

## WSR 23-16-076

## AGENDA

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

[Filed July 28, 2023, 11:38 a.m.]

Following is the department of social and health services (DSHS) (department) semi-annual rule-making agenda for July 1 - December 31, 2023. 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/sesa/rules-and-policies-assistance-unit/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, 2023**

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
<b>Aging and Long-Term Support Administration</b>					
<b>Home and Community Services Division</b>					
	388-71-0975	The department is amending Who is required to obtain certification as a home care aide, and when?, to clarify how to interpret the long-term care worker (LTCW) qualifications and requirements in statute and rule that have specific time periods for compliance when there has been a period of time in which the underlying requirements were suspended and waived in whole or part by emergency proclamation by the governor.	WSR 21-01-121 Filed 12/15/2020		WSR 21-01-018 Filed 12/3/2020
	Chapter 388-106 WAC	The department is planning to add a new section for long-term services and supports (LTSS) presumptive eligibility and may amend other related rules as may be required.	WSR 21-09-071 Filed 4/20/2021	WSR 23-10-058 Filed 5/1/2023	
	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	WSR 23-08-041 Filed 3/29/2023	

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-71-0503, 388-106-0010, 388-106-0060, 388-115-0516	The department is planning to amend WAC to support the passage of SB 5866, an act relating to medicaid LTSS eligibility determinations being completed by federally recognized Indian tribes. Including the following WAC: What definitions apply to WAC 388-71-0500 through 388-71-05640?, 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		
	388-112A-0081, 388-71-0876	When must LTCWs who were working or hired during the COVID-19 public health emergency complete training, including required specialty training? and When must LTCWs who were working or hired during the COVID-19 public health emergency complete training, including required specialty training? The department is requiring that LTCWs complete training and certification by certain dates in response to the COVID-19 public health emergency. The department divided the group of LTCWs into cohorts based on the employee's date of hire or rehire. The rule requires each cohort to complete the requirements by deadlines in rule with the "oldest" LTCWs having the first deadline and then working through the groups chronologically. The department is extending the deadline of the first cohort by folding them into the second cohort deadline.	WSR 23-11-075 Filed 5/17/2023		WSR 23-16-019 Filed 7/20/2023  WSR 23-09-052 Filed 4/17/2023  WSR 23-04-055 Filed 1/27/2023  WSR 22-22-043 Filed 10/26/2022
	388-106-0336	The intent is to amend 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.	WSR 23-05-081 Filed 2/14/2023		
	388-112A-0613, 388-71-0992	The department is providing an extended time for LTCWs to complete continuing education (CE) requirements in response to the COVID-19 public health emergency and will be granting 12 hours of on-the-job training CE. A set deadline of 120 days after the gubernatorial waivers to complete any other CE that may become due while the waivers were in place.			WSR 23-13-091 Filed 6/20/2023  WSR 23-06-023 Filed 2/22/2023

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-112A-0310, 388-112A-0320, 388-71-0906, 388-71-0911	Removing references to HIV/AIDS training from the basic training requirements in existing rules as they are no longer required.		CR-105 WSR 23-14-111 Filed 7/5/2023	
	Chapters 388-71, 388-112A, and 388-115 WAC	In response to E2SHB 1694 (chapter 424, Laws of 2023), dealing with date of hire reset, additional family relationships related to LTCW training and CE.	WSR 23-15-074 Filed 7/17/2023		WSR 23-16-033 Filed 7/21/2023
<b>Management Services Division</b>					
	388-96-918	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	WSR 23-15-114 Filed 7/19/2023	
<b>Residential Care Services Division</b>					
	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, residential services, 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 may be 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 388-97 WAC	The department is proposing to add new sections, repeal existing sections, and amend sections in "nursing homes" related to tuberculosis (TB) 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 TB 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 TB screening.	WSR 19-18-061 Filed 9/3/2019		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	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 TB screening.	WSR 19-18-062 Filed 9/3/2019		
	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 to assure [ensure] long-term care programs are not significantly impeded during the hiring process due to inability to access the 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
	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		
	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		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	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. Also, WAC 388-97-0120 and 388-97-0130.	WSR 22-08-060 Filed 4/4/2022		WSR 23-07-108 Filed 3/20/2023  WSR 22-23-155 Filed 11/22/2022  WSR 22-16-063 Filed 7/29/2022  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, and 388-107 WAC	The department is considering amending [rules] 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, and replace the phrase "his or her" with appropriate gender-neutral terms.	WSR 22-04-046 Filed 1/26/2022		
	Chapters 388-76, 388-78A, 388-97, and 388-107 WAC	The department is considering amending [rules] 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 department is considering amending the rules to add requirements related to [the] 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		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	Chapter 388-76 WAC	The department is considering amending adult family home minimum licensing requirements, to address a process gap that occurs when residents transfer or discharge from adult family homes and prescription medications for those residents [to] continue to be filled by pharmacies. These filled prescriptions may not be returned to the pharmacy and are subject to diversion and misuse by others. The department may amend other related rules as appropriate.	WSR 22-23-041 Filed 11/8/2022		
	Chapter 388-76 WAC	The department is considering amending the following section in 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.	WSR 22-24-012 Filed 11/29/2022		
	388-97-1081, 388-97-1082, 388-97-1091	The department is amending the rules to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak, to implement section 6 of ESHB 1120 (chapter 203, Laws of 2021). Exceptions to requirements in RCW 74.42.360 (2) through (4) retroactively to October 27, 2022.	WSR 21-14-049 Filed 7/1/2021		WSR 23-12-069 Filed 6/6/2023  WSR 23-05-041 Filed 2/9/2023
	Chapter 388-97 WAC	Combining former WSR 20-17-005, 20-17-133, 20-19-009, 20-21-034 and 21-11-061. Nursing homes, post pandemic: WAC 388-97-0300, 388-97-0920, 388-97-1000, 388-97-1020, 388-97-1260, 388-97-1380, 388-97-1580, 388-97-1740, 388-97-1760, 388-97-2400, and new sections to show what was in place during the COVID-19 pandemic.		WSR 23-06-063 Filed 2/28/2023	
	Chapters 388-76, 388-78A, 388-97, and 388-107 WAC	The department is considering amending, adding new and amending [repealing] other sections as needed. Regarding Death with Dignity (DWD) (Act), including labeling, documentation, and storage of resident medications, specifically related to the DWD Act.	WSR 23-08-038 Filed 3/29/2023		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-76-10315	The department is considering amending Resident record—Required. The intent is to help the regulated community comply with the rule by providing clear language about long-term care ombuds access to resident records. The department may amend other related rules as appropriate.	WSR 23-09-049 Filed 4/17/2023		
	388-101-3020	The department is considering amending Compliance, and adding a new section to chapter 388-101 WAC as necessary to make clear compliance and reporting requirements in the event of an outbreak of a communicable disease or suspected food poisoning, and other related rules as may be required.	WSR 23-13-042 Filed 6/13/2023		
<b>Behavioral Health Administration</b>					
	Chapter 388-878 WAC	The department is planning to develop rules for a leave of absence, amend the procedures for program removal and program end, and update definitions. The department may add new rules or amend other related rules as may be required.	WSR 22-21-057 Filed 10/12/2022		
	Chapter 388-880 WAC, and other related sections as may be necessary.	WAC hasn't been updated since 2013 and the department has decided to change the name of the treatment program from "sexual predator program" to "sex offense treatment program."	WSR 23-15-035 Filed 7/11/2023		
<b>DDA</b>					
	388-101D-0190, 388-101D-0195, 388-101D-0200	Regarding suspending and terminating a client's residential services and to clarify and update policy and other related rules as may be required.	WSR 22-17-115 Filed 8/22/2022		
	Chapter 388-845 WAC	These changes are necessary to implement amendments to DDA's home and community-based services (HCBS) waivers as approved by the federal Centers for Medicare and Medicaid Services (CMS). Major changes to the chapter adjust the yearly limits applicable to certain waivers, add assistive technology to multiple waivers, remove the positive behavior support and consultation services from all waivers except the community protection waiver, amend the definition of the specialized evaluation and consultation services, and make other changes necessary to implement amendments to DDA's HCBS waivers as approved by CMS.	WSR 22-18-073 Filed 9/2/2022	WSR 23-12-078 Filed 6/6/2023	WSR 23-14-037 Filed 6/26/2023  WSR 23-06-057 Filed 2/27/2023  WSR 23-02-022 Filed 12/27/2022  WSR 22-18-046 Filed 8/30/2022
	Chapter 388-833 WAC	And other related rules as may be required.	WSR 23-05-048 Filed 2/9/2023		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-845-0603, 388-845-0610, 388-845-2110	Changes are necessary to amend HCBS waivers by CMS. Amendments remove the prohibition to receive employment services and community inclusion services concurrently.	WSR 23-05-065 Filed 2/13/2023	WSR 23-14-001 Filed 6/21/2023	WSR 23-13-001 Filed 6/7/2023  WSR 23-05-063 Filed 2/13/2023
	388-823-1095, 388-823-1096	DDA is planning to amend these rules to distinguish more clearly between client rights guaranteed by Washington state statute and federal medicaid requirements for delivering services in integrated settings. There may be additional changes that are necessary to improve clarity or update policy.	WSR 23-08-057 Filed 4/3/2023		
	388-845-1105, 388-845-1505, 388-845-3062	DDA is enacting these changes on an emergency basis in order to align with amendments to HCBS waivers as approved by CMS.	WSR 23-14-035 Filed 6/26/2023		WSR 23-14-033 Filed 6/26/2023
	388-825-335, 388-825-615, 388-825-620	DDA is enacting these amendments on an emergency basis to align with SB 5252 (2023) and FBI background check requirements.	WSR 23-14-038 Filed 6/26/2023		WSR 23-14-032 Filed 6/26/2023
	388-823-0600, 388-823-0610, 388-823-1005, 388-823-1010	DDA is enacting these changes on an emergency basis to prepare for implementation of HB 1407 (2023) which stipulates that DDA's rules must not "terminate or require redetermination of eligibility for a child under the age of 18 based solely on the child's age if the child has been determined to be eligible for services on or after the child's third birthday."	WSR 23-14-040 Filed 6/26/2023		WSR 23-14-039 Filed 6/26/2023
<b>Economic Services Administration</b>					
<b>Community Services Division</b>					
	388-439-0005, 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 2020-21 school year, and General information about pandemic EBT benefits. As of July 14, 2023, WAC 388-439-0010 is no longer part of this.	WSR 21-23-108 Filed 11/17/2021	WSR 23-15-080 Filed 7/17/2023  WSR 23-03-096 Filed 1/17/2023	WSR 23-14-093 Filed 6/30/2023  WSR 23-08-017 Filed 3/24/2023  WSR 22-24-057 Filed 12/1/2022  WSR 22-16-097 Filed 8/2/2022  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

