

WSR 23-05-001
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed February 1, 2023, 12:09 p.m.]

Subject of Possible Rule Making: Establishing new sections for fees in chapters 139-30, 139-33, and 139-35 WAC, and amending WAC to update language regarding internal processes and the charging of fees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update agency rules regarding the aforementioned rules, fees, and processes.

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

Process for Developing New Rule: Updating language through an internal process to align the rules with current procedures, and setting fees as required to maintain the program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 253-835-7350, email Derek.zable@cjtc.wa.gov, website cjtc.wa.gov.

February 1, 2023
Derek Zable
Records Manager

WSR 23-05-007
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed February 2, 2023, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, existing approved programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changing the review cycle for educator preparation programs to ensure time for educator preparation programs to incorporate state requirements meaningfully.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jisu Ryu, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

February 1, 2023
Jisu Ryu
Rules Coordinator

WSR 23-05-008
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed February 2, 2023, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, military servicemembers or spouse licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Compliance with newly adopted federal licensing guidelines for military servicemembers or their spouses.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jisu Ryu, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

February 1, 2023
Jisu Ryu
Rules Coordinator

WSR 23-05-014

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed February 3, 2023, 8:50 a.m.]

Subject of Possible Rule Making: WAC 446-65-010 Transportation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020 and 46.48.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 446-65-010(1) needs to be amended to bring the C.F.R.s adopted by reference current to October 1, 2021.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington Association of Sheriffs and Police Chiefs, Federal Motor Carrier Safety Administration, and the Washington Trucking Association.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website wsp.wa.gov/rules-development/.

February 3, 2023
John R. Batiste
Chief

WSR 23-05-017

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed February 3, 2023, 2:33 p.m.]

Subject of Possible Rule Making: Chapter 51-51 WAC, amendments to the 2021 International Residential Code related to family home child care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of children, youth, and families (DCYF) has altered chapter 43.216 RCW allowing for a waiver to increase the allowable number of children within a home child care facility. This conflicts with the maximum number allowed within the state building code council (SBCC) WAC. Changes are being considered to better corroborate the two.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCYF.

Process for Developing New Rule: Stakeholder and subject matter experts technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dustin Curb, SBCC Code Specialist, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-972-4158, email dustin.curb@des.wa.gov, website www.sbcc.wa.gov.

February 3, 2023

Tony Doan
Chair

WSR 23-05-018

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed February 3, 2023, 2:35 p.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC, amendments to the 2021 International Building Code related to family home child care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of children, youth, and families (DCYF) has altered chapter 43.216 RCW allowing for a waiver to increase the allowable number of children within a home child care facility. This conflicts with the maximum number allowed within the state building code council (SBCC) WAC. Changes are being considered to better corroborate the two.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCYF.

Process for Developing New Rule: Stakeholder and subject matter experts technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dustin Curb, SBCC Code Specialist, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-972-4158, email dustin.curb@des.wa.gov, website www.sbcc.wa.gov.

February 3, 2023

Tony Doan
Chair

WSR 23-05-019

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed February 3, 2023, 2:37 p.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC, amendments to the 2021 International Building Code to adopt R-4 occupancy group and modify code provisions related to licensed care facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 1993, the R-4 occupancy designation was replaced with licensed care occupancies in the adopted Washington state uniform codes. In the 2006 international version of the codes, Washington removed licensed care occupancies and distributed those facilities to the appropriate I and R occupancies classifications, while continuing to strike the unneeded R-4 occupancy classification. The International Code Council model codes have evolved to include an enhanced building science model for the R-4 designation that includes mitigations for both active and passive fire and life safety systems. There is no longer a reason for nonadoption R-4 occupancy group.

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

Process for Developing New Rule: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dustin Curb, State Building Code Council Code Specialist, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-972-4158, email dustin.curb@des.wa.gov, website www.sbcc.wa.gov.

February 3, 2023
Tony Doan
Chair

WSR 23-05-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed February 7, 2023, 10:56 a.m.]

Subject of Possible Rule Making: Podiatric physician and surgeon health equity continuing education. The podiatric medical board (board) is considering amending WAC 246-922-300 and 246-922-310 to adopt the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The board will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015, 43.70.040, 43.70.615, 18.130.040; and ESSB 5229 (chapter 276, Laws of 2021) codified as RCW 43.70.613.

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.

RCW 43.70.613 (3) (b) also directed the department of health (department) to create model rules establishing minimum standards for health equity CE programs. The department adopted rules for health equity CE minimum requirements as WSR 22-23-167 on November 23, 2022. Any rules developed by the board for licensed podiatric physicians must meet or exceed the minimum standards in the model rules found in WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to ensure that health care professionals complete health equity training and that 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.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Megan Maxey, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4945, fax 360-236-2901, TTY 711, email megan.maxey@doh.wa.gov, website www.doh.wa.gov/podiatry, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. A broad approach to engagement was used in the development of the health equity model rules which will be used to include community members, community organizations, and health equity experts in the further development of these rules. To find out more information about our 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. After signing in, click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and then click on the "Podiatry Program." You may also check the box next to one or more of the

other professions listed to received information related to that specific profession.

February 3, 2023
Harold Wright, Jr., M.Ed
Executive Director

WSR 23-05-032
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 7, 2023, 2:52 p.m.]

