

WSR 24-06-002

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed February 21, 2024, 2:50 p.m.]

Subject of Possible Rule Making: Creating a regulatory structure to allow centralized surveillance of Class F and house-banked card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, chapter 230-15 WAC requires Class F and house-banked card room licensees to maintain analog or digital closed-circuit television systems within their licensed premises that are monitored by the licensee's employees. This rule making seeks to update the WAC to reflect advancements in technology that would allow for card rooms to implement centralized surveillance monitoring systems. This rule making may take the form of amending chapter 230-15 WAC and/or by creating a new rule.

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Adam Amorine, Staff Attorney and Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

February 21, 2024

Adam Amorine

Staff Attorney and Rules Coordinator

WSR 24-06-012
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 26, 2024, 8:58 a.m.]

Subject of Possible Rule Making: WAC 392-172A-05135 Transfer of parental rights to the student at age of majority.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to update and replace the statutory references to chapter 11.88 RCW (repealed under ESSB 6287 (2020)) with chapter 11.130 RCW under WAC 392-172A-05135.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darryl Colman, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6162, TTY 360-664-3631, email darryl.colman@k12.wa.us, website ospi.k12.wa.us.

February 26, 2024
Chris P. S. Reykdal
State Superintendent of Public Instruction

WSR 24-06-013

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF COMMERCE

[Filed February 26, 2024, 1:17 p.m.]

Subject of Possible Rule Making: Average available greenhouse gas emissions output for emissions performance standard.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.80.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 80.80.050 requires that the department of commerce (commerce) updates the average available greenhouse gas emissions output every five years to reflect the greenhouse gas emissions rate of the average new combined cycle natural gas generating facility offered for sale and purchased in the United States. The current rate, established in WAC 194-26-020, is 925 pounds of greenhouse gas emissions per megawatt-hour.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under RCW 80.80.040, both the department of ecology and energy facility site evaluation council have roles in developing and implementing the greenhouse gas emissions performance standard. Commerce will coordinate with these agencies throughout this rule's stakeholder engagement process.

Process for Developing New Rule: Standard rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Aaron Tam, 2001 6th Avenue, #2600, Seattle, WA 98121, phone 206-454-2251, email aaron.tam@commerce.wa.gov, website <https://www.commerce.wa.gov/growing-the-economy/energy/emission-performance-standards/>.

February 26, 2024

Amanda Hathaway

Legislative and Rules Coordinator

WSR 24-06-021
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 28, 2024, 6:34 a.m.]

Subject of Possible Rule Making: WAC 182-538B-180 Civil transition program—Overview; 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: This rule establishes eligibility criteria for the civil transition program, which is a state-funded, fee-for-service program that requires the department of social and health services (DSHS) to provide wraparound services and supports in community-based settings, which may include residential supports, to persons who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury. This apple health program is for persons who are not eligible for any other apple health program and will provide state-funded categorically needy coverage. This program implements a portion of RCW 10.77.202, which became effective December 1, 2023. The health care authority (agency) established WAC 182-538B-180 through an emergency rule filed under WSR 23-24-052. The purpose of this rule making is to make that rule permanent. DSHS is engaged in rule making on this subject. DSHS filed a preproposal statement of inquiry under WSR 23-24-046 and established emergency rules under WSR 24-05-046. During this review, the agency 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: DSHS.

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 28, 2024
Wendy Barcus
Rules Coordinator

WSR 24-06-026
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed February 28, 2024, 11:24 a.m.]

Subject of Possible Rule Making: Title 314 WAC; the Washington state liquor and cannabis board (LCB) is considering amending WAC 314-55-015 to allow persons under 21 years of age on licensed premises of cannabis producers and processors under certain conditions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.325, 69.50.342, 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In August 2022, LCB accepted two petitions, both from the same petitioner, to consider rule making to amend WAC 314-55-015(2) to allow for exemptions to the prohibition of persons under the age of 21 on the premises of licensed cannabis producers and processors. One petition requested that LCB codify a temporary cannabis license allowance, put in place in March 2020 in response to COVID-19, that permitted minors under 16 years of age on licensed premises of cannabis producers and processors in limited circumstances. These circumstances included that the child under 16 was a child or grandchild of the licensee, was not engaging in any work or act of employment for the licensed business, and did not possess any products associated with the production, processing, or sales of cannabis. This allowance expired on December 31, 2022.

