06-0520, 388-06-0525, 388-06-0530, 388-06-0535, 388-06-0540, 388-06-0550	The department was granted rule-making authority in SHB 1120 and is proposing rules to reinstate the fingerprinting requirement for providers that was temporarily suspended by the governor's proclamation due to the public health emergency. The proposal also amends other rules in chapter 388-06 WAC to ensure they are consistent with one another and do not conflict with current background check rules in chapter 388-113 WAC.	WSR 22-07-064 Filed 3/17/2022		WSR 22-14-038 Filed 6/27/2022  WSR 22-06-74 Filed 3/1/2022

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapter 388-106 WAC	The department is considering amending sections in long-term care services, specifically the rules related to the TCARE assessment tool. WAC 388-106-1915 (3)(ii) to amend qualifications for TCARE assessment, 388-106-1921 to indicate changes made to TCARE screening and assessment process, 388-106-1931 to modify the TCARE screening measures, 388-106-1932 to indicate changes in the screening scores due to the changed screening measures, and 388-106-1933 to indicate changes made to the get care screening questions and scores for step three services. Other rules or WAC sections that arise during this rule making may be incorporated.	WSR 22-08-070 Filed 4/4/2022	WSR 22-15-025 Filed 7/12/2022	
	388-106-0010, 388-106-0130	The department is considering amending What definitions apply to this chapter?; How does the department determine the number of hours I may receive for in-home care?; and other related rules as required.	WSR 22-12-084 Filed 5/31/2022		
	388-71-0503, 388-71-0500 through 388-71-05640, 388-106-0010, 388-106-0060, 388-115-0516	The department is planning to amend rules to support the passage of the SB 5866, an act relating to medicaid long-term services and supports eligibility determinations being completed by federally recognized Indian tribes. Amendments to the following: What definitions apply to this chapter?; Who must perform the assessment?; What are the responsibilities of the consumer directed employer when providing care to a client?; and other related rules as required.	WSR 22-13-116 Filed 6/16/2022		
	Chapter 388-112B WAC	During the 2017 legislative session, HB 1548 was codified as RCW 74.39A.080, resulting in the department considering adding a new chapter relating to curricula for persons in long-term care facilities with behavioral health needs. The department may amend other related rules as required.	WSR 22-14-034 Filed 6/27/2022		
<b>Management Services Division</b>					
	Chapter 388-96 WAC	The department intends to amend chapter 388-96 WAC regarding its nursing facility medicaid methodology to implement a low-wage worker wage equity funding and verification and other related rules as may be required.	WSR 22-13-097 Filed 6/14/2022		
<b>Residential Care Services Division</b>					

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapter 388-78A WAC	The department is considering adding new sections and repealing and amending existing sections in Assisted living facility licensing rules, to consolidate the rules related to background checks, negative actions, and character, competence, and suitability determinations between home and community services (HCS), residential care services (RCS), and developmental disabilities administration (DDA).	WSR 18-17-159 Filed 8/21/2018		
	Chapter 388-97 WAC	The department is considering adding new sections and repealing and amending existing sections in Nursing homes, including WAC 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as maybe required.	WSR 18-17-175 Filed 8/22/2018		
	Chapter 388-76 WAC	The department is considering adding new sections and repealing and amending existing sections in Adult family home minimum licensing requirements.	WSR 18-17-177 Filed 8/22/2018		
	Chapter 107 WAC	The department is considering adding new sections, repealing existing sections, and amending sections in Licensing requirements for enhanced services facilities.	WSR 18-17-178 Filed 8-22-2018		
	Chapter 388-97 WAC	The department is proposing to add new sections, repeal existing sections, and amend sections in Nursing homes, related to tuberculosis screening.	WSR 19-18-051 Filed 8/30/2019		
	Chapter 388-107 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in Licensing requirements for enhanced services facilities, related to tuberculosis screening.	WSR 19-18-059 Filed 9/3/2019		
	Chapter 388-76 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in Adult family home minimum licensing requirements, related to tuberculosis screening.	WSR 19-18-061 Filed 9/3/2019		
	Chapter 388-78A WAC	The department is planning to add new sections, repeal existing sections, and amend sections in Assisted living facility licensing rules, related to tuberculosis screening.	WSR 19-18-062 Filed 9/3/2019		
	Chapter 388-76 WAC	The department is considering amending to incorporate ESHB 1023, 2020 regular session, into the rules.	WSR 20-08-110 Filed 3/31/2020		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-107-0460, 388-76-10265, 388-76-10285, 388-76-10290, 388-78A-2480, 388-78A-2484, 388-78A-2485	The department is temporarily repealing or amending rules to ensure long-term care programs are not significantly impeded during the hiring process due to inability to access the tuberculosis (TB) testing required as a part of the hiring process. *COVID-19*	WSR 20-16-069 Filed 7/29/2020		WSR 22-07-004 Filed 3/3/2022  WSR 21-23-015 Filed 11/5/2021  WSR 21-15-113 Filed 7/21/2021  WSR 21-07-109 Filed 3/23/2021  WSR 20-24-060 Filed 11/24/2020  WSR 20-16-102 Filed 7/31/2020  WSR 20-09-009 Filed 4/2/2020
	388-97-0920, 388-97-1915, 388-97-1975	The department is amending and repealing rules to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak.	WSR 21-11-062 Filed 5/14/2021  WSR 20-17-005 Filed 8/5/2020		WSR 22-11-078 Filed 5/17/2022  WSR 22-09-014 Filed 4/11/2022  WSR 22-01-166 Filed 12/16/2021  WSR 21-18-065 Filed 8/26/2021  WSR 21-11-018 Filed 5/10/2021  WSR 21-08-055 Filed 4/5/2021  WSR 21-01-035 Filed 12/7/2020  WSR 20-17-048 Filed 8/11/2020  WSR 20-09-074 Filed 4/13/2020
	388-97-1260	The department is amending rules to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic.	WSR 20-17-133 Filed 8/18/2020		WSR 22-07-038 Filed 3/14/2022  WSR 21-24-038 Filed 11/23/2021  WSR 21-17-043 Filed 8/10/2021  WSR 21-09-061 Filed 4/19/2021  WSR 21-01-192 Filed 12/22/2020  WSR 20-18-022 Filed 8/26/2020  WSR 20-10-034 Filed 4/28/2020
	Chapter 388-107 WAC	The department is considering amending chapter 388-107 WAC and other related rules as may be required to implement SHB 2448 (chapter 278, Laws of 2020).	WSR 20-10-091 Filed 5/5/2020		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapter 388-97 WAC	The department is amending rules in chapter 388-97 WAC to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak.	WSR 20-21-034 Filed 10/12/2020		WSR 22-11-088 Filed 5/18/2022  WSR 22-04-038 Filed 1/26/2022  WSR 21-20-134 Filed 10/6/2021  WSR 21-13-069 Filed 6/14/2021  WSR 21-05-059 Filed 2/16/2021  WSR 20-21-086 Filed 10/21/2020  WSR 20-14-026 Filed 6/23/2020
	388-101-3130	The department is amending WAC 388-101-3130 to ensure certified community residential services and supports service providers are not significantly impeded from providing services and support to clients during the COVID-19 pandemic.	WSR 20-24-092 Filed 11/25/2020		WSR 22-14-076 Filed 6/30/2022  WSR 22-07-027 Filed 3/10/2022  WSR 21-23-107 Filed 11/17/2021  WSR 21-16-038 Filed 7/26/2021  WSR 21-08-036 Filed 4/1/2021  WSR 21-01-010 Filed 12/3/2020  WSR 20-17-012 Filed 8/6/2020
	388-97-1380, 388-97-1580	The department is amending WAC 388-97-1380 and 388-97-1580 to ensure nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required TB testing.	WSR 21-11-061 Filed 5/14/2021		WSR 21-18-064 Filed 8/26/2021  WSR 21-11-069 Filed 5/17/2021  WSR 21-04-020 Filed 1/25/2021
	Chapter 388-97 WAC	The department is considering adding a new section in Nursing homes, and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-046 Filed 7/1/2021		
	388-97-1080, 388-97-1090	The department is considering amending Nursing services, Direct care hours, and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-049 Filed 7/1/2021		
	388-97-1660	The department is considering amending Staff and equipment and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-051 Filed 7/1/2021		
	Chapter 388-107 WAC	The department is considering adding a new section in Licensing requirements for enhanced services facilities and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-17-121 Filed 8/17/2021		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapter 388-78A WAC	The department is considering adding a new section in Assisted living facility licensing rules and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-17-123 Filed 8/17/2021		
	Chapter 388-76 WAC	The department is considering adding a new section in adult family home minimum licensing requirements and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-18-001 Filed 8/18/2021		
	388-97-0120, 388-97-0130, 388-97-0140	The department is amending to waive and suspend the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal of the nursing home transfer or discharge decision. The COVID-19 pandemic continues to require more rapid transfers and discharges than the rule permits. This emergency rule waives the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal hearing, and improves resident safety by allowing faster grouping of COVID-19 positive residents in one facility, or grouping asymptomatic residents together. This helps expedite infection control processes, and maximizes the availability of nursing home beds.	WSR 22-08-060 Filed 4/4/2022		WSR 22-08-062 Filed 4/4/2022  WSR 22-01-072 Filed 12/10/2021  WSR 21-24-069 Filed 11/30/2021
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary. The department is considering amending the rules to adopt requirements for providers to publicly post stop placement orders, adopt requirements for providers to create and maintain resident rosters as well as responding to requests from ombuds for roster information, incorporate new definition of resident representative, replace the phrase "his or her" with appropriate gender-neutral terms.	WSR 22-04-046 Filed 1/26/2022		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary to meet the legislative intent of SHB 1218. The amendments add requirements related to facility communication system, resident access to communications, and facility responsiveness to outside communications. Comprehensive disaster preparedness plans, and related policies and procedures, and equipment for a range of potential hazards, emergencies, and disasters. Visitation of essential support persons. Resident's rights to a safe and healthy environment.	WSR 22-04-047 Filed 1/26/2022		
	388-107-0080, 388-76-10350, 388-78A-2100	Because of the ongoing COVID-19 public health emergency, on January 18, 2022, home and community services (HCS) temporarily suspended conducting ongoing assessments for HCS clients living in adult family homes, assisted living facilities, and enhanced services facilities. The intent of this suspension is to allow HCS staff to focus on conducting assessments in hospitals, which will facilitate their discharge to long-term care facilities and improve the current surge capacity in hospitals. This emergency rule suspends the regulatory requirement for these facilities to complete assessments for HCS clients while the HCS assessors are not available. The Centers for Medicare and Medicaid Services (CMS) approved this flexibility for medicaid beneficiaries needing specific long-term care services and supports whose assessments meet the requirements under 42 C.F.R. 441.720. The emergency rule will be effective retroactively to match the suspension effective date by HCS.	WSR 22-13-121 Filed 6/17/2022		WSR 22-13-185 Filed 6/22/2022  WSR 22-06-042 Filed 2/24/2022