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-446-0015, 388-410-0020, 388-410-0030	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	WSR 23-07-082 Filed 3/15/2023	
	388-412-0040	Can I get my benefits replaced? to issue replacement benefits to households whose cash benefits were either cloned or skimmed between March 1, 2022, and December 31, 2022. Loss in benefits must be reported to and verified by the department no later than March 31, 2023, and the department will provide a one-time replacement of no more than \$300.	WSR 23-10-018 Filed 4/25/2023		
	388-458-0040, 388-494-0010	The department plans to adopt new section(s) in Title 388 WAC, Diaper related payment, and adopt or amend other related rules as may be required.	WSR 23-06-055 Filed 2/27/2023	WSR 23-13-118 Filed 6/21/2023	
	388-414-0001	These amendments replace an obsolete link with a newer Health and Human Services Poverty Guideline website and do not change the effect of the rule. WAC 388-414-0001 Do I have to meet all eligibility requirements for basic food?		CR-105 WSR 23-07-098 Filed 3/17/2023	
	388-400-0005	The department is planning to amend Who is eligible for temporary assistance for needy families? and other rules as may be required.	WSR 23-10-032 Filed 4/27/2023		
	388-408-0035, 388-450-0140, 388-489-0005, 388-489-0010	The department is planning to amend these rules related to basic food and transitional food assistance benefits for five months for families that have stopped receiving temporary assistance for needy families (TANF) and are not in a full family sanction.	WSR 23-10-057 Filed 5/1/2023		
	388-450-0185	The department is proposing amendments to What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits? These amendments correct a typographical error within WAC.		CR-105 WSR 23-11-159 Filed 5/24/2023	

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-436-0050, 388-478-0020, 388-478-0027, 388-478-0033, 388-478-0035, and other related rules as may be required	The department is planning to amend WAC to implement an eight percent payment standard increase.	WSR 23-12-062 Filed 6/2/2023		
	388-310-1600	The department is planning to amend WorkFirst sanctions, and other related rules as appropriate. Amendments will support implementation of 2SHB 1447 (chapter 418, Laws of 2023), which adds good cause reason for failure to participate in WorkFirst activities when the recipient is experiencing a hardship as defined by the department rule.	WSR 23-13-025 Filed 6/9/2023		WSR 23-16-012 Filed 7/19/2023
	388-447-0120, 388-449-0220	The department is planning to amend these and other rules as may be required due to the passage of ESHB 1260 (chapter 289, Laws of 2023). Planned amendments will expand good cause reasons for not participating in substance use disorder assessment or treatment as a condition of eligibility for the ABD, housing and essential needs referral, and PWA programs effective July 23, 2023.	WSR 23-13-026 Filed 6/9/2023		WSR 23-16-002 Filed 7/19/2023
	388-484-0005, 388-484-0006	Five-year time limit extension for TANF, SFA, general assistance for pregnant women cash assistance, and TANF/SFA time limit extensions. Planned amendments will remove 60-month time limit for child-only TANF and SFA households w/an eligible parent.	WSR 23-13-093 Filed 6/20/2023		WSR 23-14-070 Filed 6/28/2023
	388-474-0012, 388-478-0055	Washington state supplemental payment; amendments will update the SSP standard rate for individuals who are receiving care in a medical institution or residential setting. Based on Washington state personal needs allowance which will increase due to HB 1128 (chapter 201, Laws of 2023), effective July 1, 2023.	WSR 23-14-068 Filed 6/28/2023		WSR 23-14-065 Filed 6/28/2023
<b>Division of Child Support (DCS)</b>					

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	Chapter 388-14A WAC	DCS proposes to amend, adopt, or repeal as needed, various sections in the chapter 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 (DVR)</b>					
	388-891A-0610, 388-891-0890	Amending to 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 23-10-044 Filed 4/27/2023  WSR 23-02-044 Filed 12/30/2022  WSR 22-18-090 Filed 9/7/2022  WSR 22-11-034 Filed 5/11/2022
<b>Office of the Secretary</b>					
	Chapter 388-01 WAC	OIG; organization/ disclosure of public records and other related rules as appropriate.	WSR 22-14-033 Filed 6/27/2022	WSR 23-10-046 Filed 4/27/2023	

Katherine I. Vasquez  
Rules Coordinator

**WSR 23-17-002**

**NOTICE OF PUBLIC MEETINGS  
CENTRAL WASHINGTON UNIVERSITY**

[Filed August 3, 2023, 3:26 p.m.]

