

WSR 22-24-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 23, 2022, 2:26 p.m.]

Subject of Possible Rule Making: Chapter 246-825 WAC, Genetic counselors. The department of health (department) is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, for genetic counselors to comply with RCW 43.70.613. Additional CE hours and course topics related to health equity will also be considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.290.020, 43.70.613, 43.70.040, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years. This includes the genetic counselor profession.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department filed proposed rules for health equity CE minimum standards on August 23, 2022, under WSR 22-17-141. Any rules developed for genetic counselors must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kim-Boi Shadduck, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2912, fax 360-236-2901, TTY 711, email kimboi.shadduck@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules for genetic counselors. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about this rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page. Click on "Genetic Counselor Program," which can be found under "Health Professions."

November 23, 2022
Todd Mountin, PMP
Deputy Chief of Policy
for Kristin Peterson, JD
Chief of Policy

WSR 22-24-003
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 23, 2022, 3:23 p.m.]

Subject of Possible Rule Making: WAC 182-535A-0040 Orthodontic treatment and orthodontic-related services—Covered, noncovered, and limitations to coverage; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this rule to remove subsection (4)(e) to be less restrictive for providers using removable appliances as part of orthodontic treatment. The agency is also removing "with an alveolar process involvement" from subsection (1)(a) to eliminate limiting clients who have a cleft lip to those with an alveolar process involvement. During the course of this review, the health care authority may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Janice Tadeo, Program Questions, P.O. Box 55078, Olympia, WA 98504-5078, phone 360-725-1583, fax 360-586-9727, TRS 711, email Janice.tadeo@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 23, 2022
Wendy Barcus
Rules Coordinator

WSR 22-24-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed November 29, 2022, 9:57 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-76 WAC, Adult family home minimum licensing requirements, WAC 388-76-10750 Safety and maintenance. The intent is to provide clarity about access to hand sanitizer in compliance with infection control, safety, and maintenance regulations in adult family homes. Homes must meet infection control requirements while also ensuring resident safety. The department may amend other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These changes will give clear requirements for adult family homes to allow residents who have been assessed as "safe" unsupervised access to hand sanitizer. It will assist homes in meeting or maintaining infection control standards by increasing access for residents who can safely use hand sanitizer without supervision.

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 Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

November 29, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-24-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[P2022-18—Filed November 29, 2022, 11:54 a.m.]

Subject of Possible Rule Making: The department is considering rule changes for hunting regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarifications to rules and to expand or decrease recreational hunting opportunities, while maintaining sustainable game populations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulations guidelines.

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 Eric Gardner, 1111 Washington Street S.E., [Olympia,] WA 98504, voicemail comments 855-925-2801, project code 3277, TTY 360-902-2349, 1-800-833-6388, or 711, email 2023huntingseasons@PublicInput.com, website <https://publicinput.com/2023huntingseasons>; or Heather Bonagofski, TTY 360-902-2349, 1-800-833-6388, or 711, email heather.bonagofski@dfw.wa.gov, website <https://wdfw.wa.gov/hunting/regulations>.

Additional comments: <http://wdfw.wa.gov/about/regulations>.

November 29, 2022
Chris Fredley
Acting Rules Coordinator

WSR 22-24-028
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 30, 2022, 1:35 p.m.]

Subject of Possible Rule Making: Concerning running start during the summer term: WAC 392-121-119 Definition—Enrolled count dates, 392-121-123 Nonstandard school year programs, 392-169-030 Annual average full-time equivalent (AAFTE) running start enrollment—Definition, 392-169-055 Enrollment—Extent and duration of running start enrollment, and 392-169-100 Running start enrollment count dates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2022 ESSB 5693, section 504(18).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering amending chapters 392-121 and 392-169 WAC concerning summer running start. ESSB 5693, section 504(18) directs OSPI to adopt rules to fund participating student's enrollment in running start courses during the summer term.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6306, TTY 360-664-3631, email becky.mclean@k12.wa.us, website k12.wa.us; or Tim McClain, OSPI, P.O. Box 47200, Olympia, WA 98504, TTY 360-664-3631, email tim.mcclain@k12.wa.us, website K12.wa.us.