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-76-10455	The department is amending to allow adult family home providers the authority to administer epinephrine to residents in their care who have an assessed condition requiring administration of epinephrine. When individuals with severe allergies causing anaphylaxis are prescribed epinephrine, the adult family home must be able to administer the medication to residents who require assistance. Current rule requires medication administration be performed by a "practitioner," by nurse delegation or by a family member or legally appointed resident representative. Adult family home providers do not meet the definition of "practitioner" and the task cannot be nurse-delegated. Due to the emergency nature of the medication, family, or others outside the adult family home cannot administer the medication timely.	WSR 22-11-023 Filed 5/10/2022		WSR 22-11-020 Filed 5/10/2022
	388-107-1421, 388-76-10912, 388-78A-3141, 388-97-4361	Combined at the CR-102 stage using CR-101s from WSR 21-14-046, 21-17-121, 21-17-123, and 21-18-001; chapters 388-78, 388-78A, 388-97, and 388-107 WAC, inspection timelines.		WSR 22-13-122 Filed 6/17/2022	
<b>Behavioral Health Administration</b>					
None at this time.					
<b>Developmental Disabilities Administration</b>					
	388-101D-0065; chapter 388-825 WAC; 388-845-2205, 388-845-1615	The department is planning to amend WAC 388-101D-0065, chapter 388-825 WAC, WAC 388-845-2205, 388-845-1615, and other related rules as may be required.	WSR 21-21-113 Filed 10/20/2021		
	388-101D-0200	WAC 388-101D-0200 and other related rules as may be required regarding suspending and terminating a client's residential services.	WSR 21-03-042 Filed 1/14/2021		
	388-101D-0030	DDA is amending WAC 388-101D-0030 to allow providers to hire a person without a high school diploma or GED.	WSR 21-24-062 Filed 11/29/2021	WSR 22-07-077 Filed 3/21/2022	WSR 22-15-010 Filed 7/19/2022  WSR 22-08-004 Filed 3/23/2022  WSR 21-24-058 Filed 11/29/2021
	388-101D-0070	DDA is planning to amend WAC 388-101D-0070 to align it with 28 C.F.R. § 20.33(d). During this review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR 22-01-024 Filed 12/3/2021	WSR 22-05-014 Filed 2/4/2022	
	388-828-9235, 388-828-9340, 388-828-9360, 388-845-1035, 388-845-2105	WAC 388-828-9235, 388-828-9340, 388-828-9360, 388-845-1035, 388-845-2105, and other related rules as may be required.	WSR 22-14-035 Filed 6/27/2022		
<b>Economic Services Administration</b>					
<b>Community Services Division</b>					



Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-439-0005, 388-439-0010, 388-439-0015, 388-439-0020, 388-439-0025	The department is adopting What is the pandemic EBT program?; Eligibility of pandemic EBT benefits for the 2020-2021 school year; and General information about pandemic EBT benefits.	WSR 21-23-108 Filed 11/17/2021		WSR 22-07-068 Filed 3/18/2022  WSR 21-23-112 Filed 11/17/2021  WSR 21-16-017 Filed 7/23/2021  WSR 21-08-010 Filed 3/26/2021
	388-412-0046	The department is proposing to amend What is the purpose of DSHS cash and food assistance benefits and how can I use my benefits?; and other related rules as appropriate.	WSR 21-14-116 Filed 7/7/2021	WSR 22-09-055 Filed 4/18/2022	
	388-464-0001	The department is planning to amend Am I required to cooperate with quality assurance?; and other related rules as may be required.	WSR 21-19-117 Filed 9/20/2021		
	388-310-0350	The department is planning to amend WAC 388-310-0350, WorkFirst—Other exemptions from mandatory participation; and other related rules as may be required.	WSR 21-21-107 Filed 10/20/2021	WSR 22-09-075 Filed 4/19/2022	
	388-434-0015	The department is adopting Waiver of mid-certification reviews during the COVID-19 pandemic, to implement administrative flexibilities regarding mid-certification reviews as allowed under Families First Coronavirus Response Act (H.R. 6201), extended via the Continuing Appropriations Act (H.R. 8337).	WSR 22-10-008 Filed 4/22/2022		WSR 22-10-038 Filed 4/27/2022  WSR 22-03-045 Filed 1/12/2022
	388-478-0033	What are the payment standards for aged, blind, or disabled (ABD) cash assistance?; and other related rules as may be required.	WSR 22-08-069 Filed 4/4/2022	WSR 22-12-040 Filed 5/25/2022	
	388-493-0010	Working family support, and other related rules as may be required.		CR-105 WSR 22-09-033 Filed 4/12/2022	
	388-310-1450	Pregnancy to employment; and other related rules as may be required.	WSR 22-09-052 Filed 4/15/2022		
	388-436-0050, 388-478-0005	The department is planning to amend Determining financial need and benefit amount for CEAP; Cash assistance need and payment standards and grant maximum; and other related rules as may be required.	WSR 22-09-072 Filed 4/19/2022	WSR 22-13-181 Filed 6/22/2022	WSR 22-14-046 Filed 6/28/2022
	388-310-0800	The department is planning to amend WorkFirst—Support services; and other related rules as may be required.	WSR 22-11-082 Filed 5/17/2022		WSR 22-14-058 Filed 6/29/2022