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

October 19 - 20, 2023	
February 15 - 16, 2024	
May 16 - 17, 2024	
July 25 - 26, 2024	Annual planning retreat

**WSR 23-17-003**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Hearing and Speech)  
 [Filed August 3, 2023, 3:38 p.m.]

In accordance with the Open Public Meeting[s] 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 hearing and speech (board), for the year 2024. Board 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 listserv and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting.

<b>Date</b>	<b>Time</b>	<b>Location</b>
February 2, 2024	9:00 a.m.	Tacoma, Washington TBD and webinar
May 3, 2024	9:00 a.m.	DOH Town Center 2 Room 166 111 Israel Road S.E. Tumwater, WA 98501; and Webinar
July 26, 2024	9:00 a.m.	Vancouver, Washington TBD and webinar
November 1, 2024	9:00 a.m.	Tumwater, Washington TBD and webinar

If you need further information, please contact Kim-Boi Shadduck, Program Manager, Board of Hearing and Speech, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, kim-boi.shadduck@doh.wa.gov, www.doh.wa.gov.

Please be advised the 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.

Below is the Washington hearing society's hearing aid specialist practical exams 2024 dates and locations.

<b>Date</b>	<b>Time</b>	<b>Location</b>
March 29, 2024	9:00 a.m.	DOH Town Center 2 Room 145 and 153 111 Israel Road S.E. Tumwater, WA 98501
June 28, 2024	9:00 a.m.	DOH Town Center 2 Room 145 and 153 111 Israel Road S.E. Tumwater, WA 98501
September 27, 2024	9:00 a.m.	DOH Town Center 2 Room 145 and 153 111 Israel Road S.E. Tumwater, WA 98501
December 6, 2024	9:00 a.m.	DOH Town Center 2 Room 145 and 153 111 Israel Road S.E. Tumwater, WA 98501

**WSR 23-17-004**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed August 3, 2023, 4:02 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).

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

Document Title: DCS Administrative Policy 6.03: Privacy of Information Exchanged through the DCS Public Internet Site - OBSOLETE.

Subject: Privacy of information exchanged through the public internet site.

Effective Date: August 2, 2023.

Document Description: This DCS administrative policy is now obsolete, as DCS defers to DSHS AP 15.18.02.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5178, TDD/TTY 800-833-6384, fax 360-664-5342, email [Kirsten.Turner@dshs.wa.gov](mailto:Kirsten.Turner@dshs.wa.gov), website <http://www.dshs.wa.gov/dcs/>.

**WSR 23-17-008**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COLLEGES**

[Filed August 4, 2023, 7:14 a.m.]

Following is the schedule of regular meetings for the Seattle Colleges board of trustees for 2023-24:

Date	Time	Location
Thursday, September 14, 2023	2:30 p.m.	1701 Broadway Broadway Edison (BE), Room 1110/1111 Seattle, WA 98122
Thursday, October 5, 2023	2:30 p.m.	9600 College Way North North Star Dining Room Seattle, WA 98103
Thursday, November 9, 2023	2:30 p.m.	6000 16th Avenue S.W. Cascade Hall, Room 107 Seattle, WA 98106
Thursday, December 14, 2023	2:30 p.m.	1701 Broadway BE, Room 1110/1111 Seattle, WA 98122
Thursday, January 11, 2024	2:30 p.m.	9600 College Way North North Star Dining Room Seattle, WA 98103
Thursday, February 8, 2024	2:30 p.m.	6000 16th Avenue S.W. Cascade Hall, Room 107 Seattle, WA 98106
Thursday, March 14, 2024	2:30 p.m.	1701 Broadway BE, Room 1110/1111 Seattle, WA 98122
Thursday, April 11, 2024	2:30 p.m.	9600 College Way North North Star Dining Room Seattle, WA 98103
Thursday, May 9, 2024	2:30 p.m.	6000 16th Avenue S.W. Cascade Hall, Room 107 Seattle, WA 98106
Thursday, June 13, 2024	2:30 p.m.	1701 Broadway BE, Room 1110/1111 Seattle, WA 98122
Thursday, July 11, 2024	2:30 p.m.	9600 College Way North North Star Dining Room Seattle, WA 98103

If you need further information, contact Ricky Goetz, ricky.goetz@seattlecolleges.edu, 1500 Harvard Avenue, Seattle, WA 98122, 206-934-3850.

**WSR 23-17-020  
INTERPRETIVE AND POLICY STATEMENT  
DEPARTMENT OF ECOLOGY**

[Filed August 7, 2023, 3:33 p.m.]

**Notice of Interpretive and Policy Statements**

Under chapter 42.56 RCW, the department of ecology (ecology) maintains an index that includes interpretive and policy statements issued by ecology. Under RCW 34.05.230, we are filing notice in the Washington State Register about these statements.

To obtain copies of these items, please copy and paste the web address (URL) from the table below into a web browser to view and download; or submit an email records request to ecology's public records officer at [PublicRecordsOfficer@ecy.wa.gov](mailto:PublicRecordsOfficer@ecy.wa.gov) following the instructions on the Public Records Requests web page at <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>.

Revised Statement:

<b>Title of Interpretive/Policy Statement</b>	<b>Web Link (if applicable)</b>
"AQP-POL-2023 Evaluating Equipment Replacement"	Not applicable
"AQP-POL-2019 Evaluating Equipment Replacement"	Not applicable

## WSR 23-17-021

## AGENDA

## PUBLIC DISCLOSURE COMMISSION

[Filed August 7, 2023, 3:37 p.m.]

## Rules Development Agenda for July - December 2023

The Administrative Procedure Act requires state agencies to prepare a biannual rules development agenda that includes the issues under consideration for rule making for the upcoming six-month period. RCW 34.05.314. Agendas are published in the State Register at the end of January and July each year. Staff proposes the following rule-making agenda for the period from July through December 2023:

Updating the rules for lobbying reporting, including inflationary adjustments and implementation of HB 1317 regarding grassroots lobbying (chapter 390-20 WAC): The public disclosure commission (PDC) initiated rule making under WSR 23-12-001 (filed June 13, 2023) and plans to propose rules and hold a public hearing this fall. Final rules may be ready for adoption by the beginning of next year.

Implementation of ESSB 5152 regarding the use of synthetic media in electioneering communications: The legislature passed ESSB 5152, which becomes effective on July 23, 2023. The law creates a private cause of action against a sponsor of an electioneering communication using synthetic media (deepfake), unless a disclaimer is included in the communication that it has been manipulated. The law requires PDC to adopt rules in furtherance of the law. The law will be administered through legal cases filed in state court, and does not create any direct regulatory authority for PDC. However, the required rule making presumably is intended to draw upon PDC's expertise in regulating campaign activity, particularly in regards to electioneering communications.