Subject of Possible Rule Making: WAC 182-513-1100 Definitions related to long-term services and supports (LTSS), 182-513-1215 Community first choice (CFC)—Eligibility, 182-513-1220 Community first choice (CFC)—Spousal impoverishment protections for noninstitutional Washington apple health clients, and 182-513-1660 Medicaid alternative care (MAC) and tailored supports for older adults (TSOA)—Spousal impoverishment; 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: Section 5115 of the federal Consolidated Appropriations Act, 2023, amends Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r-5 note) to extend spousal impoverishment protections to September 30, 2027. The agency is amending the rules identified above to replace "September 30, 2023" with "September 30, 2027" to comply with this change in federal law. The agency is also making technical changes to remove or amend references to outdated programs. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services; United States Department of Health and Human 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 Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 7, 2023
Wendy Barcus
Rules Coordinator

WSR 23-05-038
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 8, 2023, 11:24 a.m.]

Subject of Possible Rule Making: WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 71.34.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending WAC 182-531-1400(6) to update the requirements in subsection (6)(a) with a cross-reference to WAC 182-538D-0200 and to align requirements for professionals treating children with RCW 71.34.020 and WAC 182-538D-0200. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Christine Cole, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1368, fax 360-586-9727, TRS 711, email christine.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 8, 2023
Wendy Barcus
Rules Coordinator

WSR 23-05-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-07—Filed February 9, 2023, 8:04 a.m.]

Subject of Possible Rule Making: The agency is initiating rule making to explore modification of the quick reporting rules to require additional information for Puget Sound commercial and coastal troll salmon fisheries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 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: The Washington department of fish and wildlife (department) staff have the need to be able to track landings to the individual vessel level in a shorter time frame than what the current fish ticket/quick reporting systems allow. Recent ocean troll seasons have included measures like weekly vessel landing limits of as few as 10 fish, and last season's South Puget Sound chum fishery was conducted as a limited participation opportunity with a small subset of five purse seine and 10 gillnet vessels selected to participate each week. Having information included in quick reports that made each landing identifiable to vessel in these fisheries would allow department staff to make in-season catch estimates and projections with more certainty much sooner than the current rules allow, as we would be able to match up landings reported to vessels that were observed participating in each fishery. This change would not require collection of any additional information, but would only require transmission of information already being collected the day after fish are purchased.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Henderson, phone 855-925-2801, project code 2839, TTY 1-800-833-6388 or 711, email quick-reporting@PublicInput.com, website <https://publicinput.com/quick-reporting>.

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 Title6@dfw.wa.gov.

February 9, 2023
Chris Fredley
Acting Agency Rules Coordinator

WSR 23-05-042

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed February 9, 2023, 1:27 p.m.]

Subject of Possible Rule Making: Chapter 172-100 WAC, parking.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Update Eastern Washington University's parking
rules.

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

Process for Developing New Rule: Negotiated rule making.

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

February 9, 2023
Annika Scharosch
Associate Vice President

WSR 23-05-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed February 9, 2023, 4:19 p.m.]

Subject of Possible Rule Making: Chapter 388-833 WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend this chapter to allow DDA-contracted entities to provide intensive habilitation services for children. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

February 9, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-05-053

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Chiropractic Quality Assurance Commission)

[Filed February 10, 2023, 12:56 p.m.]

Subject of Possible Rule Making: Chiropractic credentialing requirements. The chiropractic quality assurance commission (commission) is considering revisions to WAC 246-808-010, 246-808-105 through 246-808-140, 246-808-180 through 246-808-190, 246-808-510, 246-808-535, and 246-808-801 through 246-808-830 to clarify, streamline, and modernize the rule language, and to be consistent with current laws and practice standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.25 RCW; RCW 18.25.0171, 18.25.019, 18.25.020, 18.25.030, 18.25.040, 18.25.070, 18.25.075, 18.25.190, 43.70.280, 18.130.064, 18.130.075, 18.130.050, 18.130.175, and 18.130.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering consolidating rules by repealing some sections after incorporating language into other existing sections identified under the scope of this rule making; proposing the addition of a new temporary license for military status or military-related status and for applicants applying through the endorsement process; and performing housekeeping throughout the identified rule sections.

The commission is also considering technical amendments to implement SSB 5496 (chapter 43, Laws of 2022). SSB 5496 updated terminology, definitions, and references for chiropractors. SSB 5496 also made clarifications to confidentiality protections in RCW 18.130.070 for health professional monitoring programs.

Except for the revision of individual rule sections, a comprehensive review of chapter 246-808 WAC has not been conducted since 1996. The review of the rules identified in the subject of possible rule making satisfy the requirements under RCW 43.70.041 regarding the formal review of existing rules every five years.

The commission withdrew the existing CR-101 filed on October 18, 2016, and published under WSR 16-21-080 in order to file this updated CR-101 to include additional areas of rule making.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty J. Moe, Regulatory Analyst, P.O. Box 47857, Olympia, WA 98504, phone 360-236-2868, TTY 711, email Betty.Moe@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/chiropractor-chiropractic-x-ray-technician>.

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

bottom of the page, and then select "Chiropractic Quality Assurance Commission."