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-400-0060, 388-418-0011, 388-447-0130, 388-449-0230	The department is planning to amend What is a mid-certification review, and do I have to complete one in order to keep receiving benefits?; What referral to the housing and essential needs (HEN) program rules may the department implement during a state of emergency?; What aged, blind, or disabled (ABD) program rules may the department implement during a state of emergency; Who is eligible for aged, blind, or disabled (ABD) cash assistance?; and other related rules as may be required.	WSR 22-11-083 Filed 5/17/2022	WSR 22-14-106 Filed 7/6/2022	WSR 22-13-171 Filed 6/22/2022
	388-424-0015	The department is planning to amend Immigrant eligibility restrictions for the state family assistance, ABD cash, and PWA programs; and other related rules as may be required.	WSR 22-11-081 Filed 5/17/2022		
	388-400-0030, 388-466-0120, 388-466-0150	The department is amending Who is eligible for refugee cash assistance; Refugee cash assistance (RCA); and Refugee employment and training services; to align with 45 C.F.R. 400.211.	WSR 22-13-020 Filed 6/3/2022		WSR 22-13-013 Filed 6/2/2022
	388-410-0020, 388-410-0030, 388-446-0015	The department is planning to amend What happens if I receive more basic food, FAP, or WASHCAP benefits than I am supposed to receive?; How does the department calculate and set up my basic food, FAP, or WASHCAP overpayment?; What is an intentional program violation (IPV) and administrative disqualification hearing (ADH) for basic food?; and other related rules as required.	WSR 22-13-019 Filed 6/3/2022		
	388-424-0001, 388-424-0020, 388-466-0005	The department is amending Citizenship and immigration status—Definitions; How does my alien status impact my eligibility for federally funded Basic Food benefits?; Immigration status requirements for refugee cash assistance; other related rules as needed. These amendments are necessary to align department policies with federal legislation and authorization from the office of refugee resettlement (ORR) expanding eligibility for federally-funded benefits to humanitarian parolee arrivals displaced from Ukraine.	WSR 22-14-025 Filed 6/24/2022		WSR 22-14-020 Filed 6/24/2022
	388-454-0006	The department is planning to amend The department makes background checks on adults who are acting in place of a parent without court-ordered custody; and other related rules as may be required (In loco parentis).	WSR 22-14-027 Filed 6/24/2022		

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	388-484-0006	The department is amending TANF/SFA time limit extensions. The amendments extend a time limit extension hardship category related to impacts of the COVID-19 pandemic (commonly known as the coronavirus) through June 30, 2023, as provided in the 2021-2023 supplemental operating budget (chapter 297, Laws of 2022); and implement a time limit extension hardship category related to the state's unemployment rate per HB 1755 (chapter 24, Laws of 2022).	WSR 22-14-060 Filed 6/29/2022		WSR 22-14-037 Filed 6/27/2022
	388-424-0015	The department is amending Immigrant eligibility restrictions for the state family assistance, ABD cash, and PWA programs.	WSR 22-11-081 Filed 5/17/2022		WSR 22-14-047 Filed 6/28/2022
<b>Division of Child Support</b>					
	388-14A-3375	The division of child support (DCS) is proposing to amend What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?	WSR 21-20-048 Filed 9/28/2021		
	388-14A-4300, 388-14A-4301, 388-14A-4302, 388-14A-4303, 388-14A-4304	DCS is proposing to amend to clarify applicable lookback periods and statutes of limitations for daycare expenses under <i>In re the Marriage of Blackburn</i> , 12 Wn.App.2d. 798, 460 P.3d 202 (2020). DCS is also considering changes regarding the circumstances in which a daycare overpayment hearing is applicable, various hearing procedures, and how notices are sent by DCS and the office of administrative hearings. Other related changes as necessary.	WSR 21-20-049 Filed 9/28/2021	WSR 22-15-057 Filed 7/18/2022	
	Chapter 388-14A WAC	DCS proposes to amend, adopt, or repeal as needed various sections to make the administrative support establishment process more efficient and user-friendly as we: (1) Implement ESSB 6037 (chapter 6, Laws of 2018, which adopted the 2017 version of the Uniform Parentage Act), and the technical corrections made to that bill by SSB 5333 (chapter 46, Laws of 2019); as well as (2) update terminology and to clarify and streamline the rules and procedures regarding parentage to conform with current state and federal laws.	WSR 22-15-050 Filed 7/15/2022		
<b>Executive</b>					
<b>Division of Vocational Rehabilitation</b>					
	388-891A-0610, 388-891A-0890	Amendments remove references in WAC to post-employment services provided by DVR as being available to the customer post exit.	WSR 22-12-030 Filed 5/24/2022		WSR 22-11-034 Filed 5/11/2022
<b>Office of the Secretary</b>					

Administration /Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 Filings	CR-103E Filings
	Chapter 388-01 WAC	Office of information governance—Organization, disclosure of public records, and other related rules as appropriate.	WSR 22-14-033 Filed 6/27/2022		

Katherine I. Vasquez  
Rules Coordinator

**WSR 22-17-005**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
(Washington Medical Commission)  
[Filed August 3, 2022, 3:07 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the Washington medical commission (WMC) for the year 2023. WMC meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the WMC website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, WMC reserves the right to change or amend agendas at the meeting.

<b>Date</b>	<b>Time</b>	<b>Location</b>
January 13, 2023	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website. Tumwater, Washington
March 3, 2023	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website. Tumwater, Washington
April 14, 2023	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
May 26, 2023	8:00 a.m.	Virtual meeting. Information will be available on our website.
July 14, 2023	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
August 25, 2023	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
November 17, 2023	8:00 a.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.

Please be advised WMC is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to WMC, including personal information, may ultimately be subject to disclosure as a public record.

If you need further information, please contact Amelia Boyd, program manager, mobile 360-919-6336, amelia.boyd@wmc.wa.gov, <https://wmc.wa.gov/about-commission/meetings>.

**WSR 22-17-006**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
(Washington Medical Commission)  
[Filed August 3, 2022, 3:08 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of [the] policy committee for the Washington medical commission (WMC), for the year 2023. The policy committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and WMC website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, WMC reserves the right to change or amend agendas at the meeting.

<b>Date</b>	<b>Time</b>	<b>Location</b>
January 2, 2023	4:00 p.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website. Tumwater, Washington
March 2, 2023	4:00 p.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website. Tumwater, Washington
April 13, 2023	4:00 p.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
May 26, 2023	4:00 p.m.	Virtual meeting. Information will be available on our website.
July 13, 2023	4:00 p.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
August 24, 2023	4:00 p.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.
November 16, 2023	4:00 p.m.	Virtual options available for open sessions for the public. Information will be available on the WMC website.

Please be advised WMC is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to WMC, including personal information, may ultimately be subject to disclosure as a public record.

If you need further information, please contact Amelia Boyd, program manager, mobile 360-919-6336, amelia.boyd@wmc.wa.gov, <https://wmc.wa.gov/about-commission/meetings>.

WSR 22-17-010

NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE

[Filed August 4, 2022, 9:15 a.m.]

NOTICE

Cancelled and Rescheduled

The regular meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, September 15, 2022, has been cancelled and rescheduled for **Thursday, September 29, 2022, 9:00 - 11:00 a.m.**, and will take place in the College Services Board Room on the Bellingham Technical College campus; attendees may attend in person or via Zoom (<https://btc-tech.zoom.us/j/89330530070>). Call 360-752-8334 for information.

WSR 22-17-012

NOTICE OF PUBLIC MEETINGS  
CENTRAL WASHINGTON UNIVERSITY

[Filed August 4, 2022, 1:52 p.m.]

Board of Trustees Meeting Dates for 2022-2023

Regular meetings of the Central Washington University board of trustees will be held at 9:00 a.m. on the Central Washington University Ellensburg campus or via Zoom, except where noted, on the following dates:

October 20-21, 2022

February 16-17, 2023

May 18-19, 2023

July 27-28, 2023

Annual planning retreat



## WSR 22-17-018

## AGENDA

DEPARTMENT OF  
ENTERPRISE SERVICES

[Filed August 4, 2022, 4:44 p.m.]

Following is the department of enterprise services' (DES) semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that are under active development and rules that the agency anticipates starting some rule-making action on during the next six months.