The law has two main aspects. First, the law defines the scope of activity that is subject to judicial enforcement, namely the use of synthetic media in electioneering communications, and the use of disclaimers with the communication. Second, the law sets out the procedure for filing an action in court, including the level of proof required, as well as the injunctive relief and damages that can be sought.

A judicial procedure will govern the second aspect of this law, the PDC rule making should focus on the first aspect in helping to identify the scope of activity covered under the law, including the definition of synthetic media and the determination of sponsorship and publication, particularly in regards to the dissemination through digital platforms and the use of artificial intelligence.

Implementation of E2SHB 1715 regarding an exemption for address confidentiality program (ACP) participants from personal financial affairs reporting of residential home address: The legislature passed E2SHB 1715, regarding protections for domestic violence victims, which becomes effective July 23, 2023. The law includes a provision adding participants of ACP, within the office of the secretary of state, from required disclosure of a primary residential address under the personal financial affairs (F-1) report. The change in law warrants a complimentary rule amendment to add the ACP exemption to the list of other exempted positions (judges, prosecutors, sheriffs) referenced under WAC 390-24-200.

Update PDC Interpretation 07-04 regarding online campaign activities, including digital advertising: The continuing development of new digital technology and internet consumer products requires an update

to existing PDC guidance on the use of websites, social media, and digital advertising. Over the past several years, PDC has reviewed and analyzed the policy and mechanisms for improving disclosure in the evolving area of digital political advertising. PDC will look to expand upon this work to analyze the broader use of social media, including influencers, websites, and other forms of communication in relation to disclosure requirements and the regulation of campaign expenditure activity.

Further need for rule making may generate from this work, particularly regarding the campaign reporting of expenditure details for digital advertising. Such rule making would connect with the previous work of PDC adopting rules on the responsibilities of commercial advertisers to maintain records of the digital advertising they sell.

Sean Flynn  
General Counsel

## WSR 23-17-027

## DEPARTMENT OF HEALTH

[Filed August 8, 2023, 11:14 a.m.]

The Washington state board of nursing (board), formally known as the nursing care quality assurance commission, is filing a notice of hearing per the direction of the joint administrative rules review committee (JARRC) pursuant to RCW 34.05.630(3) regarding practical and registered nursing in chapter 246-840 WAC.

On July 5, 2023, JARRC found by majority vote that by requiring a "graduate degree" to be a masters or doctoral degree and adopting exemptions to WAC 246-840-340 and 246-840-342 by agency procedure, the board is using a policy in place of a rule that has not been adopted in accordance with all applicable provisions of law.

On July 14, 2023, the board received a letter of determination from JARRC recommending that the board: (1) Define the term "graduate degree" in chapter 246-840 WAC; and (2) provide for the exemptions to education requirements for advanced registered nurse practitioner license applicants in board procedures B35.01 and B9.06 by rule.

The board will hold a public hearing at the board's September 7, 2023, business meeting to fully consider all written and oral submissions regarding the July 5, 2023, JARRC finding. The board will notify the JARRC of its intended actions in writing within seven days of the hearing based on its review of written and oral comment.

Interested parties may provide the board with public comment regarding whether the agency is using a policy or its equivalent in place of a rule by giving oral testimony at the hearing or by submitting written comments.

Submit written comments through August 23, 2023, via email [NCQAC.Rules@doh.wa.gov](mailto:NCQAC.Rules@doh.wa.gov); or U.S. Mail at Washington State Board of Nursing, P.O. Box 47864, Olympia, WA 98504.

The rule hearing is scheduled for **September 7, 2023, at 1:15 p.m.** Both in-person and virtual attendance options are available for this meeting.

Attend the rules hearing in-person at Spokane Convention Center, 334 West Spokane Falls Boulevard, Room 302AB, Spokane, WA 99201.

Attend the rules hearing virtually online using the Zoom application at <https://us02web.zoom.us/j/811011111111>.

For assistance for persons needing accommodations, or if you have any questions, please contact policy analyst, Jessilyn Dagum, at 360-236-3538, [jessilyn.dagum@doh.wa.gov](mailto:jessilyn.dagum@doh.wa.gov) or TTY 711.

Alison Bradywood DNP, MN/MPH, RN, NEA-BC  
Executive Director  
Washington State Board of Nursing

**WSR 23-17-028**

**INTERPRETIVE STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed August 8, 2023, 2:21 p.m.]

**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT**

Title of Interpretive Statement: Use of Telepsychology to Fulfill Experience Requirements during and following the COVID-19 Declared Emergency. Policy Number: EBOP-20-01.2.

Issuing Entity: Examining Board of Psychology (board).

Subject Matter: Clarifying the board's position on using telepsychology to fulfill experience requirements for practica, internships, and preinternships. The board has extended this interpretive statement until the conclusion of permanent rule making on this topic.

Effective Date: May 19, 2023.

Contact Person: Zachary Patnode, program manager, psychology@doh.wa.gov, 360-490-2587.

**WSR 23-17-029**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed August 8, 2023, 2:58 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Virtual Supervision for Psychology Internships and Preinternships during and following the COVID-19 Declared Emergency. Policy Number: EBOP-20-02.2.

Issuing Entity: Examining board of psychology (board).

Subject Matter: Clarifying the board's position on using virtual supervision to fulfill requirements for face-to-face individual supervision for internships and preinternships. The board has extended this policy statement until the conclusion of permanent rule making on this topic.

Effective Date: May 19, 2023.

Contact Person: Zachary Patnode, program manager, psychology@doh.wa.gov, 360-490-2587.

WSR 23-17-033

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF REVENUE

[Filed August 9, 2023, 9:11 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA): **ETA 3239.2023 *Estate Tax Deduction for Qualified Family-Owned Business Interests: Real Estate Activities.***

This ETA addresses a deduction from the Washington taxable estate for the value of the decedent's qualified family-owned business interests. This ETA focuses on certain real estate business interests.

A copy of this document is available via the internet at Excise Tax Advisories.

Atif Aziz  
Tax Policy Manager  
Rules Coordinator

**WSR 23-17-043**

**HEALTH CARE AUTHORITY**

[Filed August 9, 2023, 4:20 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0049 July 2023 Fee Schedule Updates.

Effective Date: October 1, 2023.

Description: The health care authority (HCA) intends to submit SPA 23-0049 to update the fee schedule effective dates for several medicaid programs and services. This is a regular, budget-neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment.

SPA 23-0049 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email [ann.myers@hca.wa.gov](mailto:ann.myers@hca.wa.gov).

WSR 23-17-047

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF COMMERCE

(Developmental Disabilities Endowment Trust Fund)

[Filed August 10, 2023, 8:53 a.m.]

Following is the schedule of regular meetings for the Washington state department of commerce, developmental disabilities endowment trust fund governing board for 2023:

Date	Time	Location
March 9, 2023	10:00 a.m. - 2:00 p.m.	SeaTac Conference Center 17801 International Boulevard Mezzanine Level Seattle, WA 98158
June 8, 2023	10:00 a.m. - 2:00 p.m.	
September 7, 2023	10:00 a.m. - 2:00 p.m.	
December 7, 2023	10:00 a.m. - 2:00 p.m.	