The second petition requested that employees under the age of 21 of contractors engaged in construction, electrical, plumbing, HVAC work, etc., be permitted on licensed premises of cannabis producers and processors, provided the person is over the age of 16 and not engaging in any work related to production, processing, or sales of cannabis.

Under WAC 314-55-015(2), no one under 21 years of age may enter or remain on cannabis licensed premises except as provided in RCW 69.50.357, which allows qualifying patients under 21 years of age on the premises of retail outlets only under certain conditions. Statute explicitly prohibits the delivery, sale, or possession of cannabis products to persons under 21 years of age but does not prohibit persons under 21 years of age to enter or remain on the licensed premises of a producer or processor. LCB has broad statutory authority to adopt rules that regulate producer and processor licenses as provided in RCW 69.50.325, 69.50.342, and 69.50.345.

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 Denise Laflamme, Rules Coordinator, P.O. Box 43080, Olympia WA 98504, phone 360-819-0452, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WLCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the LCB website at lcb.wa.gov.

February 28, 2024
David Postman

**WSR 24-06-029
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 28, 2024, 3:45 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 24-05-070, filed February 20, 2024, required minimum distributions.

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

Bianca Stoner
Legal Services Manager
Rules Coordinator

WSR 24-06-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Optometry)
[Filed February 28, 2024, 5:12 p.m.]

Subject of Possible Rule Making: Optometry continuing education (CE) and examination requirements. The board of optometry (board) will conduct a review of the optometrist CE and examination requirements in WAC 246-851-090 through 246-851-230 and 246-851-490. The board will consider increasing the number of allowable online credits. To comply with 2SHB 1724 (chapter 425, Laws of 2023), the board will also consider including the jurisprudence exam (JP) within their CE requirements and removing it from initial licensure requirements. The board may also consider housekeeping changes to clarify and streamline these sections of the rule as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070; and 2SHB 1724 (chapter 425, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the coronavirus 2019 (COVID-19) pandemic, the board adopted a policy to allow unlimited online CE credits. This policy was adopted on May 18, 2020, and filed under WSR 20-11-068. The board has found that quality online CE is widely available and provides attendees flexibility and cost savings. The board is considering adjusting the allowance of online courses in rule.

The intent of 2SHB 1724, section 8 is to open pathways for licensure and reduce barriers to obtain a license in Washington state (WA). 2SHB 1724 states that disciplining authorities shall waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure for longer than 90 days. The JP exam cannot be required to obtain a WA license via 2SHB 1724, section 8, and the condition of taking and passing the WA JP exam cannot be used to determine substantially equivalent standards. To reduce licensure barriers and align with the intent of 2SHB 1724, the board is considering including the JP exam within their CE requirements and removing it from initial licensure requirements.

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 Kristina Bell, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-23[6]-4947, fax 360-236-2901, TTY 711, email Kristina.bell@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will conduct a series of rules workshops. Rule-making notices will be delivered via the GovDelivery list. To receive notices, please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click again on "Optometry Board." You may also check the box next to one or more of the other professions or facilities listed to received information related to that specific topic.

February 23, 2024

Melissa Dacumos, Chair
Board of Optometry

WSR 24-06-043
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed February 29, 2024, 5:49 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 (FPB) 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 three sites in western Washington in excess of what is currently permitted in the forest practice rules (WAC 222-30-021) 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). **This pilot rule pertains to three sites in western Washington that are expected be harvested between May and July 2024. Two forest practices applications (FPA) are preferred sites for the RCS study (Fig. 1), and one FPA is a backup site (Fig. 2). Final site selection will be addressed when the landowner's harvest schedule becomes finalized. Regardless of the sites that are used, the estimated total length of impacted stream is 0.6 km for two sites that will be harvested under this pilot rule in summer 2024.**

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 combination with some harvest (thinning) in the adjacent 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 forest characteristics).