This agenda also is available on our rule-making website [contact agency for link]. We update rule-making information on our website as rule making progresses. If we start rule-making activities not listed on this agenda or stop listed rule-making activities, we immediately post that information to our rule-making website and inform interested and known affected parties.

Jack Zeigler is available if you have questions about this agenda at email jack.zeigler@des.wa.gov.

Semi-Annual Rule-Making Agenda  
July 1 through December 31, 2022

WAC Citation	Purpose of Rule Making	Current Activity/Approximate Filing Date
Chapter 200-110 WAC, Self-insurance requirements as to local governments	Amend rule to: <ul style="list-style-type: none"> <li>•Align with statutory changes placing health insurance for school employees under the oversight of the newly formed school employees benefits board.</li> <li>•Align with recent changes to other self-insurance rules addressing solvency requirements and independent audit requirements.</li> </ul>	Proposed rules (CR-102) were filed in April 2022. The public comment period has completed. No comments were received, and we anticipate adopting permanent rules without changes in mid-August.
Chapter 200-100 WAC, Self-insurance requirements as to local governments	Amend rule to: <ul style="list-style-type: none"> <li>•Allow the pilotage commission to self-insure through the local government risk pool. This change is restricted to liability coverage only.</li> <li>•Provide improved understanding of the rules relative to reserve levels. This clarification change will not change rule requirements.</li> </ul>	Proposed rules (CR-102) were filed in August 2022. We anticipate completing the public comment period and adopting permanent rules in mid-September.
Chapter 200-220 WAC, Use of the public areas of the capitol buildings and grounds	Amend rule to: <ul style="list-style-type: none"> <li>•Align rules with current law and practices.</li> <li>•Clarify DES has delegated enforcement authority to the Washington state patrol.</li> <li>•Establish an exclusion process and associated appeal process.</li> </ul>	A preproposal statement of inquiry (CR-101) was filed with the office of the code reviser in April 2022. We are currently seeking feedback on a preliminary discussion draft and anticipate filing proposed rules (CR-102) in late August.

Jack Zeigler  
Rules and Policy Manager

**WSR 22-17-023**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD OF ACCOUNTANCY**  
 [Filed August 5, 2022, 1:52 p.m.]

**2022 BOARD MEETING SCHEDULE CHANGE**

The scheduled October 28, 2022, board meeting will now be held as a hybrid meeting, both in-person and through Microsoft Teams (as originally scheduled).

<b>Date</b>	<b>Time</b>	<b>Location</b>
October 28, 2022 Friday	9:00 a.m.	Capitol Event Center Chehalis A and B Rooms 6005 Tyee Drive S.W. Tumwater, WA 98512

Virtual attendance information will be posted on the board's website at [www.acb.wa.gov](http://www.acb.wa.gov) approximately two weeks prior to the meeting date. The information will be available on the homepage under the "Quick Links" section in the "Next Board Meeting" link.

If you need further information, please visit the board's website at [www.acb.wa.gov](http://www.acb.wa.gov). If you need special assistance, such as enlarged type materials, contact Kirsten Donovan, Board Clerk, voice 360-664-9191, email [kirsten.donovan@acb.wa.gov](mailto:kirsten.donovan@acb.wa.gov), or TDD 800-833-6388. The board schedules all public meetings at barrier-free sites.

Jennifer Sciba  
Acting Executive Director

**WSR 22-17-027**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
[Filed August 8, 2022, 8:15 a.m.]

**TOTAL COST OF INSULIN WORK GROUP**  
**Revised August 5, 2022**  
**Meeting Schedule**

Date	Time	Location
August 25, 2022	2:00 - 5:00 p.m.	Webinar*
October 27, 2022	9:00 a.m. - 12:00 p.m.	Webinar*
December 6, 2022	9:00 a.m. - 12:00 p.m.	Webinar*
March 16, 2023 <i>(correction of year)</i>	9:00 a.m. - 12:00 p.m.	Webinar*

\* Webinar link, meeting materials, and announcements will be emailed to the work group 15 days before the meeting date, HCAPharmacyStrategy&Innovation@hca.wa.gov.

For further assistance, please contact Nonye Connor, 360-725-2044, Nonye.Connor@HCA.wa.gov.

**WSR 22-17-028**  
**RULES COORDINATOR**  
**TRANSPORTATION IMPROVEMENT BOARD**  
[Filed August 8, 2022, 9:27 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Transportation Improvement Board is Gena A. Workman, 505 Union Avenue S.E., Suite 350, Olympia, WA 98501, phone 360-586-1140, email genaw@tib.wa.gov.

Ashley Probart  
Executive Director

**WSR 22-17-032**

**NOTICE OF APPEAL**

**OFFICE OF THE GOVERNOR**

[Filed August 9, 2022, 8:23 a.m.]

**NOTICE OF APPEAL**

RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On August 9, 2022, the Governor's Office received an appeal from Jacob Kellogg, requesting to amend WAC 246-915-182 (4-5) (*Unprofessional Conduct - Physical Therapist*).

DATE: August 9, 2022

Taylor K. Wonhoff  
Deputy General Counsel  
to the Governor

**WSR 22-17-033**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 9, 2022, 11:20 a.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration**  
**Division of Child Support (DCS)**

Document Title: DCS AP 4.07: Purchase Cards.

Subject: DCS AP 4.07.

Effective Date: July 29, 2022.

Document Description: This DCS Administrative Policy explains DCS procedures for the use of purchase cards.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

**WSR 22-17-039**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE INDEPENDENT**  
**LIVING COUNCIL**

[Filed August 10, 2022, 11:35 a.m.]

Following is the schedule of regular meetings for the Washington state independent living council for 2022:

<b>Date</b>	<b>Time</b>	<b>Location</b>
August 15, 2022	4:00 - 5:30 p.m.	<a href="https://dshs-telehealth.zoom.us/j/86875873959?pwd=Y3Y4aDBEcTdJcWJkdGFGOExJbGdGZz09,253-215-8782,MeetingID86875873959,Passcode944446">https://dshs-telehealth.zoom.us/j/86875873959?pwd=Y3Y4aDBEcTdJcWJkdGFGOExJbGdGZz09,253-215-8782,MeetingID86875873959,Passcode944446</a>
August 19, 2022	10:30 a.m. - 12:00 p.m.	<a href="https://us02web.zoom.us/j/89714655003?pwd=c2sxSWZ0blNQNFUOGkzYzdxUtpdz09,312-626-6799,MeetingID89714655003,Passcode961778">https://us02web.zoom.us/j/89714655003?pwd=c2sxSWZ0blNQNFUOGkzYzdxUtpdz09,312-626-6799,MeetingID89714655003,Passcode961778</a>
August 19, 2022	5:30 - 7:00 p.m.	<a href="https://us02web.zoom.us/j/89793907021?pwd=NWhBbnMzRUFENlZoejFUTFRPcUtlQT09,646-931-3860,MeetingID89793907021,Passcode669525">https://us02web.zoom.us/j/89793907021?pwd=NWhBbnMzRUFENlZoejFUTFRPcUtlQT09,646-931-3860,MeetingID89793907021,Passcode669525</a>
August 22, 2022	10:30 a.m. - 12:30 p.m.	<a href="https://cfi-wa-org.zoom.us/j/8263285234?pwd=emhrRFVpbJpMWWRLWHJKOXJCTStoQT09,253-215-8782,MeetingID8263285234,PasscodeSPIL">https://cfi-wa-org.zoom.us/j/8263285234?pwd=emhrRFVpbJpMWWRLWHJKOXJCTStoQT09,253-215-8782,MeetingID8263285234,PasscodeSPIL</a>
August 24, 2022	1:00 - 3:00 p.m.	<a href="https://cfi-wa-org.zoom.us/j/85346101560?pwd=M1czeWNkUGRtQmZYyjc0WnBMMUJmQT09,253-215-8782,MeetingID85346101560,PasscodeSPIL">https://cfi-wa-org.zoom.us/j/85346101560?pwd=M1czeWNkUGRtQmZYyjc0WnBMMUJmQT09,253-215-8782,MeetingID85346101560,PasscodeSPIL</a>
August 25, 2022	5:00 - 6:30 p.m.	<a href="https://us06web.zoom.us/j/81456345774,408-638-0968,MeetingID81456345774;orShadleLibrary,2111WestWellesleyAvenue,Spokane,WA99205">https://us06web.zoom.us/j/81456345774,408-638-0968,MeetingID81456345774;orShadleLibrary,2111WestWellesleyAvenue,Spokane,WA99205</a>
August 26, 2022	1:00 - 2:30 p.m.	<a href="https://us06web.zoom.us/j/89566366421,669-444-9171,MeetingID89566366421;orHillyardLibrary,4110NorthCookStreet,Spokane,WA99207">https://us06web.zoom.us/j/89566366421,669-444-9171,MeetingID89566366421;orHillyardLibrary,4110NorthCookStreet,Spokane,WA99207</a>
August 30, 2022	10:30 a.m. - 12:00 p.m.	<a href="https://us02web.zoom.us/j/82873427179?pwd=SUVlNUhRTXBxVW41M0JCQ2o0M2Z1dz09,312-626-6799,MeetingID82873427179,Passcode357051">https://us02web.zoom.us/j/82873427179?pwd=SUVlNUhRTXBxVW41M0JCQ2o0M2Z1dz09,312-626-6799,MeetingID82873427179,Passcode357051</a>

Date	Time	Location
August 30, 2022	5:30 - 7:00 p.m.	https:// us02web.zoom.us/j/ 85483995947? pwd=RW4rWVNtYUF ZNUdCTVlIK1d6dnlF QT09, 312-626-6799, Meeting ID 854 8399 5947, Passcode 584006

If you need further information, contact Rebecca Rodriguez, 360-584-8399, [Rebecca.rodriguez@dshs.wa.gov](mailto:Rebecca.rodriguez@dshs.wa.gov), <https://www.wasilc.org/>.



WSR 22-17-041

AGENDA

DEPARTMENT OF HEALTH  
STATE BOARD OF HEALTH

[Filed August 10, 2022, 1:56 p.m.]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [22-18](#) issue of the Register.

WSR 22-17-043

AGENDA

WASHINGTON STATE PATROL

[Filed August 10, 2022, 3:52 p.m.]

Semi-Annual Rules Development Agenda  
 July 1-December 31, 2022

Pursuant to RCW 34.05.314, following is the Washington state patrol's semi-annual rules development agenda for July-December 2021 [2022].

This report details current and anticipated rule-making activities for the Washington state patrol. This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

If you have any questions regarding rules or rule making, please contact our agency rules coordinator, Kimberly Mathis, at 360-596-4017, or wsprules@wsp.wa.gov.

WAC	Rule Subject	Proposed Timeline		
		CR-101	CR-102	CR-103
212-17	Fireworks Pyrotechnic operator license	8/3/2022 WSR 22-16-110	TBD	TBD
448-16-060	Determining agreement of duplicate breath samples	7/5/2022 WSR 22-14-099	TBD	TBD

## WSR 22-17-047

## DEPARTMENT OF ECOLOGY

[Filed August 11, 2022, 9:16 a.m.]

**Ecology invites public comment for identification of overburdened communities highly impacted by air pollution.**

Ecology has begun work to implement the improving air quality in overburdened communities initiative (section 3, Climate Commitment Act). The first step required is to identify the overburdened communities highly impacted by air pollution in Washington.

Ecology held an initial public engagement period earlier this year to hear from community members on their lived experiences with air quality. Ecology staff used these comments with existing data and studies to create draft indicators, or categories to represent air quality, or other disparities within the community.

Ecology is inviting public comment on these draft indicators. Ecology is interested in hearing if community members feel their experiences with air quality are represented and if there are concerns missing in the draft process. Ecology will consider input and anticipate revising the draft indicators based on public comments.

Once communities are identified as highly impacted by air pollution, ecology will expand air monitoring in the identified communities and in future processes, and develop standards and strategies to address the criteria air pollution in these communities.

**Submitting Written Comments:** Ecology will accept written comments on the draft indicators, draft factors, data sources, and draft processes to identify overburdened communities highly impacted by air pollution from September 19 through November 4, 2022.

Written comments must be **postmarked by November 4, 2022**. Comments should reference a specific text when possible. Comments may address the following:

- Draft indicators for identifying overburdened communities highly impacted by poor air quality.
- Draft factors for boundaries.
- Data sources.

Please submit written comments to Erin Torrone, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

**Assistance for Persons with Disabilities:** To request ADA accommodations for disabilities, call ecology at 360-407-7285 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disabilities may call TTY at 877-833-6341.

Please visit [www.eComments.com](http://www.eComments.com) to provide online comments between September 19 and November 4, 2022. The department will be holding virtual hearings on the draft process to identify overburdened communities highly impacted by air pollution on the following dates:

DATE	TIME	CHANNEL
Tuesday, September 27, 2022	1:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>
Thursday, September 29, 2022	6:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>
Wednesday, October 12, 2022	6:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>
Tuesday, October 18, 2022	1:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>
Thursday, October 20, 2022	6:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>
Wednesday, October 26, 2022	1:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>
Tuesday, November 1, 2022	6:00 p.m.	Zoom links to be found at <a href="http://ecology.wa.gov/overburdened">ecology.wa.gov/overburdened</a>

Ecology staff are available to meet in person, if requested by any interested organizations.

For more information, please see <https://ecology.wa.gov/> overburdened or contact Rob Dengel at 360-480-1453 or [rob.dengel@ecy.wa.gov](mailto:rob.dengel@ecy.wa.gov).

**WSR 22-17-058  
RULES COORDINATOR  
SOUTHWEST CLEAN  
AIR AGENCY**

[Filed August 12, 2022, 12:45 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the South-  
west Clean Air Agency is Wess Safford, 11815 N.E. 99th Street, Suite  
1294, Vancouver, WA 98682, phone 360-574-3058 ext. 126, fax  
360-576-0925, email wess@swcleanair.org.

Uri Papish  
Executive Director

**WSR 22-17-059**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COLLEGES**

[Filed August 12, 2022, 1:12 p.m.]

**BOARD OF TRUSTEES 2022-23 MEETING SCHEDULE**

Regular meetings are held on the second Thursday of the month. **The meetings begin at 3:00 p.m.** Dates and locations of the meetings are noted below.

<b>Date</b>	<b>Location</b>	<b>Host Campus</b>	<b>Address</b>
September 8	BE1110/1111	Seattle Central College	1701 Broadway Seattle, WA 98122
October 13	North Star Dining Room	North Seattle College	9600 College Way North Seattle, WA 98103
November 10	Cascade Hall Room 107	South Seattle College	6000 16th Avenue S.W. Seattle, WA 98106
December 8	BE1110/1111	Seattle Central College	1701 Broadway Seattle, WA 98122
January 12	North Star Dining Room	North Seattle College	9600 College Way North Seattle, WA 98103
February 9	Cascade Hall Room 107	South Seattle College	6000 16th Avenue S.W. Seattle, WA 98106
March 9	BE1110/1111	Seattle Central College	1701 Broadway Seattle, WA 98122
April 13	North Star Dining Room	North Seattle College	9600 College Way North Seattle, WA 98103
May 11	Cascade Hall Room 107	South Seattle College	6000 16th Avenue S.W. Seattle, WA 98106
June 8	BE1110/1111	Seattle Central College	1701 Broadway Seattle, WA 98122
July 13	North Star Dining Room	North Seattle College	9600 College Way North Seattle, WA 98103

**WSR 22-17-069**  
**NOTICE OF PUBLIC MEETINGS**  
**GAMBLING COMMISSION**  
 [Filed August 12, 2022, 3:50 p.m.]

**Revised 2022 Commission Meeting Date Schedule**

January 13 and 14 Thursday and Friday	Gambling Commission Lacey, Washington (virtual)
February 7 Monday	Special Gambling Commission Lacey, Washington (virtual)
March 10 and 11 Thursday and Friday	Gambling Commission Lacey, Washington (virtual)
April 14 and 15 Thursday and Friday	Gambling Commission Lacey, Washington (hybrid)
May 12 and 13 Thursday and Friday	Gambling Commission Lacey, Washington (hybrid)
June 9 and 10 Canceled	Gambling Commission
July 14 and 15 Thursday and Friday	Liquor and Cannabis Board The Union Tower Building 1025 Union Avenue S.E. Olympia, Washington (hybrid)
August 11 and 12 Thursday and Friday	Liquor and Cannabis Board The Union Tower Building 1025 Union Avenue S.E. Olympia, Washington (hybrid)
September 8 and 9 Thursday and Friday	Liquor and Cannabis Board The Union Tower Building 1025 Union Avenue S.E. Olympia, Washington (hybrid)
October 6 and 7 Thursday and Friday	Liquor and Cannabis Board The Union Tower Building 1025 Union Avenue S.E. Olympia, Washington (hybrid)
November 9 and 10 Wednesday and Thursday	Gambling Commission Lacey, Washington (hybrid)
December	NO MEETING

Commission meetings will be virtual through the 2022 legislative session. Starting April 2022, commission meetings will be a hybrid model whereby the public will be able to attend the meetings virtually or in person, assuming the governor's suspension of the Open Public Meetings Act's in-person requirement is lifted or the current state of emergency ends.

Contact Julie Anderson, 360-486-3453, [Julie.anderson@wsgc.wa.gov](mailto:Julie.anderson@wsgc.wa.gov).

## WSR 22-17-088

## NOTICE OF PUBLIC MEETINGS

## CONSERVATION COMMISSION

[Filed August 18, 2022, 11:20 a.m.]

On July 21, 2022, during their regular business meeting with a quorum present, the Washington state conservation commission (WSCC) adopted by motion a new meeting date to hold the September business meeting. The new meeting date for the September regular business meeting will be Thursday, September [21 and 22, 2022].

Background: Per WAC 135-04-020, WSCC shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. The regular business conservation commission meetings are held on the third Thursday of every other month with the exception of the November/December meeting. Highlighted dates are the meeting dates.

**2022 Conservation Commission Meeting Schedule**

DATE	HOSTING DISTRICT	LOCATION	REGIONAL MANAGER
January 19 and 20, 2022	Snohomish CD	Everett/Edmonds	Jean Fike
March 16 and 17, 2022	Thurston CD	Olympia/Lacey	Jean Fike
May 17, 18, and 19, 2022	Lincoln CD	Davenport/Spokane	Mike Baden
July 20 and 21, 2022	Kittitas County CD	Ellensburg	Allisa Carlson
September 21 and 22, 2022	Pacific CD	Tokeland	Josh Giuntoli
December 2, 2022	WACD annual meeting	Wenatchee	Allisa Carlson



**WSR 22-17-093**

**NOTICE OF PUBLIC MEETINGS**

**ALFALFA SEED COMMISSION**

[Filed August 18, 2022, 3:00 p.m.]

The Washington alfalfa seed commission has changed the following regular meeting:

From: Tuesday, September 20, 2022.

To: Thursday, September 29, 2022.

The meeting will be held at the Benton PUD building in Kennewick, Washington, starting at 10:00 a.m.

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2 Kennewick, WA 99336, 509-585-5460, shanej@agmgmt.com.

**WSR 22-17-094**

**NOTICE OF PUBLIC MEETINGS**

**MINT COMMISSION**

[Filed August 18, 2022, 3:00 p.m.]

The Washington mint commission has changed the following regular meeting:

From: Tuesday, September 20, 2022.

To: Tuesday, September 13, 2022.

The meeting will be held at Snipes Mountain Restaurant and Tap House in Sunnyside, Washington, starting at 6:00 p.m.

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, shanej@agmgt.com.

**WSR 22-17-095**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed August 18, 2022, 3:53 p.m.]

Prevailing Rate of Wage Publication - Emergency Wage Rate Correction

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on August 18, 2022, the industrial statistician determined and published on the internet an emergency correction to several prevailing wage rates. The director of labor and industries approved this emergency correction. The incorrect rates were published on August 1, 2022, and were scheduled to become effective 30 days later on August 31. With the emergency correction, the corrected rates will become effective on August 31, 2022, the original date in which the rates would have become effective.

This publication corrects a wage rate error impacting the sprinkler fitters (fire protection) trade in several central and eastern Washington counties.

For more information on prevailing wage or a copy of the rates, please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

**WSR 22-17-104**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Filed August 19, 2022, 12:51 p.m.]

**REVISED NOTICE OF PUBLIC MEETINGS**  
**2022**

Considering the COVID-19 global pandemic, social distancing requirements, and other related restrictions, the commission on judicial conduct (commission) will conduct all 2022 meetings listed below via web conference until further notice. All public meetings start at 1:00 p.m. Members of the public wishing to attend remotely and observe the meeting can obtain instructions by calling 360-753-4585 or visiting the commission's website the day of the meeting at [www.cjc.state.wa.us](http://www.cjc.state.wa.us).

Friday, September 9, 2022

Friday, November 18, 2022

**WSR 22-17-105**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Naturopathy)  
 [Filed August 19, 2022, 3:11 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of naturopathy, for the year 2023. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via *GovDelivery* and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of naturopathy reserves the right to change or amend agendas at the meeting.

<b>Date</b>	<b>Time</b>	<b>Locations</b>
February 10, 2023	8:30 a.m.	TBD
May 12, 2023	8:30 a.m.	TBD
August 11, 2023	8:30 a.m.	TBD
November 17, 2023	8:30 a.m.	TBD

If you need further information, please contact Susan Gragg, Program Manager, DOH, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, email [naturopathy@doh.wa.gov](mailto:naturopathy@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised, the board of naturopathy is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 22-17-106**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
(Podiatric Medical Board)  
[Filed August 19, 2022, 3:12 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), podiatric medical board, for the year 2023. The podiatric medical board meetings are open to the public and access for persons with disabilities may be arranged with advanced notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the podiatric medical board reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
January 19, 2023	9:00 a.m.	TBD
April 20, 2023	9:00 a.m.	TBD
July 20, 2023	9:00 a.m.	TBD
October 19, 2023	9:00 a.m.	TBD

If you need further information, please contact Susan Gragg, Program Manager, DOH, Podiatric Medical Board, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, email [podiatric@doh.wa.gov](mailto:podiatric@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised, the podiatric medical board is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 22-17-108**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 19, 2022, 4:09 p.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

**Developmental Disabilities Administration (DDA)**

Document Title: REVISED Public comment notice for proposed Developmental Disabilities Administration (DDA) HCBS Waiver amendments.

Subject: Basic plus, core, community protections (CP), children's intensive in-home behavioral support (CIIBS), and individual and family services (IFS) home and community-based services waiver amendments are available for 30 days of public comment from August 17, 2022, through October 7, 2022.

Effective Date: September 7, 2022.

Document description: DDA within DSHS, in cooperation with the health care authority, is posting for 30 days of public comment amendments for basic plus, core, CP, CIIBS, and IFS waivers. Participants on all waivers may receive some services remotely. Remote supports will be added to basic plus, core, and IFS waivers. Participants will be able to receive supported employment and community inclusion at the same time. A provider type is added to individual supported employment/group supported employment, individualized technical assistance and community inclusion. Amendments are available at <https://www.dshs.wa.gov/dda>.

To receive a copy of the interpretive or policy statements, contact Bob Beckman, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1500, TDD/TTY 711 or 1-800-833-6388, fax 360-407-0955, email [DDAWaiverAmendments@dshs.wa.gov](mailto:DDAWaiverAmendments@dshs.wa.gov), website <https://www.dshs.wa.gov/dda>.

**WSR 22-17-131**

**NOTICE OF PUBLIC MEETINGS**

**HUMAN RIGHTS COMMISSION**

[Filed August 23, 2022, 10:43 a.m.]

The following times, dates, and locations are for commission meetings for 2022:

Washington state human rights commission, commission meeting on September 22, 2022, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 833-598-2099 (toll-free), 564-999-2000 (Olympia), access code 994 674 972#.



## WSR 22-17-137

## INTERPRETIVE OR POLICY STATEMENT

## HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Filed August 23, 2022, 1:13 p.m.]

Notice of Public Employees Benefits Board (PEBB) Program  
Administrative Policy Statements

The following is a list of administrative policies published by the PEBB program. These policies are effective January 1, 2023. You can download the complete policy statements on the PEBB program rules and policies page at [hca.wa.gov/pebb-rules](http://hca.wa.gov/pebb-rules).

The following policies were amended or created to support the PEBB program:

**Policy 11-1: Providing a notice to an employee and a state agency.** This policy clarifies the requirements of a state agency-to-employee and employee-to-state agency notice, as stated in WAC 182-12-113(2), and RCW 41.05.009(2) and 41.05.065 (4)(c)(iii), (iv), and (v).

**Policy 11-3: Correcting employing agency and contracted vendor enrollment errors.** This policy clarifies the requirements placed on an employing agency or contracted vendor when they correct their own enrollment errors as described in WAC 182-08-187.

**Policy 15-1: Determining eligibility for a seasonal employee and maintenance of the employer contribution through the off season.** This policy clarifies seasonal employee eligibility.

**Policy 17-1: Determining faculty eligibility for summer/short class sessions.** This policy clarifies an institution of higher education's role in defining faculty eligibility for the purposes of PEBB benefits and clarifies institutions of higher education must consider class sessions that have different time frames than traditional quarters and semesters, including summer sessions, when determining a faculty member's eligibility for PEBB benefits and the employer contribution toward PEBB benefits. This policy also provides a method for calculating the percentage of full-time for faculty teaching these non-traditional class sessions and a method for determining when the employer contribution toward PEBB benefits begins and ends for faculty teaching these nontraditional class sessions.

**Policy 17-2: Determining faculty eligibility after a layoff.** This policy applies the criteria for maintaining the employer contribution toward PEBB benefits for faculty following a layoff, as described in WAC 182-12-129, to: (1) Faculty who move from one position to another due to a layoff; and (2) employees who move from any type of position to a faculty position after a layoff.

**Policy 17-3: Determining faculty eligibility for off-quarter/semester or for decreases in workload.** This policy clarifies when an employee in a faculty position qualifies for the employer contribution toward PEBB benefits during an off-quarter/semester or when there is a decrease in workload.

**Policy 19-1: Termination due to loss of eligibility or enrollment error.** This policy applies whenever coverage for a subscriber or a subscriber's dependent is terminated due to loss of eligibility, or because a subscriber or dependent was enrolled when they were not eligible for coverage.

**Addendum 19-1A: Termination due to loss of eligibility or enrollment error: Employee.**

**Addendum 19-1B: Termination due to loss of eligibility or non-payment: Self-Pay Subscriber.**

**Policy 21-1: Exemption from the retiree deferral form requirement.** This policy exempts certain retirees from the "deferral form requirement" under WAC 182-12-171 (1)(d), 182-12-180 (3)(d), 182-12-205 (4)(a), and 182-12-265 (1), (2), and (3).

**Policy 26-1: Administering PEBB retiree medical plan enrollment in coordination with Medicare Part D.** This policy administers PEBB Program retiree medical plan enrollment to participate in the employer incentive program established in 42 U.S.C. § 1395w-132.

**Policy 31-1: Verifying dependent eligibility before enrollment.** This policy clarifies which documents the PEBB program considers valid for dependent verification and identifies which accounts are included in the dependent verification process.

**Policy 31-2: Use of PEBB premium surcharge attestation help sheet and spousal plan calculator tools.** This policy provides direction when a PEBB subscriber enrolled in PEBB medical, but not enrolled in Medicare Part A and Part B and in the Medicare risk pool as described in RCW 41.05.080(3), is determining if a premium surcharge will be applied for a spouse or state registered domestic partner enrolled in PEBB medical.

**Policy 33-1: Verifying legal union's residency status.** This policy sets forth special criteria, documentation criteria, and limitations for two persons in Washington state who have a legal union, other than a marriage, that was (1) validly formed in another state or jurisdiction; (2) provides substantially the same rights, benefits, and responsibilities as a marriage; and (3) does not meet the definition of a domestic partnership in RCW 26.60.030.

**Policy 36-1: Certifying eligibility for a dependent child with a disability who is age 26 or older.** This policy applies whenever a subscriber requests to enroll or continue enrollment for a dependent child with a disability who is age 26 or older on their PEBB program subscriber account.

**Policy 37-1: Certifying eligibility for an extended dependent child.** This policy applies when a subscriber submits the required forms to enroll an extended dependent child in the subscriber's PEBB health plan coverage.

**Policy 45-2: Special Open Enrollment (SOE).** This policy applies whenever a subscriber requests an enrollment change or election change outside of the PEBB program's annual open enrollment period.

**Addendum 45-2A: Special Open Enrollment (SOE) matrix: Summary of permitted election changes.**

**Policy 56-1: Continuation coverage and retiree insurance coverage reinstatement for subscribers with mental or physical impairment or incapacitation.** This policy applies whenever a subscriber (or another party acting on behalf of the subscriber) requests reinstatement of continuation coverage or retiree insurance coverage due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacitation; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the Internal Revenue Service (IRS) recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely payment.

This policy establishes the methodology that the PEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of reinstatement of coverage terminated

due to nonpayment of premiums, or applicable premium surcharges. The policy also establishes the methodology the PEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely payment.

This policy provides timing requirements for requesting reinstatement due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacity; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency causes an applicant to be unable to make premium payments and applicable premium surcharges.

**Policy 56-2: Election period tolling for applicants with mental or physical impairment or incapacitation.** This policy applies whenever an applicant (or another party acting on behalf of the applicant) requests tolling of the continuation coverage, retiree insurance coverage, new employee eligibility, regained eligibility, annual open enrollment, or SOE election period. Tolling may be requested for reason of mental or physical impairment or incapacitation when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy establishes the methodology that the PEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of tolling the election period of continuation coverage, retiree insurance coverage, new employee eligibility, regained eligibility, annual open enrollment, or SOE. The policy also establishes the methodology the PEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy provides timing requirements to request tolling of the election period for reason of mental or physical impairment or incapacity.

**Policy 60-1: Required appeals related documents when the PEBB Program conducts a brief adjudicative proceeding.** This policy clarifies what particular documents are required from an employing agency or third-party administrator when the PEBB program is conducting a brief adjudicative proceeding at the request of one of its employees or subscribers.

**Policy 90-1: Allowable mid-year termination for an employer group or board members of school districts and educational service districts.** This policy clarifies when an employer group or board members of school districts or educational service districts may terminate their participation in PEBB insurance coverage mid-year.

**Policy 90-2: What authority do employer groups or board of directors for school districts and educational service districts need before contracting with the Health Care Authority (HCA) for participation in Public Employees Benefits Board (PEBB) for insurance coverage?**

This policy clarifies what authority is required from employer groups or board of directors for school districts and educational service districts as part of the application process for benefits with HCA and the PEBB program.

**Policy 90-3: Determining if an employer group or board of directors for school districts and educational service districts requesting eligibility criteria different from Public Employees Benefits Board (PEBB) Program rules shall be approved.** This policy clarifies the criteria used by HCA to approve or deny requests to use eligibility criteria that are different from the eligibility criteria used by the PEBB program received from one of the following: (1) An employer group; (2) the board of directors of one of the state's school districts for participation by members of the district's board of directors; or (3) the board of directors of one of the state's educational service districts for participation by members of the district's board of directors or nonrepresented employees.

**Policy 91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge.** This policy applies when a subscriber who is eligible to participate in the PEBB wellness incentive program is seeking a reasonable alternative to a wellness incentive program requirement in order to receive a wellness incentive as described in WAC 182-12-300.

This policy also applies when an enrollee on a PEBB medical plan is seeking a reasonable alternative so that a subscriber can avoid paying the tobacco use premium surcharge as described in WAC 182-08-185 (1) (c) (iii).

**Policy 91-2: Tobacco as it relates to religious or ceremonial use.** This policy applies whenever a PEBB subscriber is attesting to an enrolled member's tobacco use status and clarifies the exception for the religious or ceremonial use of tobacco.

**Policy 91-3: Washington Wellness Worksite Designation Program incentive requirements.** This policy provides a set of requirements for state agencies to use when offering wellness incentives under the Washington wellness worksite designation program.

**Policy 93-2: PEBB Program payment plans for continuation coverage and retiree accounts.** This policy describes the process HCA will use when authorizing a payment plan request for continuation coverage or a retiree account from a subscriber or a subscriber's legal representative.

**Policy 94-1: Accessing PEBB Program salary reduction plan document.** This policy clarifies where a subscriber may access the PEBB program's salary reduction plan document.

**Policy 94-2: Accessing PEBB Program wellness plan document.** This policy clarifies where a subscriber may access the PEBB program's wellness plan document.

**Policy 94-3: Subscriber Mistake - Factor Test.** This policy applies whenever an employee makes a mistake electing a medical flexible spending arrangement (FSA), a limited purpose FSA, a dependent care assistance program, or when a subscriber requests a health plan change when they or their dependent experiences a disruption of medical care because of a mistake, which impacts a documented, ongoing course of treatment.

To receive a hard copy of the policy statements, contact Leanne Clark at P.O. Box 42684, Olympia, WA 98504-2684, or via email at [Leanne.Clark@hca.wa.gov](mailto:Leanne.Clark@hca.wa.gov).

**WSR 22-17-138**  
**POLICY STATEMENT**  
**HEALTH CARE AUTHORITY**  
(School Employees Benefits Board)  
[Filed August 23, 2022, 1:14 p.m.]

Notice of School Employees Benefits Board (SEBB) Program  
Administrative Policy Statements

Notice of School Employees Benefits Board (SEBB) Program Administrative Policy Statements

The following is a list of administrative policies published by the SEBB program. These policies are effective January 1, 2023. You can download the complete policy statements on the SEBB program rules and policies page at [hca.wa.gov/sebb-rules](http://hca.wa.gov/sebb-rules).

The following policies were amended or created to support the SEBB program:

**Policy 11-1: Providing a notice to a school employee.** This policy clarifies the requirements of a SEBB organization-to-school employee notice, as stated in WAC 182-31-030(2) and RCW 41.05.009(2).

**Policy 11-3: Correcting School Employees Benefits Board Organization and contracted vendor enrollment errors.** This policy clarifies the requirements placed on a SEBB organization or contracted vendor when they correct their own enrollment errors as described in WAC 182-30-060.

**Policy 12-1: Determining the first day of school for SEBB Organizations.** This policy applies when a SEBB organization is determining the first day of school for the upcoming school year.

**Policy 19-1: Termination due to loss of eligibility or enrollment error.** This policy applies whenever coverage for a subscriber or a subscriber's dependent is terminated due to loss of eligibility, or because a subscriber or dependent was enrolled when they were not eligible for coverage.

**Addendum 19-1A: Termination due to loss of eligibility or enrollment error: School employee.**

**Addendum 19-1B: Termination due to loss of eligibility or non-payment: Self-pay subscriber.**

**Policy 31-1: Verifying dependent eligibility before enrollment.** This policy clarifies which documents the SEBB program considers valid for dependent verification and identifies which accounts are included in the dependent verification process.

**Policy 31-2: Use of SEBB premium surcharge attestation help sheet and spousal plan calculator tools.** This policy provides direction when a SEBB subscriber enrolled in SEBB medical is determining if a premium surcharge will be applied for a spouse or state registered domestic partner enrolled in SEBB medical.

**Policy 33-1: Verifying legal union's residency status.** This policy sets forth special criteria, documentation criteria, and limitations for two persons in Washington state who have a legal union, other than a marriage, that: (1) Was validly formed in another state or jurisdiction; (2) provides substantially the same rights, benefits, and responsibilities as a marriage; and (3) does not meet the definition of a domestic partnership in RCW 26.60.030.

**Policy 36-1: Certifying eligibility for a dependent child with a disability who is age 26 or older.** This policy applies whenever a subscriber requests to enroll or continue enrollment for a dependent child with a disability who is age 26 or older on their SEBB program subscriber account.

**Policy 37-1: Certifying eligibility for an extended dependent child.** This policy applies when a subscriber submits the required forms to enroll an extended dependent child in the subscriber's SEBB health plan coverage.

**Policy 45-2: Special Open Enrollment (SOE).** This policy applies whenever a subscriber requests an enrollment change or election change outside of the SEBB program annual open enrollment period.

**Addendum 45-2A: Special Open Enrollment (SOE) matrix: Summary of permitted election changes.**

**Policy 56-1: Continuation coverage reinstatement for subscribers with mental or physical impairment or incapacitation.** This policy applies whenever a subscriber (or another party acting on behalf of the subscriber) requests reinstatement of continuation coverage due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacitation; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the Internal Revenue Service (IRS) recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely payment.

This policy establishes the methodology that the SEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of reinstatement of coverage terminated due to nonpayment of premiums, or applicable premium surcharges. The policy also establishes the methodology the SEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely payment.

This policy provides timing requirements for requesting reinstatement due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacity; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency causes an applicant to be unable to make premium payments and applicable premium surcharges.

**Policy 56-2: Election period tolling for applicants with mental or physical impairment or incapacitation.** This policy applies whenever an applicant (or another party acting on behalf of the applicant) requests tolling of the continuation coverage, new employee eligibility, regained eligibility, annual open enrollment, or SOE election period. Tolling may be requested for reason of mental or physical impairment or incapacitation, when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy establishes the methodology that the SEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of tolling the election period of continuation coverage, new employee eligibility, regained eligibility, annual open enrollment, or SOE. The policy also establishes the methodology the SEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as de-

scribed in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy provides timing requirements to request tolling of the election period for reason of mental or physical impairment or incapacity.

**Policy 60-1: Required appeals related documents when the SEBB Program conducts a brief adjudicative proceeding.** This policy clarifies what particular documents are required from a SEBB organization or third-party administrator when the SEBB program is conducting a brief adjudicative proceeding at the request of one of its school employees or subscribers.

**Policy 91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge.** This policy applies when a subscriber who is eligible to participate in the SEBB wellness incentive program is seeking a reasonable alternative to a wellness incentive program requirement in order to receive a wellness incentive as described in WAC 182-31-190.

This policy also applies when an enrollee on a SEBB medical plan is seeking a reasonable alternative so that a subscriber can avoid paying the tobacco use premium surcharge as described in WAC 182-30-050 (1) (c) (iii).

**Policy 91-2: Tobacco as it relates to religious or ceremonial use.** This policy applies whenever a SEBB subscriber is attesting to an enrolled member's tobacco use status and clarifies the exception for the religious or ceremonial use of tobacco.

**Policy 91-3: Washington Wellness Worksite Designation Program incentive requirements.** This policy provides a set of requirements for the SEBB organizations to use when offering wellness incentives under the Washington wellness worksite designation program.

**Policy 93-2: SEBB Program payment plans for continuation coverage accounts.** This policy describes the process HCA will use when authorizing a payment plan request for a continuation coverage account from a subscriber or a subscriber's legal representative.

**Policy 94-1: Accessing SEBB Program salary reduction plan document.** This policy clarifies where a subscriber may access the SEBB program's salary reduction plan document.

**Policy 94-2: Accessing SEBB Program wellness plan document.** This policy clarifies where a subscriber may access the SEBB program's wellness plan document.

**Policy 94-3: Subscriber Mistake-Factor Test.** This policy applies whenever a school employee makes a mistake electing a medical flexible spending arrangement (FSA), a limited purpose FSA, a dependent care assistance program, or when a subscriber requests a health plan change when they or their dependent experiences a disruption of medical care because of a mistake, which impacts a documented, ongoing course of treatment.

**WSR 22-17-164**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed August 24, 2022, 9:52 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy Statement: DC:0-5 Assessment Tool for Behavioral Health Agencies Licensed Under Chapter 246-341 WAC. Policy Number: CHS-07-20-22.

Issuing Entity: Department of health.

Subject Matter: Allowing behavioral health agencies licensed under chapter 246-341 WAC to utilize the *Diagnostic Classification of Mental Health and Developmental Disorders of Infancy and Early Childhood* (DC:0-5) when completing a diagnostic assessment statement.

Effective Date: September 1, 2022.

Contact Person: Julie Tomaro, facilities program manager, Julie.tomaro@doh.wa.gov, 360-236-2937.