If you need further information, contact Ro Smith, Disabilities Workgroup, Community Economic Opportunities, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 09504 [98504]-2525, 360-725-2794, romane.smith@commerce.wa.gov, csp@commerce.wa.gov, and www.commerce.wa.gov.

WSR 23-17-048

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF COMMERCE

(Achieving a Better Life Experience Governing Board)

[Filed August 10, 2023, 8:54 a.m.]

Following is the schedule of regular meetings for the Washington state department of commerce, achieving a better life experience governing board for 2023:

Date	Time	Location
January 23, 2023	9:30 a.m. - 12:00 p.m.	Department of Commerce 1011 Plum Street S.E. Conference Room 110 Olympia, WA 09504 [98504]-2525
April 24, 2023	9:30 a.m. - 12:00 p.m.	
July 24, 2023	9:30 a.m. - 12:00 p.m.	
October 23, 2023	9:30 a.m. - 12:00 p.m.	

If you need further information, contact Ro Smith, Disabilities Workgroup, Community Economic Opportunities, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 09504 [98504]-2525, 360-725-2794, romane.smith@commerce.wa.gov, csp@commerce.wa.gov, and www.commerce.wa.gov.

WSR 23-17-050

AGENDA

DEPARTMENT OF  
ENTERPRISE SERVICES

[Filed August 10, 2023, 10:12 a.m.]

Listed below is the department of enterprise services' (DES) semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that we have 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. 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.

If you have questions about this agenda, contact Jack Zeigler at jack.zeigler@des.wa.gov.

**Semi-Annual Rule-Making Agenda  
July 1 to December 31, 2023**

WAC Citation	Purpose of Rule Making	Current Activity Approximate Filing Date
Chapter 200-220 WAC, Use of the public areas of the capitol buildings and grounds	The campus use rules were first put in place over a decade ago and have not received a comprehensive review and update since first adopted. This rule making is intended to make the rules clear, current, and understandable, as well as close operational gaps.	We anticipate filing the CR-101 preproposal statement of inquiry in September 2023 and starting preliminary work shortly after.
Chapter 200-230 WAC, Requirements for commemorative and art works on state capitol grounds	The campus commemorative and art works rules were put in place 24 years ago and have not received a comprehensive review and update since first adopted. Rule making is needed to make the rules clear, current, and understandable, as well as close operational gaps.	We anticipate filing an interpretive policy statement to clarify definitions and establish the process for submitting a commemorative work or work of art proposal to the department. Rule making will follow in 2024.
	The 2023 legislature passed E2SB 5268, Efficiency and equity in public works contracting, to increase equity in public works contracting by helping small, minority, women, and veteran-owned businesses secure public works contracts. Key elements of the bill: <ul style="list-style-type: none"> <li>• Establish a statewide works roster and a small business certification program.</li> <li>• Align financial thresholds throughout the state.</li> <li>• Add a direct contracting option.</li> <li>• Require DES to create public works bid templates for state agencies with public work authority.</li> </ul> Rule making is needed to align the current rules with the bill.	The CR-101 was filed 2023. We anticipate filing proposed rules (CR-102) early fall 2023.

Jack Zeigler  
Rules and Policy Manager

## WSR 23-17-054

## HEALTH CARE AUTHORITY

[Filed August 10, 2023, 3:17 p.m.]

## NOTICE

Title or Subject: Supplemental Notice for Ground Emergency Medical Transportation (GEMT) Medicaid State Plan Amendment (SPA) 23-0009. Effective Date: July 1, 2023.

Description: The health care authority (HCA) previously filed notice under WSR 23-06-014 of the intent to submit SPA 23-0009 to:

- Amend the definition of "dry run" to differentiate between treatment without transport and responses where there is no patient at the scene.
- Amend the definition of "treat and refer" to clearly identify costs that may be eligible for inclusion in the cost calculation methodology.
- Make a change to the cost calculation methodology to accurately identify the average cost per service for participating providers.
- ~~Remove from allowable costs the costs associated with treatment by eligible Ground Emergency Medical Transportation (GEMT) providers that do not result in a transport. This information is incorrect. These costs **will be** allowed.~~

SPA 23-0009 is expected to decrease the annual aggregate reimbursement for participating GEMT providers. HCA does not currently have the data to provide an estimate of the amount of the anticipated decrease. The total reimbursement will not exceed the cost of providing emergency transportation and response services to medicaid clients.

SPA 23-0009 is in the development process. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Abigail Cole, Section Manager, Hospital Finance and Drug Rebate, FSD, P.O. Box 45510, Olympia, WA 98504-5510, phone 360-725-1835, TRS 711, email [abby.cole@hca.wa.gov](mailto:abby.cole@hca.wa.gov), website <https://www.hca.wa.gov/billers-providers-partners/program-information-providers/ground-emergency-medical-transportation-gemt>.

WSR 23-17-062  
POLICY STATEMENT  
DEPARTMENT OF  
LABOR AND INDUSTRIES  
[Filed August 11, 2023, 4:56 p.m.]

MEMORANDUM

Pursuant to RCW 34.05.230, the department of labor and industries' fraud prevention and labor standards division issued the following policy statement.

If you have any questions or need additional information, please contact Maggie Leland, rules coordinator, at Maggie.Leland@Lni.wa.gov, or 360-902-4504.

Policy: Employment Standards Policy ES.A.12.2.

Title: *Tip, Gratuity, and Service Charge Examples.*

Effective Date: August 9, 2023.

Description: The policy was created in order to provide examples of scenarios relating to tips, gratuities, and service charges to answer employee questions and to help employers comply with the requirements of the Minimum Wage Act (chapter 49.46 RCW).

Contact: Bridget Osborne, 310 Israel Road, Tumwater, WA 98501, 360-902-5552, Bridget.Osborne@Lni.wa.gov.

**WSR 23-17-063**  
**POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 14, 2023, 9:24 a.m.]

MEMORANDUM

Pursuant to RCW 34.05.230, the department of labor and industries' (L&I) insurance services division and the fraud prevention and labor standards division issued the following policy statements.

If you have any questions or need additional information, please contact Maggie Leland, rules coordinator, at Maggie.Leland@lni.wa.gov, or 360-902-4504.

Policy: Insurance Services Policy 61.25.

Title: *Coverage for Consumer Directed Employer Program.*

Effective Date: September 1, 2023.

Description: The amended policy provides guidelines for how a person performing home care services under the consumer directed employer (CDE) program can ensure coverage under state fund workers' compensation. The consumer direct of Washington (CDWA) is Washington's CDE. As the CDE for Washington's department of social and health services, CDWA employs the state's 46,000 individual providers who provide in-home personal care and respite services.

The list of criteria for employees participating in the CDE home care program was reduced to one requirement in this policy update. The requirement explains that employees participating in the CDE home care program must be directly employed by ill, disabled, or vulnerable individuals.

This policy removes information regarding in-home caregivers who aren't members of the collective bargaining unit not being covered on the industrial insurance account. This was removed, as the requirement for an in-home worker to be a member of the collective bargaining unit is no longer applicable.

This policy also replaces an outdated classification number used to report employees working for CDEs with new classification number 6512.