Sites under consideration for this pilot rule are owned by Weyerhaeuser Company. All three sites are currently marked for desired future condition (DFC) harvest in the inner zone, with a 50 foot no-cut core zone. Site visits were conducted at the two preferred sites in September 2023 to verify that sites meet stocking requirements, and to verify that three plots can be sited along the stream. This pilot rule will allow harvest of additional timber within the forest practices rule RMZs under three scenarios as detailed in the RCS study design. The most intensive treatment will include an RMZ clearcut harvest to a riparian buffer width of 25' (**Fig. 3**). The mid-level treatment will include heavy thin (Curtis's relative density of 20) to 25' of the stream's edge. The least intensive treatment will include a light thin (Curtis's relative density of 40) to 25'. Within each site, the three treatments will randomly be assigned to three plots. This pilot rule only pertains to the locations where plots overlap the RMZ. Outside of the plots, existing rules in WAC 222-30-021 would still apply, such as the RMZ widths to be applied for Site Class II (RMZ width of 170ft) and III streams (RMZ width of 140 feet).

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 Curtis's relative density is achieved. Curtis's relative density is an integrated measure of stand basal area and average tree size (quadratic mean diameter). Curtis's relative density increases with an increase in basal area, holding constant quadratic mean diameter, and relative density increases with a decrease in quadratic mean diameter with constant basal area. The use of Curtis's relative density, as opposed to trees per acre or total basal area, provides an understanding of tree competition across a range of forest types in Washington where multiple tree species will be encountered.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FPB is the oversight agency with the authority to approve this pilot activity. The pilot rule is being requested as part of the formal FPB 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, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street East, P.O. Box 47012, Olympia, WA 98504-7012, phone 360-890-0277, fax 360-902-1428, email forest.practicesboard@dnr.wa.gov.

Additional comments: FPB has approved inclusion of the RCS study in the master project schedule. The RCS study has a peer-reviewed study design and is supported by the FPB adaptive management program. An initial field trial has been conducted, and full study implementation is underway. The timber fish and wildlife policy committee and the cooperative monitoring, evaluation, and research (CMER) committee are supportive of this study. Previously, FPB approved pilot rule making for the RCS study (February 2023). However, none of the 40 sites that were previously identified were selected for implementation, so we have submitted a new preproposal statement of inquiry that addresses the two sites we are planning to implement the study on in summer 2024 (**Fig. 1**), and an additional backup site (**Fig. 2**).

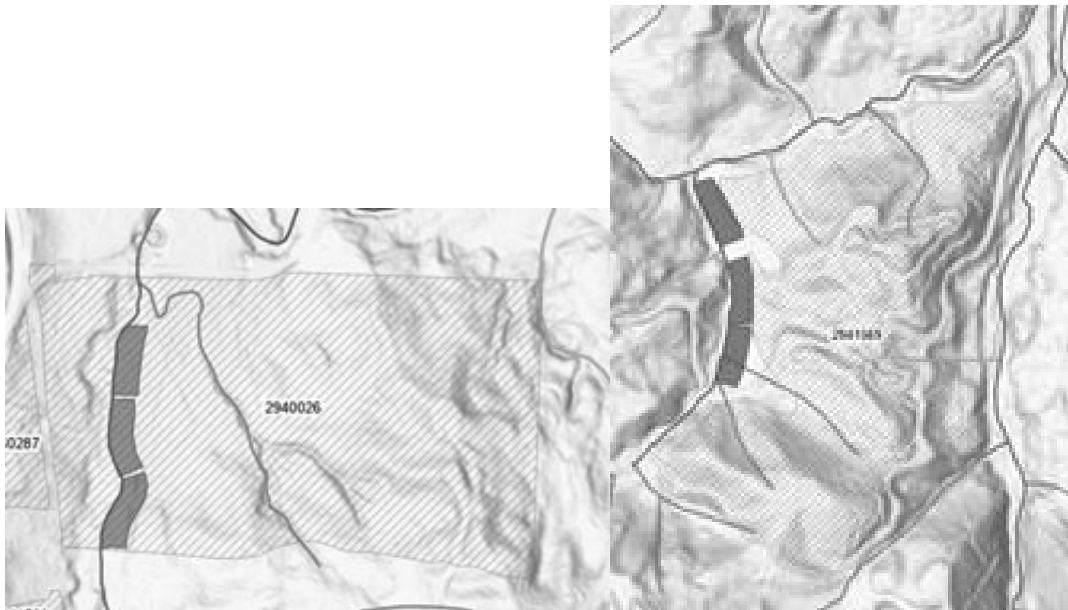


Fig. 1 maps of the two preferred sites, FPA 2940026 (left) and FPA 2941569 (right), which we are applying for permission to implement the RCS study on between May and August 2024. FPAs were screened using site selection criteria outlined in the approved study design, along with ArcGIS for potential site suitability based on stream orientation and local topography. Plot locations shown here are approximate locations and will change slightly during the plot layout phase.