November 30, 2022
Chris P. S. Reykdal
State Superintendent of Public Instruction

WSR 22-24-062
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 2, 2022, 8:57 a.m.]

Subject of Possible Rule Making: Dental-related services: WAC 182-535-1098 Covered—Adjunctive general services and 182-535-1100 Dental-related services—Not covered; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to: (1) Correct an incorrect subsection reference in WAC 182-535-1098 (4)(c). Subsection (4)(c) indicates refer to WAC 182-535-1094(3) and should be WAC 182-535-1094(4); (2) remove subsection (2)(f)(x), replacement of agency-purchased prosthodontics, from WAC 182-535-1100 Not covered. Dentures are a covered service. During the course of this review, the health care authority may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Jayson Diaz, Program Questions, P.O. Box 55076, Olympia, WA 98504-5076, phone 360-725-1822, fax 360-586-9727, TRS 711, email Jayson.diaz@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 2, 2022
Wendy Barcus
Rules Coordinator

WSR 22-24-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed December 7, 2022, 9:48 a.m.]

Subject of Possible Rule Making: WAC 388-106-1900 What definitions apply to medicaid alternative care (MAC) and tailored support for older adults (TSOA) services?, 388-106-1910 Am I eligible for TSOA services?, 388-106-1915 What services may I receive in MAC and TSOA?, 388-106-1933 How is the GetCare screening scored to determine if I am eligible for a GetCare assessment and related step three services?, and 388-106-1950 How do I remain eligible for MAC and TSOA services? Other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending the chapter 388-106 WAC to update definition language, add additional services that are included in the 1115 Waiver Renewal, clarify eligibility, and update language.

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

Process for Developing New Rule: Collaborative. The department of social and health services (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 Resa Lee-Bell, 4500 10th Avenue S.W., Lacey, WA 98503, phone 564-999-1287, email resa.lee-bell@dshs.wa.gov.

Additional comments: Anyone interested should contact the staff person identified to participate in this rule making.

December 6, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-24-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order P2022-19—Filed December 7, 2022, 11:21 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 220-353-050 to add certain bottomfish (also known as "groundfish") to the list of commercially taken species that are permitted to be possessed, transported through the waters of the state, and landed in the dressed condition. The agency is considering limiting the allowance to specific sectors operating under the federal groundfish fisheries regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.12.045, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure accurate data collection for stock assessments, fish are currently required to be landed into Washington ports in the whole (also known as "round") condition, unless specifically exempted by regulation. Some commercial fishers have requested that additional species, such as rockfishes, be exempted because dressing them at sea would preserve their marketability and reduce discarding early in the trip due to spoilage.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The agency participates in the conservation and management of bottomfish through the Pacific Fishery Management Council (council). This rule would not conflict with regulations adopted by the council and implemented into federal regulations by the National Marine Fisheries Service.

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 Whitney Roberts, 1111 Washington Street S.E., Olympia, WA 98501, phone 855-925-2801, project code 2303, TTY 1-800-833-6388 or 711, email commercialrockfish@PublicInput.com, website <https://publicinput.com/commercialrockfish>; or Whitney Roberts, 1111 Washington Street S.E., Olympia, WA 98501, phone 360-902-2675, TTY 1-800-833-6388 or 711, email Whitney.Roberts@dfw.wa.gov, website wdfw.wa.gov.

Additional comments: Assistance for additional accessibility and persons with disabilities, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Ttle6@dfw.wa.gov.

December 7, 2022
Chris Fredley
Acting Rules Coordinator

WSR 22-24-114
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 7, 2022, 11:46 a.m.]

Subject of Possible Rule Making: Transportation services—None-emergency transportation (NEMT), WAC 182-546-5000 NEMT—General, 182-546-5100 NEMT—Definitions, 182-546-5550 NEMT—Exclusions and limitations, 182-546-5600 NEMT—Intermediate stops or delays, 182-546-5800 NEMT—Trips out-of-state/out-of-country, 182-546-5900 NEMT—Meals, lodging, escort/guardian, and 182-546-6200 NEMT—Reimbursement. Other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 42 C.F.R. 431.53, 440.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to provide more precise language to define the program parameters and ensure consistency. Specifically, the agency is proposing to amend:

- WAC 182-546-5000(4) to clarify this section pertains to a client's freedom of access to health care, but doesn't require the agency to cover transportation at a higher cost in order to meet the client's personal choice of medical provider.
- WAC 182-546-5100 to add a definition for against medical advice (AMA), fix WAC reference in ambulance definition, and remove definitions for extended stay and short stay.
- WAC 182-546-5550 to add in a new subsection (1)(b) regarding AMA discharges and a new subsection (1)(k) for standalone pharmacy trips.
- WAC 182-546-5600 (3)(b) to clarify the agency may pay for transportation for a client to a pharmacy to obtain medicare Part D prescriptions if the prescriptions are billable to medicaid and not paid for by medicare Part D.
- WAC 182-546-5800(1) to clarify that out-of-state requests require a minimum of seven days' notice before the client's travel.
- WAC 182-546-5900(4) to clarify the reasonable cost of lodging and meals is measured against the state per diem of the location where the client is receiving covered medical services and striking subsections (4)(a), (b), and (c).
- WAC 182-546-6200 to add new subsection (8) to clarify how the mileage reimbursement rate is based.

During the course of this review, the health care authority may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727,

telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Emily Horton, Program Questions, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-1721, fax 360-586-9727, TRS 711, email Emily.horton@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 7, 2022
Wendy Barcus
Rules Coordinator

WSR 22-24-114A
PREPROPOSAL STATEMENT OF INQUIRY
CENTRALIA COLLEGE

[Filed December 7, 2022, 9:01 a.m.]

Subject of Possible Rule Making: Student conduct code with anti-hazing language.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB [2SHB] 1751 "Sam's Law" hazing prevention requires colleges to establish antihazing policies. The goal of the law is to reduce incidents of hazing at college campuses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board of community and technical colleges.

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 Robert Cox, 600 Centralia College Boulevard, Centralia, WA 98531, phone 360-623-8385, email robert.cox@centralia.edu, website www.centralia.edu.

December 1, 2022

Robert Cox

Vice President of Student Services

WSR 22-24-114B
PREPROPOSAL STATEMENT OF INQUIRY
CENTRALIA COLLEGE

[Filed December 7, 2022, 9:02 a.m.]

Subject of Possible Rule Making: State law prohibits transcript holds for financial obligations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB [2SHB] 2513 prohibits transcript holds for financial obligations. Students will be able to access transcripts while having financial obligations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board of community and technical colleges.

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 Janet Reaume, 600 Centralia College Boulevard, Centralia, WA 98531, phone 360-623-8589, email janet.reaume@centralia.edu, website www.centralia.edu.

December 6, 2022

Janet Reaume

Executive Assistant to the President

WSR 22-24-114C
PREPROPOSAL STATEMENT OF INQUIRY
CENTRALIA COLLEGE

[Filed December 7, 2022, 9:03 a.m.]

Subject of Possible Rule Making: State law prohibits transcript holds for fines and penalties.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB [2SHB] 2513 prohibits transcript holds for fines and penalties. Students will be able to access transcripts while having fines and penalties.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board of community and technical colleges.

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 Janet Reaume, 600 Centralia College Boulevard, Centralia, WA 98531, phone 360-623-8589, email janet.reaume@centralia.edu, website www.centralia.edu.

December 6, 2022

Janet Reaume

Executive Assistant to the President