Contact: Jordan Ely, 7273 Linderson Way, Mailstop 4270, Tumwater, WA 98501, 360-902-4616, Jordan.Ely@lni.wa.gov.

Policy: Insurance Services Policy 63.06.

Title: *Entity Conversions.*

Effective Date: September 1, 2023.

Description: The amended [policy] will assist L&I's account managers who receive notification that a business entity converted from one entity type to another.

Entity conversion refers to a process when a business entity changes from one entity type to another within a state. Examples of different business entity types include: limited liability companies, corporations, general partnerships, sole proprietorships, joint ventures, associations, and estates.

The policy explains that entity conversions must be processed by the secretary of the state before L&I can convert the entity type for a business.

This updated policy removed a statement regarding entity conversion acts adopted in Washington and other states, as this information isn't crucial to understanding the conversion process for account managers. However, the policy retained information regarding the ability

of certain entities to convert directly from one entity type to another without changing a firm's obligations to third parties.

During each legislative session, the different types of business entities that may convert to a different entity type changes due to new or updated laws. This means that the listed entity types on the policy may be incorrect or outdated. This could lead to confusion for customers. Instead of listing each entity type, one of the updates to the policy includes simply providing information regarding the conversion process without listing the types of entities.

The final update to this policy includes removing language regarding the obligation of the secretary of state to recognize entity conversions without issuing a new unified business identifier (UBI) number, and instead puts the burden on L&I to recognize these entity conversions without issuing a new UBI number.

Contact: Jordan Ely, 7273 Linderson Way, Mailstop 4270, Tumwater, WA 98501, 360-902-4616, Jordan.Ely@Lni.wa.gov.

Policy: Fraud Prevention and Labor Standards Division Policy 91.55.

Title: *Ex Parte Communication During Field Audit.*

Effective Date: September 1, 2023.

Description: The policy was created in order to provide guidance for L&I field audit staff when communicating with employers that have legal representation.

Contact: Jordan Ely, 7273 Linderson Way, Mailstop 4270, Tumwater, WA 98501, 360-902-4616, Jordan.Ely@Lni.wa.gov.

Maggie Leland  
Rules Coordinator

**WSR 23-17-067**

**NOTICE OF PUBLIC MEETINGS**

**OILSEEDS COMMISSION**

[Filed August 14, 2023, 1:28 p.m.]

Following is a regular meeting date change for the Washington oilseeds commission fourth quarter commission meeting.

From: Wednesday, November 15, 2023.

To: Wednesday, November 8, 2023.

If you need further information, contact Shane Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

**WSR 23-17-068**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**  
(State Capitol Committee)  
[Filed August 14, 2023, 1:46 p.m.]

The state capitol committee has changed the following regular meeting:

From: Thursday, September 21, 2023, at 10 a.m. - 12 p.m.

To: Monday, October 16, 2023, at 1:30 - 3:30 p.m.

If you need further information, contact Christopher Ferguson, department of enterprise services, 360-790-7758, Christopher.ferguson@des.wa.gov, des.wa.gov.

**WSR 23-17-069**  
**RULES COORDINATOR**  
**ENERGY FACILITY SITE**  
**EVALUATION COUNCIL**

[Filed August 14, 2023, 1:50 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Energy Facility Site Evaluation Council is Ali Smith, 621 Woodland Square Loop, Lacey, WA 98503, phone 360-664-1345, email ali.smith@efsec.wa.gov.

Ali Smith  
Management Analyst 3

WSR 23-17-093

AGENDA

PARAEDUCATOR BOARD

[Filed August 15, 2023, 11:29 p.m.]

Following is the paraeducator board, Title 179 WAC, semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that we have under active development and rules that the agency anticipates beginning action on during the next six months. Current information on our rule-making activity is available on our website. As circumstances warrant, there may be additional rule-making activity not on this agenda. That information will be posted on our website.

If you have questions about this agenda, contact Liisa Preslan, email [liisa.preslan@k12.wa.us](mailto:liisa.preslan@k12.wa.us), phone 360-790-2103.

WAC Citation	Subject matter of rule	Activity
179-03-020	Update WAC language to align with change to RCW 28A.413.040 Minimum employment requirements, which took effect on July 23, 2023.	CR-105 anticipated November 2023 CR-103P anticipated January 2024

**WSR 23-17-098  
POLICY STATEMENT  
LIQUOR AND CANNABIS  
BOARD**

[Filed August 16, 2023, 1:05 p.m.]

The Washington state liquor and cannabis board is withdrawing its Policy Statement PS-21-01 regarding conformed tetrahydrocannabinol (THC) isomers that was filed as WSR 21-10-045 on April 28, 2021. The policy statement is no longer necessary, because E2SSB 5367 addresses the regulation of THC other than delta-9 THC, and the conversion of hemp-derived cannabidiol to THC isomers and other potentially intoxicating or psychoactive cannabinoids including, but not limited to, delta-8 THC. The legislation became effective on July 23, 2023.

**WSR 23-17-099**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**SALMON COMMISSION**

[Filed August 16, 2023, 1:05 p.m.]

Following is a meeting date change for the Puget Sound salmon commission (commission). The commission has changed the following membership meeting:

From: Wednesday, September 20, 2023.

To: Wednesday, October 7, 2023.

If you need further information, contact Megan Johnson, 6601 West Deschutes Avenue, Suite C-2, Kennewick, WA 99336, 509-585-5460, 509-591-5546, mjohnson@agmgt.com.

WSR 23-17-102

AGENDA

DEPARTMENT OF  
ENTERPRISE SERVICES

[Filed August 16, 2023, 4:24 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 we have under active development and rules that DES anticipates starting some rule-making action on during the next six months.

This agenda also is available on our rule-making website. 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.

If you have questions about this agenda, contact Jack Zeigler at jack.zeigler@des.wa.gov.

**Semi-Annual Rule-Making Agenda  
July 1 to December 31, 2023**

WAC Citation	Purpose of Rule Making	Current Activity/Approximate Filing Date
Chapter 200-220 WAC, Use of the public areas of the capitol buildings and grounds	The campus use rules were first put in place over a decade ago and have not received a comprehensive review and update since first adopted. This rule making is intended to make the rules clear, current, and understandable, as well as close operational gaps.	We anticipate filing the CR-101 preproposal statement of inquiry in September 2023 and starting preliminary work shortly after.
Chapter 200-230 WAC, Requirements for commemorative and art works on state capitol grounds	The campus commemorative and art works rules were put in place 24 years ago and have not received a comprehensive review and update since first adopted. Rule making is needed to make the rules clear, current, and understandable, as well as close operational gaps.	We anticipate initially filing an interpretive policy statement to clarify definitions and establish the process for submitting a commemorative work or work of art proposal to the department. Rule making will follow in 2024
Chapter 200-330 WAC, Small works roster	The 2023 legislature passed E2SB 5268, Efficiency and equity in public works contracting, to increase equity in public works contracting by helping small, minority, women, and veteran-owned businesses secure public works contracts. Key elements of the bill: <ul style="list-style-type: none"> <li>• Establish a statewide works roster and a small business certification program.</li> <li>• Align financial thresholds throughout the state.</li> <li>• Add a direct contracting option.</li> <li>• Require DES to create public works bid templates for state agencies with public work authority.</li> </ul> Rule making is needed to align the current rules with the bill.	The CR-101 was filed 2023. We anticipate filing proposed rules (CR-102) early fall 2023.

Jack Zeigler  
Rules and Policy Manager

**WSR 23-17-108  
NOTICE OF PUBLIC MEETINGS  
STATE INDEPENDENT  
LIVING COUNCIL**

[Filed August 17, 2023, 11:43 a.m.]

The following is the schedule of regular meetings for the Washington state independent living council for 2023. Once specific locations have been determined, an updated notice will be sent. A time for public comment will be available. All are welcome to attend.

<b>Date</b>	<b>Time</b>	<b>Location</b>
October 12	2:00 - 3:30 p.m.	Zoom meeting <a href="https://dshs-telehealth.zoom.us/j/88223578665?pwd=NGpFSzkvL2F3eXI4RDZXTWdNMUhNdz09">https://dshs-telehealth.zoom.us/j/88223578665?pwd=NGpFSzkvL2F3eXI4RDZXTWdNMUhNdz09</a>
October 17	5:30 - 7:00 p.m.	Zoom meeting <a href="https://dshs-telehealth.zoom.us/j/81166871216?pwd=ZDZYc1pvN04wL3k5OU9DYWIY2xFTU09">https://dshs-telehealth.zoom.us/j/81166871216?pwd=ZDZYc1pvN04wL3k5OU9DYWIY2xFTU09</a>
October 19	1:00 - 2:30 p.m.	Zoom meeting <a href="https://dshs-telehealth.zoom.us/j/82607216372?pwd=cUdoZi9UMEcUWFIS3NsSzBpMnIxdz09">https://dshs-telehealth.zoom.us/j/82607216372?pwd=cUdoZi9UMEcUWFIS3NsSzBpMnIxdz09</a>
October 24	5:30 - 7:00 p.m.	Zoom meeting <a href="https://dshs-telehealth.zoom.us/j/81814602616?pwd=SIJPKzICT0F1NHVtMDFDUzU4NFg5QT09">https://dshs-telehealth.zoom.us/j/81814602616?pwd=SIJPKzICT0F1NHVtMDFDUzU4NFg5QT09</a>
October 25	10:00 - 11:30 a.m.	Zoom meeting <a href="https://dshs-telehealth.zoom.us/j/87994022785?pwd=Mkl2OTRNOWpKNHFrL3dsK2ZIZnNqQT09">https://dshs-telehealth.zoom.us/j/87994022785?pwd=Mkl2OTRNOWpKNHFrL3dsK2ZIZnNqQT09</a>
October 30	5:30 - 7:00 p.m.	Zoom meeting <a href="https://dshs-telehealth.zoom.us/j/85754463093?pwd=MjZwNW45bGJYY3o0elFrbU02Sk1HQT09">https://dshs-telehealth.zoom.us/j/85754463093?pwd=MjZwNW45bGJYY3o0elFrbU02Sk1HQT09</a>

For accommodation requests or for further information, please contact the Washington state independent living council at 800-624-4105.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

WSR 23-17-112

**PUBLIC RECORDS OFFICER  
DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION**

[Filed August 17, 2023, 2:28 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Department of Archaeology and Historic Preservation is Jamie Dudman, 1110 South Capitol Way, Suite 30, Olympia, WA 98501, phone 360-515-8416, fax 360-586-3067, email jamie.dudman@dahp.wa.gov.

Jamie Dudman  
Records Manager

**WSR 23-17-114**  
**NOTICE OF PUBLIC MEETINGS**  
**LAKE WASHINGTON**  
**INSTITUTE OF TECHNOLOGY**  
 [Filed August 17, 2023, 4:52 p.m.]

Pursuant to RCW 42.30.075, following is the schedule of regular meetings for the board of trustees (board) of Lake Washington Institute of Technology for 2023-24:

Date	Time
October 16, 2023	12 to 4 p.m.
November 13, 2023	4 to 6 p.m.
December 11, 2023	4 to 6 p.m.
January 8, 2023 [2024]	12 to 2 p.m.
February 12, 2024	4 to 6 p.m.
March 4, 2024	4 to 6 p.m.
March 11, 2024	12 to 4 p.m.
April 8, 2024	4 to 6 p.m.
May 13, 2024	9 a.m. to 4 p.m.
June 3, 2024	12 to 2 p.m.

All board meetings will take place in the Board Room W305. If you need further information, please contact Elsa Gossett, 11605 132nd Avenue N.E., Kirkland, WA 98034, 425-739-8102, [elsa.gossett@lwtech.edu](mailto:elsa.gossett@lwtech.edu), [www.lwtech.edu/about/trustees/](http://www.lwtech.edu/about/trustees/).

WSR 23-17-130

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF COMMERCE

(Achieving a Better Life Experience Governing Board)

[Filed August 21, 2023, 11:29 a.m.]

Following is the schedule of regular meetings for the Washington state department of commerce, achieving a better life experience governing board for 2023:

Date	Time	Location
January 23, 2023	9:30 a.m. - 12:00 p.m.	Meetings are held virtually; you can attend at Microsoft Teams. Join on your computer, mobile app, or room device, click here to join the meeting [contact agency for link], Meeting ID 260 636 304 92, Passcode P4xNWx; or call in (audio only) +1 564-999-2000,,284093946# United States, Olympia, (833) 322-1218,,284093946# United States (Toll-free), Phone Conference ID 284 093 946#.
April 24, 2023	9:30 a.m. - 12:00 p.m.	
July 24, 2023	9:30 a.m. - 12:00 p.m.	
October 23, 2023	9:30 a.m. - 12:00 p.m.	

If you need further information, contact Ro Smith, Disabilities Workgroup, Community Economic Opportunities, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 09504 [98504]-2525, 360-725-2794, romane.smith@commerce.wa.gov, csp@commerce.wa.gov, and www.commerce.wa.gov.

**WSR 23-17-135**  
**NOTICE OF PUBLIC MEETINGS**  
**EMPLOYMENT SECURITY DEPARTMENT**  
(Unemployment Insurance Advisory Committee)  
[Filed August 21, 2023, 1:02 p.m.]

**August 2023 - June 2024 Meeting Dates**

<b>Date</b>	<b>Location</b>	<b>Host</b>	<b>Notes</b>
August 2, 2023 10:00 a.m. - 12:00 p.m.	Zoom	Employment security department (ESD)	Recorded meeting
September 11, 2023 10:00 a.m. - 12:00 p.m.	Zoom	ESD	Recorded meeting
October 18, 2023 10:00 a.m. - 12:00 p.m.	Zoom	ESD	Recorded meeting
December 6, 2023 10:00 a.m. - 12:00 p.m.	Zoom	ESD	Recorded meeting
January 26, 2024 2:00 - 3:00 p.m.	Zoom	ESD	Recorded meeting
February 23, 2024 2:00 - 3:00 p.m.	Zoom	ESD	Recorded meeting
March 29, 2024 2:00 - 3:00 p.m.	Zoom	ESD	Recorded meeting
May 15, 2024 10:00 a.m. - 12:00 p.m.	Zoom	ESD	Recorded meeting
June 26, 2024 10:00 a.m. - 12:00 p.m.	Zoom	ESD	Recorded meeting

NOTE: Hosts may have the opportunity to present to the committee and bring invited guests as part of our meeting agenda.

Per vote of unemployment insurance advisory committee (UIAC) members, meetings are being recorded as of the August 3, 2020, meeting.

**RECORDING DISCLAIMER:** This meeting is being recorded and may be broadcast by TVW. Please be advised that your image and voice will be captured, recorded, and broadcast during the videoconference. Your participation in this videoconference equals consent to be recorded and broadcast as required by law.

For more information, please visit the UIAC website at <https://esd.wa.gov/newsroom/UIAC>.

## WSR 23-17-139

## AGENDA

## WESTERN WASHINGTON UNIVERSITY

[Filed August 22, 2023, 8:05 a.m.]

**Notice of Semi-Annual Agenda for Rules Under Development**

Pursuant to RCW 34.05.314, the following is Western Washington University's semi-annual agenda for WAC rules under development for the term of July 1 through December 31, 2023:

**1. Chapter 516-26 WAC, Student records.** University review of chapter 516-26 WAC, Student records, with possible amendments including, but not limited to, WAC 516-26-040 Right to copy education records, WAC 516-26-090(2) Directory information, and housekeeping changes. Preproposal CR-101 was filed December 12, 2017 (WSR 18-01-044), and CR-102 anticipated to be filed in 2023.

**2. WAC 516-52-010 Control of dogs and other service animals.** Amendments to WAC 516-52-010 Control of dogs and other service animals, to address animals and pets on campus, as well as service animals and exceptions. Preproposal CR-101 was filed April 6, 2017 (WSR 17-09-005), and CR-102 anticipated to be filed in 2023.

**3. Proposed new WAC chapter.** Proposed new chapter to establish rules regarding a new emergency loan program for students. Preproposal CR-101 was filed June 28, 2022 (WSR 22-14-044), and CR-102 anticipated to be filed in 2023.

Additional rule-making activity not on the agenda may occur as conditions warrant. For more information concerning the semi-annual agenda, please contact Jennifer Sloan, Rules Coordinator, Western Washington University, 516 High Street, Bellingham, WA 98225-9044, phone 360-650-3117, email Jennifer.Sloan@wwu.edu.

Jennifer L. Sloan  
Rules Coordinator

**WSR 23-17-142**  
**POLICY STATEMENT**  
**HEALTH CARE AUTHORITY**  
(School Employees Benefits Board)  
[Filed August 22, 2023, 9:14 a.m.]

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, 2024. 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 to support the SEBB program:

**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 nonpayment: 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 the SEBB spousal plan calculator.** 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 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: 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 a subscriber 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 a subscriber 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 a subscriber 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 special open enrollment 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 and the health care authority's office of legal affairs (OLA) 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 special open enrollment. The policy also establishes the methodology the SEBB program and OLA 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 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 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 a school employee or continuation coverage 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 23-17-143

## POLICY STATEMENT

## health care authority

(Public Employees Benefits Board)

[Filed August 22, 2023, 9:15 a.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, 2024. 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 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 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 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 nonpayment: 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 the PEBB spousal plan calculator.** 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 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 45-2: Special open enrollment (SOE).** This policy applies whenever a subscriber requests an enrollment change or election change outside of the PEBB program annual open enrollment period.

**Addendum 45-2A: 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 a subscriber 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 a subscriber 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 a subscriber 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 special open enrollment 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 and the health care authority's (HCA) office of legal affairs (OLA) 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 special open enrollment. The policy also establishes the methodology the PEBB program and OLA 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 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 HCA for participation in 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 the 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 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.

**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 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, or a dependent care assistance program, or an employee, continuation coverage subscriber, or retiree 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 23-17-147

**NOTICE OF PUBLIC MEETINGS  
RECREATION AND CONSERVATION  
OFFICE**

(Invasive Species Council)  
[Filed August 22, 2023, 11:06 a.m.]

The Washington invasive species council is adding a **location** for the regular quarterly meeting scheduled for September 28, 2023:

**FROM:** September 28, 2023, from 9:00 a.m. to 3:00 p.m., at the Natural Resource Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501.

**to:** September 28, 2023, from 9:00 a.m. to 3:00 p.m., at the Natural Resource Building, 1111 Washington Street S.E., Room 172, Olympia, WA 98501; or **online**.

If you need further information, visit the Washington invasive species council meeting page or contact Julia McNamara, Board Liaison, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-902-2956, fax 360-902-3026, Julia.McNamara@rco.wa.gov, www.rco.wa.gov; or Stephanie Helms, Executive Coordinator, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-704-0973, fax 360-902-3026, Stephanie.Helms@rco.wa.gov, www.InvasiveSpecies.wa.gov.

The recreation and conservation office schedules all public meetings at barrier-free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email Leslie.Frank@rco.wa.gov.

WSR 23-17-151

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

(Paid Family and Medical Leave Advisory Committee)

[Filed August 22, 2023, 12:47 p.m.]

2023 Advisory Committee Meeting Dates

DATE	TIME	LOCATION
August 30 Canceled	<del>1 - 3 p.m.</del>	<del>*Meeting will be electronic participation only. Remote participation details are included in the agenda.</del>
September 27	1 - 3 p.m.	*Meeting will be hybrid. Remote participation details are included in the agenda.
October 25	1 - 3 p.m.	*Meeting will be hybrid. Remote participation details are included in the agenda.
November 29	1 - 3 p.m.	*Meeting will be hybrid. Remote participation details are included in the agenda.
December 27	1 - 3 p.m.	*Meeting will [be] hybrid. Remote participation details are included in the agenda.

If you need further information, contact Taiyler Brown, taiyler.brown@esd.wa.gov, <https://paidleave.wa.gov/advisory-committee/>.

WSR 23-17-153  
NOTICE OF PUBLIC MEETINGS  
OFFICE OF  
PUBLIC DEFENSE

[Filed August 22, 2023, 2:24 p.m.]

The Washington state office of public defense (OPD) advisory committee has changed the location of the following regular meeting:

**From:** Remote meeting via Zoom.

**To:** SeaTac Office Center, 18000 International Boulevard, Suite 1106, SeaTac, WA 98188.

The meeting will begin at 10 a.m. and a draft agenda will be posted at [www.opd.wa.gov](http://www.opd.wa.gov) one business day prior to the meeting.

Contact OPD at 360-586-3164 ext. 120 if you have any questions or concerns.

**WSR 23-17-165**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Health Technology Clinical Committee)  
 [Filed August 23, 2023, 10:34 a.m.]

The health technology clinical committee (HTCC) has added the following public meeting to the 2023 calendar.

<b>Date</b>	<b>Time</b>	<b>Location</b>
September 15, 2023	8:00 a.m. - 3:00 p.m.	Hybrid: Zoom; or SeaTac International Airport 17801 International Boulevard Seattle, WA 98158

More information on joining HTCC webinars will be posted on the health care authority website 14 days prior to each meeting. Go to <https://www.hca.wa.gov/about-hca/health-technology-assessment>.

Interested parties may sign up to receive notice of HTCC meetings, including a link to register for all virtual meetings, by clicking on <https://public.govdelivery.com/accounts/WAHCA/subscriber/new>.

For further information, contact Val Hamann, Program Specialist, Health Technology Assessment, P.O. Box 626, Olympia, WA 98504-2712, [valerie.hamann@hca.wa.gov](mailto:valerie.hamann@hca.wa.gov).