Fig. 2 map of the backup site, FPA 2940863. This backup site was provided by the landowner in January 2024 and has not yet been evaluated in the field.

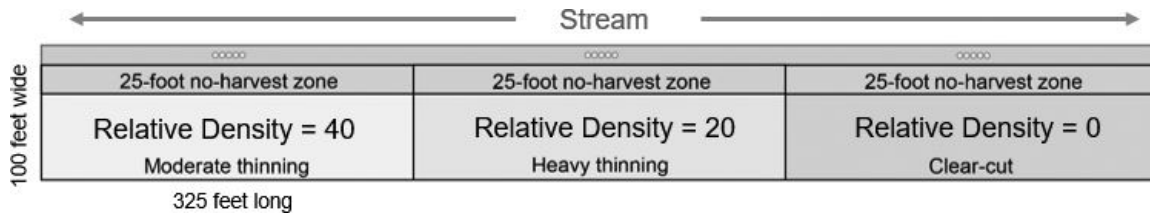


Fig. 3 experimental design for the RCS study. A study site consists of three plots with a revised 25-foot no-harvest core zone, measured from the stream edge (outer edge of bankfull width), which deviates from WAC 222-30-021 (Western WA; 50 foot core zone). Riparian forest thinning from 100 feet to 25 feet from the stream edge will be performed to a relative density of 0, 20, and 40, for each of the plots, irrespective of basal area requirements detailed in the WAC.

February 14, 2024
Alexandra K. Smith
Chair

WSR 24-06-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 1, 2024, 4:54 p.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' retirement system (LEOFF) Plan 2 disability benefits.

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: Clarifying the requirement for LEOFF Plan 2 disability benefits to specify that members are not required to have a medical diagnosis regarding the disabling condition as of the date of separation, as long as sufficient supporting medical evidence is available later.

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/rules.

March 1, 2024
Bianca Stoner
Rules Coordinator

WSR 24-06-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 1, 2024, 4:57 p.m.]

Subject of Possible Rule Making: In-service distributions and required minimum distributions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; the SECURE Act of 2019 (P.L. 116-94), and the SECURE Act of 2022 (P.L. 117-328).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making changes to implement the in-service distribution provision from the SECURE Act of 2019 and the required minimum distribution provision from the SECURE Act of 2022.

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/rules.

March 1, 2024
Bianca Stoner
Rules Coordinator

WSR 24-06-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Occupational Therapy Practice Board)

[Filed March 1, 2024, 5:14 p.m.]

Subject of Possible Rule Making: Occupational therapy temporary permits and fees updates. The occupational therapy practice board (board) and the department of health (department) are considering amendments to WAC 246-847-117 Temporary permits, in response to 2SHB 1009 (chapter 165, Laws of 2023), the Washington Military Spouse Employment Act. The board and the department will also consider amending WAC 246-847-990 Occupational therapy fees and renewal cycle, to establish a fee to cover the cost of the temporary permit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.59.130, 43.70.110, 43.70.250, 43.70.280; and 2SHB 1009 (chapter 165, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1009 creates requirements for issuing a temporary permit to military spouses and requires that a temporary permit be issued to a military spouse for no less than 180 days. Under current rule, temporary permits are issued for only 90 days. Additionally, there is no fee established for a temporary permit in rule. The board and the department will consider amending these rule sections to align the temporary permit rule with 2SHB 1009 and will consider making changes to the fee section to cover costs.

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 Kathy Weed, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4883, TTY 711, email kathy.weed@doh.wa.gov, website doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties can participate in drafting the proposed rules. The department and the board will be conducting rules workshops with interested parties and subject matter experts. The department and the board will use the GovDelivery occupational therapy practice board list and other known contact information to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click on "occupational therapy practice board." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

March 1, 2024
Mary Spores, OT
Chair, Occupational Therapy Practice Board
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-06-057

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed March 4, 2024, 7:47 a.m.]