February 10, 2023
Robert J. Nicoloff
Executive Director
Chiropractic Quality Assurance Commission

WSR 23-05-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed February 10, 2023, 1:00 p.m.]

Subject of Possible Rule Making: Physician assistant and allopathic physician health equity continuing education. The Washington medical commission (commission) is considering adopting a new section in chapter 246-918 WAC (physician assistants) and 246-919 WAC (physicians) to meet the requirements of ESSB 5229 (chapter 276, Laws of 2021) regarding health equity continuing education (CE). The department of health (department) created model rules, WAC 246-12-800 through 246-12-830, to comply with the bill codified in RCW 43.70.613. The commission will consider these model rules as part of this rule making. The commission will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050; and ESSB 5229 (chapter 276, Laws of 2021) codified in RCW 43.70.613.

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.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted rules for health equity CE minimum requirements as WSR 22-23-167 on November 23, 2022. Any rules developed by the commission for licensed allopathic physicians and physician assistants 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 ensure that health care professionals complete health equity training and that 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.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.wa.gov, website wmc.wa.gov.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

February 10, 2023
Melanie de Leon
Executive Director

**WSR 23-05-056
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 10, 2023, 1:27 p.m.]

At the request of the petitioner, the Washington state gambling commission respectfully requests to withdraw WSR 22-03-069 filed on January 14, 2022, which requested an amendment to the existing rules and adoption of new rules to allow for centralized surveillance of licensed card rooms in Washington state.

Lisa C. McLean
Legislative and Policy Manager

**WSR 23-05-059
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed February 13, 2023, 8:07 a.m.]

The health care authority (HCA) requests withdrawal of the pre-proposal statement of inquiry filed as WSR 22-17-086 on August 18, 2022, and distributed in the Washington State Register 22-17 issue. HCA is refiling the CR-101 with a change in the purpose.

Wendy Barcus
Rules Coordinator

WSR 23-05-060
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 13, 2023, 8:11 a.m.]

Subject of Possible Rule Making: WAC 182-512-0500 SSI-related medical—Burial funds, contracts and spaces excluded as resources; 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 WAC 182-512-0500 to exclude from the calculation of available resources fully and partially paid burial space purchase agreements. The agency may make additional, non-substantive changes so that the rule is easier to understand and apply. During this review, the health care authority may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health 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 Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 13, 2023
Wendy Barcus
Rules Coordinator

WSR 23-05-061

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed February 13, 2023, 9:17 a.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, 82.01.060(2), and 84.33.091.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department anticipates amending WAC 458-40-610 to update the definition of "thinning."

RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2023.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but it is not necessary to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Do, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1558, fax 360-534-1606, TTY 800-833-6384, email TiffanyD@dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting. Written comments may be submitted by email and should be directed to Tiffany Do using one of the contact methods above.

Written and oral comments will be accepted at the public meeting and until April 21, 2023. Meeting on April 18, 2023, at 9:00 a.m., telephonic/internet meeting only. Contact TiffanyD@dor.wa.gov for dial-in/login information.

February 13, 2023
Atif Aziz
Rules Coordinator

WSR 23-05-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed February 13, 2023, 11:20 a.m.]

Subject of Possible Rule Making: WAC 388-845-0603, 388-845-0610, 388-845-2110, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to implement changes to home and community-based waivers as approved by the Centers for Medicare and Medicaid Services and to align with RCW 71A.12.280. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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

Process for Developing New Rule: 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 Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

February 13, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-05-066
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 13, 2023, 11:30 a.m.]

Subject of Possible Rule Making: WAC 182-552-0005 Respiratory care—Definitions, 182-552-0200 Respiratory care—Provider requirements, 182-552-0800 Respiratory care—Covered—Oxygen and oxygen equipment; and 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 removing the outdated clinical criteria for coverage of oxygen and is also revising other criteria. The clinical criteria in the current rules are more restrictive than medicare's current clinical criteria, which causes providers to request prior authorization more frequently than necessary. Under this rule making, the agency plans to align the rules with medicare's current requirements. 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: Not applicable.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Krista McClellan, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1611, fax 360-586-9727, TRS 711, email krista.mcclellan@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 13, 2023
Wendy Barcus
Rules Coordinator

WSR 23-05-067

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed February 13, 2023, 12:03 p.m.]

Subject of Possible Rule Making: Chapter 51-11R WAC, Washington state energy code, residential provisions, adding a new section for an ERI compliance path.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.045, 19.27A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This would allow an additional compliance path in the Washington State Energy Code - Residential using the home energy rating systems for flexibility of compliance and compatibility with the Inflation Reduction Act.

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: Technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, P.O. Box 41449, phone 360-407-9278, email sbcc@des.wa.gov, website sbcc.wa.gov.

February 13, 2023
Tony Doan
Council Chair

WSR 23-05-070

PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed February 13, 2023, 4:31 p.m.]

Subject of Possible Rule Making: Updates to filing fees, information, and procedures for filing records with the office, found in chapter 434-112 WAC. Including, but not limited to, WAC 434-112-010, 434-112-028, 434-112-030, 434-112-040, 434-112-045, 434-112-050, 434-112-055, 434-112-056, 434-112-057, 434-112-058, 434-112-060, 434-112-065, 434-112-070, 434-112-075, 434-112-080, 434-112-085, 434-112-090, and 434-112-100. Adding new WAC pertaining to apostille certification of documents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 11.110, 18.100, 19.77, 19.09, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, 46.64 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update rules to reflect changes in filing processes and changes in statute, correct and update references to statutes, update fee schedule to account for increased costs to the office.

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Douglas, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504, phone 360-725-0310, email Scott.Douglas@sos.wa.gov, website www.sos.wa.gov/corps.

February 13, 2023
Randy Bolerjack
Deputy Secretary of State

WSR 23-05-080
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 14, 2023, 10:35 a.m.]

Subject of Possible Rule Making: WAC 182-540-030 Kidney disease program (KDP)—Resource eligibility; 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 the website link referencing where qualified medical beneficiary (QMB) resource standards for an individual and a couple are listed. Under recent legislation, ESSB 5693, section 205(26), chapter 297, Laws of 2022, countable resources are no longer required for other eligibility programs. As a result, the health care authority (HCA) removed the QMB resource standards chart from its website. The kidney disease program, however, still requires these resource standards, which can be found on medicare's website. During the course of this review, HCA 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 Stefanie Slakey, Program Questions, P.O. Box 55644, Olympia, WA 98504-5644, phone 360-725-1243, fax 360-586-9727, TRS 711, email Stefanie.slakey@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 14, 2023
Wendy Barcus
Rules Coordinator

WSR 23-05-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed February 14, 2023, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 388-106 WAC, Long-term care services. The department is planning to amend WAC 388-106-0336 What services may I receive under the residential support waiver?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.39A.400; 42 C.F.R. § 441.500-590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule making is to amend WAC 388-106-0336 to add a new service, community stability supports, under the residential support waiver. Minor language changes may also be made for consistency in service language.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annie Moua, Resource Development Program Manager, Aging and Long-Term Support Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone 509-590-3909, anne.moua@dshs.wa.gov.

February 14, 2023
Katherine I. Vasquez
Rules Coordinator

**WSR 23-05-086
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 14, 2023, 2:05 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws preproposal statement of inquiry (CR-101) WSR 22-17-065, filed August 15, 2022, Law enforcement officers' and firefighters' (LEOFF) Plans 1 and 2 benefit enhancements.

Comments, questions, or concerns may be directed to Bianca Stoner at 360-664-7291 or drs.rules@drs.wa.gov.

WSR 23-05-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 14, 2023, 2:14 p.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' (LEOFF) Plans 1 and 2 benefit enhancements and taxation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will clarify provisions of 2022 legislation that offers new retirement benefits for LEOFF Plans 1 and 2. In addition, the rule will bring WAC language into alignment with Internal Revenue Service taxation requirements.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules/.

February 14, 2023
Bianca Stoner
Rules Coordinator

WSR 23-05-089

PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed February 14, 2023, 3:29 p.m.]

Subject of Possible Rule Making: Experimental research treatments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The forest practices board's authority to adopt forest practices rules is granted under RCW 76.09.040, [76.09].050, and [76.09].370. The pilot project process is authorized by RCW 34.05.313.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to authorize the implementation of experimental harvest treatments on approximately 10 sites in western Washington in excess of what is currently permitted in the forest practices rules (WAC 222-30-021, 222-30-040(2), and 222-30-050) as part of the riparian characteristics and shade response (RCS) experimental research study. The purpose of this study is to evaluate how stream shade responds to a range of riparian harvest treatments of varying intensity within multiple environments common to commercial forestlands covered under the forest practices habitat conservation plan (FPHCP 2005). The RCS study requires 20 sites in total (including east side and west side) to be implemented over six years; this pilot rule pertains to the five study sites in western Washington. These sites will be winnowed down with upcoming stakeholder and landowner feedback from the list of western Washington sites provided in Figure 1, with target implementation dates to occur in summer 2023 and summer 2024. Estimated total length of impacted stream is 1.5 km (0.93 miles) for the eventual five sites that would be selected for the application of this pilot rule.

Washington's forest practices regulations include riparian prescriptions that incorporate stream-adjacent no-harvest buffers of varying widths. The rules include no-harvest riparian buffers that can be applied alone, or in some cases, applied in combination with adjacent riparian buffers of varying width, within which some amount of harvest (thinning) is allowed within the riparian management zone (RMZ). Field research is particularly limited when examining the combined effects of no-harvest zones and different thinning intensities on stream shade within RMZs. This study will address a key question about how shade could be affected by using forest thinning as a riparian management tool (e.g. to promote old growth characteristics).

In order to answer this question, we are applying for permission to allow for additional timber harvest within forest practices RMZs under three scenarios: Clearcut to riparian buffer width of 25', heavy thin (Curtis's relative density of 20) to riparian buffer width of 25', and moderate thin (Curtis's relative density of 40) to riparian buffer width of 25'. Treatments will be applied in three 325' by 100' segments (plots), which will be thoughtfully placed throughout the length of the stream. Thinning will be "from below," meaning that the largest trees in the plot will be painted as leave trees first, followed by the next largest trees, and so on, until the target relative density is reached. Curtis's relative density is an integrated measure of basal area and trees per acre, and varies with species composition, but can be easily converted back to more commonly used metrics such as trees per acre or basal area.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state for-

est practices board is the oversight agency with the authority to approve this pilot activity. The pilot rule is being requested as part of the formal state forest practices board's adaptive management program, which includes representatives from state agencies, including the departments of fish and wildlife, ecology, and natural resources; federal agencies, including National Marine Fisheries Service, United States Fish and Wildlife Service, and the Environmental Protection Agency; forest landowners; the environmental community; county governments; and tribal governments.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Anderson, Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street [S.E], 3rd Floor, P.O. Box 47012, Olympia, WA 98504-7012, phone 360-902-1400, fax 360-902-1428, email forest.practicesboard@dnr.wa.gov.

Additional comments: The RCS study has a peer-reviewed study design and is supported by the forest practices adaptive management program. An initial field trial has been conducted, and full study implementation is underway. The timber fish and wildlife policy committee has approved the scoping document and has recommended funds for this study. This proposed pilot rule is needed to implement the study in western Washington which will evaluate stream shade response to a range of riparian harvest treatments. Pilot rules have been used in prior studies developed by CMER to allow cooperating landowners to selectively deviate from specific elements of the forest practices rules in order to test rule-alternatives or to ensure consistent harvest intensities across test sites.

The full study design proposes implementation at 20 study sites across the state (10 in eastern Washington, 10 in western Washington) in riparian forests growing on Site Classes II and III ground, adjacent to Type Np and F streams with bankfull widths from 5' to 25'. Because forest practices applications (FPA) expire in three years, this pilot rule seeks permission for the implementation of the study for the 10 western Washington sites beginning with five sites located in the Northwest coast ecoregion. The following criteria were applied so far to constrain the FPA screening process in the Northwest coast ecoregion:

1. Riparian stands between 40-70 years old (harvest age).
2. Site Class II or III.
3. Type Np or F stream with a harvest unit directly adjacent.
4. Streams [Streams] have a bankfull width of 5' to 25'.

Additionally, we excluded sites with desired future condition harvest plans because we anticipate challenges in implementing the study on top of existing thinning plans. We also excluded sites that had hydraulic control panels due to their unique harvest prescriptions. Under this pilot rule, the five sites in western Washington will be winnowed down from the list of 40 potential sites (FPAs displayed on the map below), for implementation in 2023 or 2024 (**Fig 1**). Having pilot rule approval on a constrained set of sites will give us the leeway we need to move forward with planning the RCS study, which is time and resource intensive.

For western Washington, each study site will contain three plots with different harvest treatments. Each plot will measure 325' long by 100' wide (**Fig 2**). The most intensive treatment will include an RMZ clearcut harvest to a riparian buffer width of 25'. The mid-level treatment will include heavy thin (Curtis's relative density of 20) to

25'. The least intensive treatment will include moderate thin (Curtis's relative density of 40) to 25'. Relative density increases with basal area and tree size, and therefore provides a more integrated density metric to ensure similar treatment effects across a range of forest types and tree species across Washington. Within this pilot rule, we are proposing thinning in areas that do not meet minimum basal area requirements in the western Washington rules (WAC 222-30-021) that allow for thinning in the RMZ.

Outside of the three 325' by 100' plots, all applicable forest practices rules will be applied at all treatment sites. For instance, in western Washington, the outer zone rules (leave tree requirements) would still be applied at Site Class III sites. When applying thinning treatments, all best practices will be adhered to as described in WAC 222-30-021 and 222-30-050.

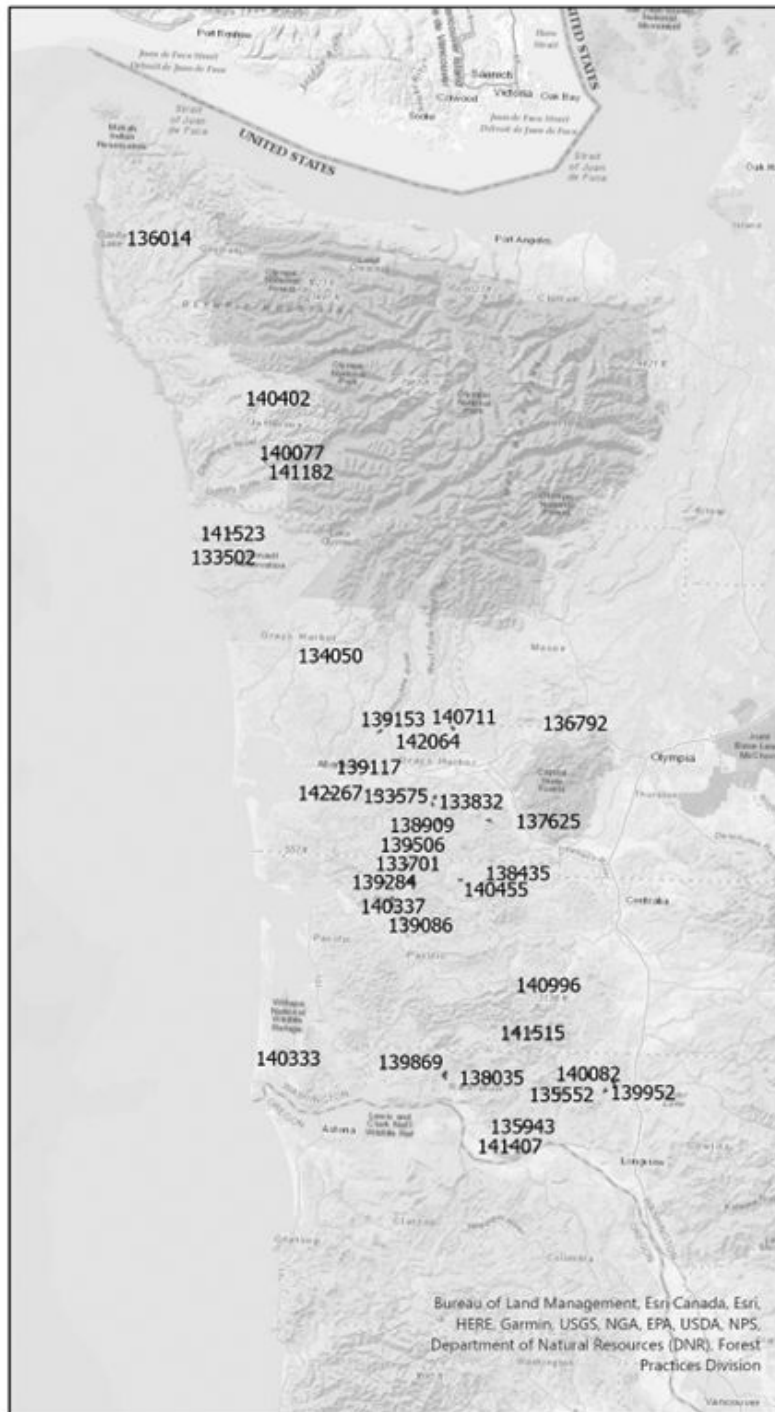


Fig 1: Map depicting 40 potential sites for implementation during the 2023 or 2024 field seasons. FPAs were screened using site selection criteria in the approved study design, along with ArcGIS for potential site suitability based on stream orientation and local topography. We are in the process of contacting landowners to confirm harvest schedules and their interest in working on the project, and we will also consult with tribes to ascertain resource impacts once the sites are narrowed down to a short list.

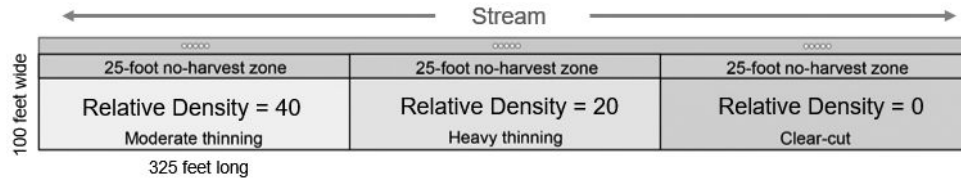


Fig 2: Experimental design for each of the 20 sites for the RCS study. A study site consists of three plots revised to have a 25-foot no harvest core zone, measured from the stream edge (outer edge of bankfull width), which deviates from WAC 222-30-021 (western Washington; 50-foot core zone). Riparian forest thinning from 100 to 25 feet will be performed to a relative density of 0 (clear cut), 20, and 40, for each of the plots, irrespective of basal area requirements detailed in WAC. This pilot rule application only applies to RMZ rule exceptions to the core zone, inner zone, and outer zone where it overlaps the three plots. Outside of the plots, existing rules in WAC 222-30-021 would still apply; for instance, the RMZ widths to be applied for Site Class II (RMZ width of 170 feet) and III streams (RMZ width 140 feet).

February 8, 2023
 Alexandra K. Smith
 Chair

WSR 23-05-090
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed February 14, 2023, 3:29 p.m.]

Subject of Possible Rule Making: Experimental research treatments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The forest practices board's authority to adopt forest practices rules is granted under RCW 76.09.040, [76.09].050, and [76.09].370. The pilot project process is authorized by RCW 34.05.313.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to authorize a single cooperating forest landowner to conduct a harvest within the inner zone of the riparian area buffer of the upper reach of a single fish-bearing stream (Type F) in excess of what is permitted currently in the forest practices rules (WAC 222-30-022(1)). This deviation from the rules is needed to allow the stream to be included in a scientific study. This study is being conducted by the state's formal forest practices board's adaptive management program (AMP) with regulatory oversight by the state department of natural resources. The purpose of this study is to determine the extent to which the prescriptions found in the eastside Type N riparian prescriptions rule group are effectively achieving performance targets, particularly as they apply to sediment and stream temperature and their effects on aquatic life. This pilot rule would apply only to the one landowner for only one ~250' section of Type F stream, identified as necessary by the researchers with the AMP. The upper ~250' of the lowest study stream reach within the harvest basin, that is currently Type F, would be treated as Type Np under this pilot rule for the purposes of this scientific study, to ensure consistent harvest intensity throughout the study basin and across study sites.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state forest practices board is the oversight agency with the authority to approve this pilot activity. The pilot rule is being requested as part of the formal state forest practices board's AMP, which includes representatives from state agencies, including the departments of fish and wildlife, ecology, and natural resources; federal agencies, including National Marine Fisheries Service, United States Fish and Wildlife Service, and the Environmental Protection Agency; forest landowners; the environmental community; county governments; and tribal governments.

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Anderson, Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 3rd Floor, P.O. Box 47012, Olympia, WA 98504-7012, phone 360-902-1400, fax 360-902-1428, email forest.practicesboard@dnr.wa.gov.

Additional comments: The Eastern Washington Type N Riparian Effectiveness Monitoring Project (ENREP) is an active field study being conducted by the state's forest practices AMP. As depicted in red in the figures below, this proposed pilot rule would apply to the upper ~250' of the lowest study stream reach within the harvest basin. This Type F stream segment will be buffered with a Type Np buffer which is a 50' two sided buffer for the 250' stream reach. This rule is needed

to allow the implementation of this study to adhere to the research approach described in the study design, which has been approved by the cooperative monitoring, evaluation, and research (CMER) committee. Pilot rules have been used in prior studies developed by CMER to allow cooperating landowners to selectively deviate from specific elements of the rules in order to test rule-alternatives or to ensure consistent harvest intensities across test sites.

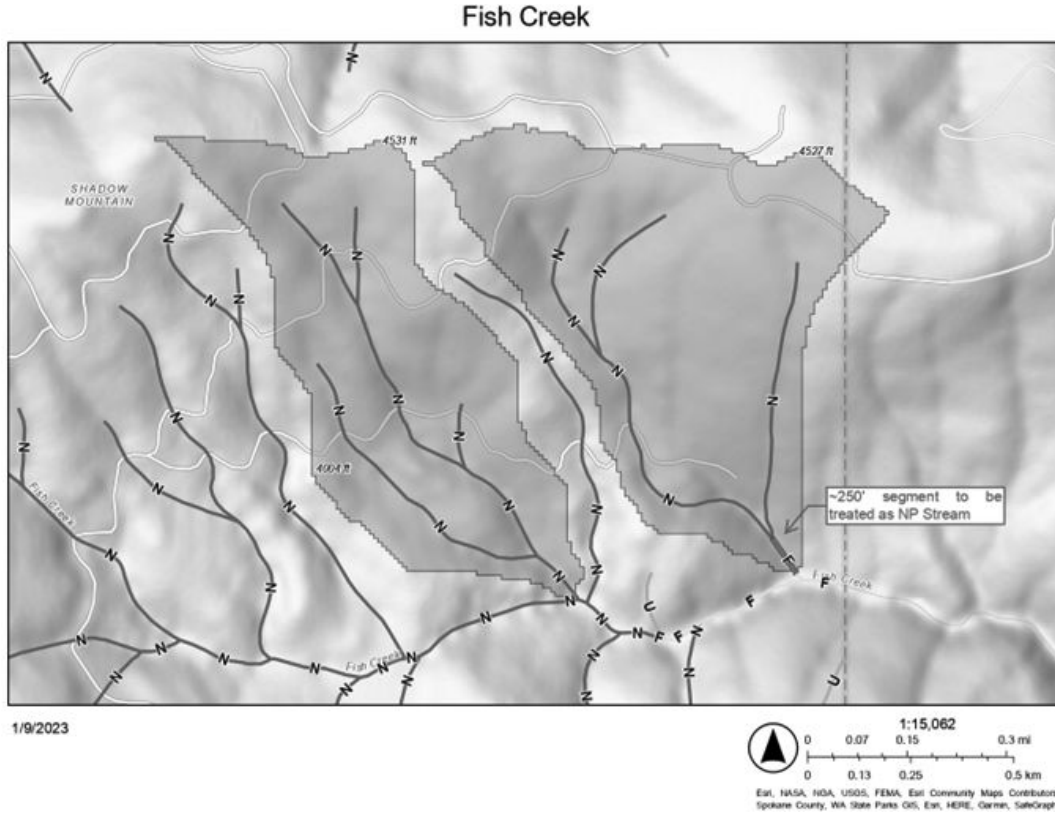


Figure 1. Map depicting the 250' segment of stream to be treated as Type Np.

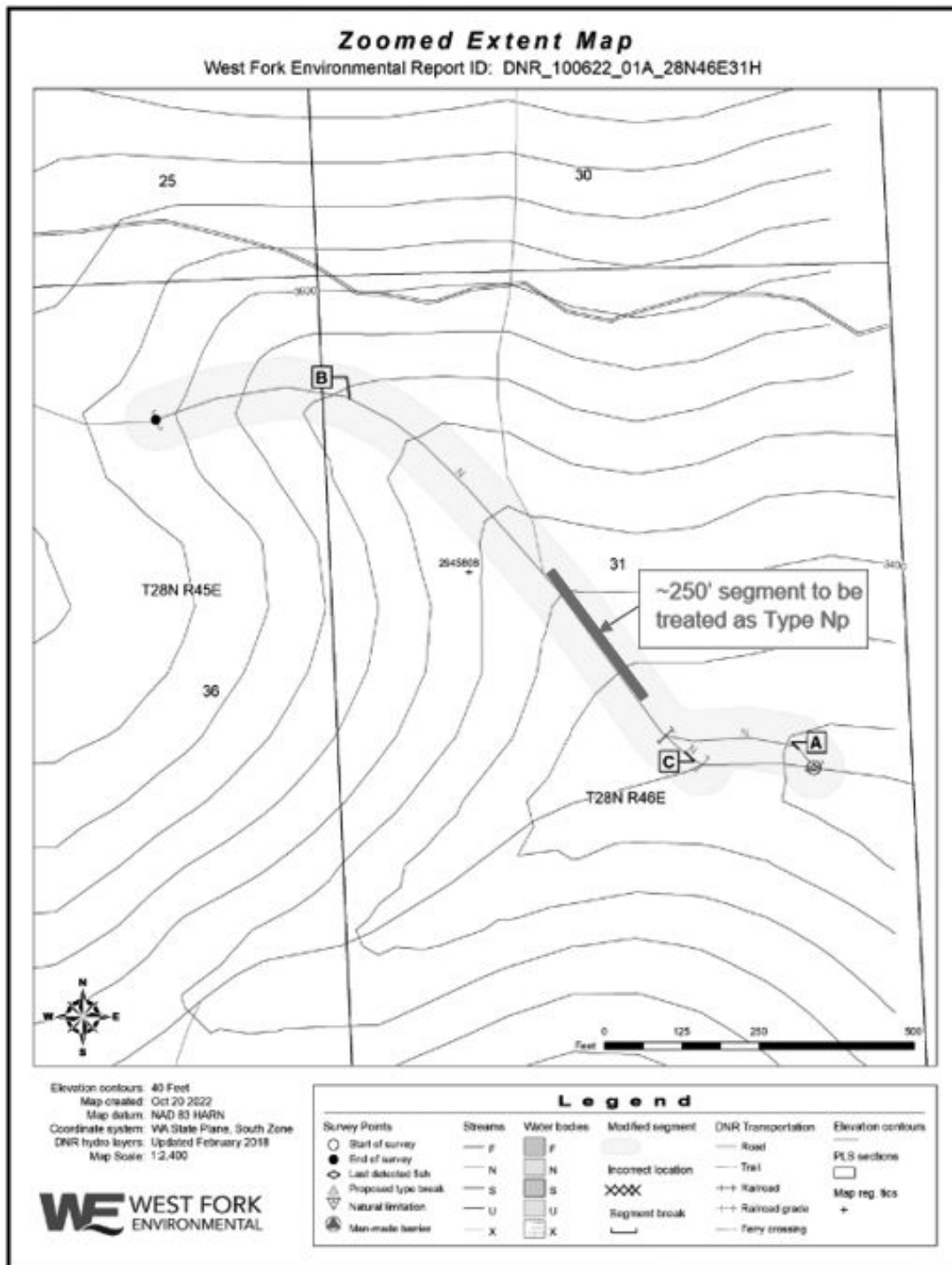


Figure 2. Zoomed extent map. The red line depicts the 250' segment of stream to be treated as Type Np. Note: This map was developed as part of a stream survey, and the labels "A," "B," and "C" are not pertinent to this preproposal statement of inquiry.

February 8, 2023
 Alexandra K. Smith
 Chair

WSR 23-05-104

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed February 15, 2023, 10:23 a.m.]

Subject of Possible Rule Making: The employment security department (department) is engaging in rule making regarding the length of time a claimant is indefinitely denied benefits due to a failure to respond to a request for information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the department. RCW 50.20.010 defines benefit eligibility conditions for unemployment benefits.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, WAC 192-140-035 states that if an unemployment insurance claimant does not respond to a request for information, they are denied benefits "indefinitely" until they respond to the department's request for information. The department is considering whether to replace the "indefinite period of time" time frame in current rule with a shorter and more defined time frame.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

February 15, 2023
Dan Zeitlin
Policy Director

WSR 23-05-107
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 15, 2023, 10:35 a.m.]

Subject of Possible Rule Making: WAC 182-512-0880 SSI-related medical—Special income disregards, 182-509-0300 Modified adjusted gross income (MAGI), 182-509-0305 MAGI income—Persons subject to the modified adjusted gross income (MAGI) methodology; and 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 adding the 1915(i) income disregard equal to the difference between 150 percent of the federal poverty level and 300 percent of the federal benefit rate. This disregard is targeted to individuals seeking community behavioral health services. 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 department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 15, 2023
Wendy Barcus
Rules Coordinator

WSR 23-05-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed February 15, 2023, 11:35 a.m.]

Subject of Possible Rule Making: Amending the amount of time building owners may apply for an exemption to the building performance standard under WAC 194-50-150.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The clean buildings performance standard requires certain buildings in the state to meet energy performance metrics over time. The standard exempts several building categories from compliance with the standard, for example, buildings scheduled for demolition or facing financial hardship, through a department of commerce (commerce) approval process. The rules promulgated in chapter 194-50 WAC contain a process for building owners to apply for exemptions. WAC 194-50-150 states that building owners may apply for an exemption no sooner than 365 days prior to the date of compliance. However, commerce has received feedback from stakeholders that, if an exemption application is denied by the agency, building owners require more time to bring buildings into compliance given the amount of time and financial resources it may take. Thus, commerce has concluded that providing a greater window of time for building owners to apply for and for commerce to grant exemptions is in the public interest and is likely to result in more buildings being compliant with the standard by the statutory compliance date.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Liz Reichart, P.O. Box 42525, Olympia, WA 98504, phone 360-515-8194, email buildings@commerce.wa.gov, website <https://www.commerce.wa.gov/growing-the-economy/energy/buildings/>.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

February 15, 2023
Amanda Hathaway
Rules Coordinator