Subject of Possible Rule Making: New WAC 458-20-27901 Clean alternative fuel vehicles and plug-in hybrid vehicles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of revenue intends to adopt a new rule regarding a retail sales and use tax exemption for certain clean energy vehicles. This rule is being written to provide additional guidance to buyers and sellers of these vehicles so they understand the exemption requirements and limitations.

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: 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 by giving oral testimony at the public meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Mullin, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-1606, TTY 800-833-6384, email lesliemu@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of the contact methods above. Written and oral comments will be accepted at the public meeting on April 9, 2024, at 10:00 a.m. This meeting will be conducted over the internet/telephone. Contact Barbara Imperio at barbarai@dor.wa.gov for dial-in/login information.

March 4, 2024
Brenton Madison
Rules Coordinator

WSR 24-06-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed March 5, 2024, 1:27 p.m.]

Subject of Possible Rule Making: Creating an exclusion from the definition of full-time employment for the purposes of automatic enrollment into the state's deferred compensation plan (DCP) to exempt seasonal positions that are expected to work less than five months per year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050 and 41.50.770.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 41.50.770(3), eligible new state employees are automatically enrolled in DCP unless they waive participation. However, some new employees are in positions that will only last for a limited number of months, so their employment ends before their contributions are deferred. In this rule, the department of retirement systems would like to exclude these people from the definition of full-time employees so that they aren't required to be automatically enrolled.

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/rules.

March 5, 2024
Bianca Stoner
Rules Coordinator

WSR 24-06-079

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed March 5, 2024, 2:43 p.m.]

Subject of Possible Rule Making: WAC 308-409-080 Prohibitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 18.310.020 Powers and duties of director.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The department of licensing is considering updating
language in the above WAC to include requirements from RCW 18.310.150
Disciplinary actions—Grounds in response to a rule-making petition.

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: 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 Kelsey Stone, 1125 Washington Street S.E., Olympia, WA
98501, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website
dol.wa.gov/about/rules; or Kathe McDaniell, P.O. Box 9020, Olympia, WA
98507, phone 360-634-5238, email kcmcdaniel@dol.wa.gov.

March 6, 2024

Ellis Starrett

Rules and Policy Manager

WSR 24-06-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed March 5, 2024, 4:08 p.m.]

Subject of Possible Rule Making: Updating respiratory care practitioner licensure and temporary practice permits. The department of health (department) is considering amendments to the following WAC sections to implement 2SHB 1009, (chapter 165, Laws of 2023) and 2SHB 1724, (chapter 425, Laws of 2023): WAC 246-928-420 Respiratory care practitioner application requirements, 246-928-540 Examination requirements for licensure as a respiratory care practitioner, 246-928-560 Licensure for persons credentialed out-of-state, and 246-928-570 Temporary practice permits for applicants credentialed out-of-state. The department may also consider making related updates or new sections to clarify and streamline licensure in chapter 246-928 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.89.050; 2SHB 1009, (chapter 165, Laws of 2023) 2SHB 1724, (chapter 425, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1009 creates requirements for issuing a temporary practice permit to military spouses and requires that a temporary practice permit be issued to a military spouse for no less than 180 days. Under current rule, temporary practice permits are issued for only 90 days. The department will review all WAC sections related to temporary practice permits to bring them into alignment with 2SHB 1009.

Section 8 of 2SHB 1724 directs the department to waive certain requirements for licensure for specific types of applicants. The intent of the bill is to review and adjust licensure requirements to remove barriers to entering and remaining in the health care workforce, and to streamline the credentialing process. Rule making may be necessary to amend licensure requirements to align with section 8 of 2SHB 1724. The department may also consider related housekeeping updates and general changes to existing sections to clarify and streamline the chapter as appropriate to ensure the rules are clear and enforceable.

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 Kathy Weed, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4883, TTY 711, email kathy.weed@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in drafting the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the GovDelivery respiratory care practitioner health profession list. To receive notices, interested persons may go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then check "Respiratory Care Practitioner Program." You may check other boxes next to one or more of the professions listed to receive information regarding those professions.

March 5, 2024

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary