

WSR 24-07-002
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed March 6, 2024, 2:15 p.m.]

Subject of Possible Rule Making: WAC 139-06-020 to provide a definition of "serious injury" as it pertains to agency notification requirements.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are necessary to provide guidance to law enforcement agencies on when notifications are required to be sent to the Washington state criminal justice training commission for uses of force that result in serious injury.

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: Intergovernmental rule making that only applies to other governmental agencies or solely impacts the Washington state criminal justice training commission's rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email lacey.ledford@cjtc.wa.gov, website cjtc.wa.gov; or 9010 1st Avenue South Burien, WA 98148, email Kimberly.bliss@cjtc.wa.gov, website cjtc.wa.gov.

March 6, 2024
Lacey Ledford
Rules Coordinator

WSR 24-07-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed March 6, 2024, 3:41 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to amend WAC 388-412-0040 Can I get my benefits replaced?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to align with federal regulations requiring a signed statement from a household prior to replacing food purchased with food assistance benefits which were destroyed in a household disaster or misfortune. If applicable, planned amendments will make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alexis Miller, P.O. Box 45470, Olympia, WA 98504-4570 [98504-5470], phone 253-579-3144, email alexis.a.miiller@dshs.wa.gov [alexis.a.miller@dshs.wa.gov].

March 6, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-07-007

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 7, 2024, 6:16 a.m.]

Subject of Possible Rule Making: WAC 182-543-3000 Covered—Hospital beds, mattresses, and related equipment and 182-543-7000 Authorization; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending these rules to change the medical necessity criteria for hospital beds and to clarify the process for submitting prior authorization requests to the agency. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Dani Crawford, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-0983, fax 360-586-9727, TRS 711, email dani.crawford@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 7, 2024
Wendy Barcus
Rules Coordinator

WSR 24-07-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-06—Filed March 8, 2024, 10:06 a.m.]

Subject of Possible Rule Making: The department of fish and wildlife (department) is considering the development of training to obtain beaver relocation permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.32.585, 77.04.012, 77.04.055, 77.12.020, 77.12.047, 77.12.120, and 77.32.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is developing a new permit that is specific to beaver relocation and consistent with RCW 77.32.585. This permit would require applicants to be certified in beaver relocation by completing a department-approved training. This certification requirement would ensure that permittees have the knowledge needed to do the following: (1) To ensure humane and safe treatment of beavers during capture, handling, and release; (2) to select release sites based on suitable habitat criteria, beaver occupation status, social tolerance, and risk of future damage; and (3) to minimize the risk of disease transmission.

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

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 Eric Gardner, P.O. Box 43200, Olympia, WA 98504, phone 855-925-2801, code 1759, email 2024beaverrelocation@publicinput.com, website <https://publicinput.com/2024beaverrelocation>.

Additional comments: For assistance for language translation, alternate format, or reasonable accommodation, contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov. For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>.

March 8, 2024
Scott Bird
Rules Coordinator

WSR 24-07-026

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed March 11, 2024, 3:48 p.m.]

Subject of Possible Rule Making: WAC 260-49-070 Distribution of source market fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (commission) may need to adjust the source market fee distribution to reflect a change in duties performed by commission employees if a voluntary agreement with the Horseracing Industry Safety Authority and/or the Horseracing Industry Welfare Unit is signed.

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 Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email Amanda.benton@whrc.wa.gov, website www.whrc.wa.gov.

March 11, 2024
Amanda Benton
Executive Secretary

WSR 24-07-034
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 13, 2024, 6:39 a.m.]

Subject of Possible Rule Making: WAC 182-531-2030 Enhanced rates for pediatric care services and administration of vaccines; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is expanding the age limit for the enhancement rate for pediatric care services and the administration of vaccines provided to clients from age 18 and younger to age 20 and younger. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: HCA 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, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Wendy Steffens, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-5145, fax 360-586-9727, TRS 711, email wendy.steffens@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 13, 2023
Wendy Barcus
Rules Coordinator

WSR 24-07-036

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed March 13, 2024, 10:43 a.m.]

Subject of Possible Rule Making: WAC 434-624-010, 434-624-020, 434-630-010, and 434-630-020, state records committee membership and local records committee membership.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.14.020(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Removes obsolete position language with generalized membership language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry Badger, P.O. Box 40238, phone 360-586-1602, email archives@sos.wa.gov.

March 13, 2024
Amanda Doyle
Chief of Staff

WSR 24-07-037

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed March 13, 2024, 10:44 a.m.]

Subject of Possible Rule Making: Chapter 634-615 [434-615] WAC, Custody of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.14.020(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the custody of public records when located by agencies in temporary storage at the state records center. To state that it is not prohibited for agencies to transfer records between each other when needed to perform a governmental function.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry Badger, P.O. Box 40238, phone 360-586-1602, fax 360-664-8814, email archives@sos.wa.gov.

March 13, 2024
Amanda Doyle
Chief of Staff

WSR 24-07-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed March 13, 2024, 11:53 a.m.]

Subject of Possible Rule Making: Chapter 110-16 WAC, License-exempt care—Family, friends, and neighbors (FFN) in-home/relative child care providers and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.055, 43.216.065; and chapter 43.216 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The licensing division of the department of children, youth, and families (DCYF) is amending these rules to clarify requirements for FFN providers providing care for children getting services through the working connections child care subsidy program. These updates will also allow DCYF to better meet federal directives concerning the number of children in care under age two pursuant to recent audit findings.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Jaramillo, phone 360-529-6542, email judy.jaramillo@dcyf.wa.gov, website www.dcyf.wa.gov; or Amy Emerson, phone 360-972-5385, email amy.emerson@dcyf.wa.gov, website www.dcyf.wa.gov.

March 13, 2024
Brenda Villarreal
Rules Coordinator

WSR 24-07-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed March 13, 2024, 4:47 p.m.]

Subject of Possible Rule Making: New chapter 388-848 WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.77.060 and 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to write a new chapter of rules to regulate its civil transitions program, which was created under ESSSB [E2SSB] 5440, which amended RCW 10.77.060. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

March 13, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-07-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed March 14 2024 12:12 p.m.]

Subject of Possible Rule Making: WAC 388-828-4060 What subscales are contained in the support needs scale?, 388-828-4200 What activities are assessed in the home living activities subscale of the support needs scale?, 388-828-4240 What activities are assessed in the lifelong learning activities subscale of the support needs scale?, 388-828-4260 What activities are assessed in the work activities subscale of the support needs scale?, 388-828-4280 What activities are assessed in the health and safety activities subscale of the support needs scale?, 388-828-4320 What activities are assessed in the advocacy activities subscale?, 388-828-4380 What exceptional behavioral support activities are evaluated to assess your behavioral support needs?, 388-828-4400 How does DDA determine if you meet the eligibility requirements for ICF/IID level-of-care if you are age sixteen or older?, 388-828-4440 How does DDA determine your SIS support needs index percentile ranking?, 388-828-5460 How does DDA determine your ADL support needs score if you are age sixteen or older?, 388-828-5800 How does DDA determine your interpersonal support needs score if you are age sixteen or older?, 388-828-5900 How does DDA determine your mobility acuity level if you are age sixteen or older?, 388-828-8060 How does DDA determine which health and welfare needs must be addressed in your person-centered service plan if you are age sixteen or older?, 388-828-9255 How does DDA determine your employment acuity score for completing tasks with acceptable speed?, 388-828-9260 How does DDA determine your employment acuity score for completing tasks with acceptable quality?, 388-828-9560 How does the residential algorithm determine your daily support needs score?, 388-828-9580 How does the residential algorithm determine your mid-frequency support needs score?, 388-828-9660 How does the residential algorithm calculate your daily critical support time?, 388-828-9670 How does the residential algorithm calculate your mid-frequency critical support time?, 388-828-9680 How does the residential algorithm determine your weekly critical support time?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.16.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend sections in chapter 388-828 WAC (the supports intensity scale (SIS-A) portions of the DDA assessment) to align with updates the American Association of Intellectual and Developmental Disabilities (AAIDD) has made to its SIS-A assessment tool, Second Edition. Aligning with AAIDD's Second Edition will not impact the algorithm. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed

rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

March 14, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-07-057

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed March 14, 2024, 3:57 p.m.]

Subject of Possible Rule Making: The gambling commission (commission) has asked staff to review WAC 230-06-025 Restrictions on firearms as prizes, to ensure compliance with all state firearms statutes.

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: In 2023, the legislature passed SHB 1240 establishing "firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons ..." The commission asked that staff review WAC 230-06-025 to ensure that its provisions comply with the statute.

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, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3440, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

March 14, 2024

Adam Amorine

Staff Attorney and Rules Coordinator

WSR 24-07-075

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed March 18, 2024, 11:48 a.m.]

Subject of Possible Rule Making: The gambling commission is reviewing rules regarding the minimum amount of cash a card room must have on hand as required by WAC 230-15-050.

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, rules require house-banked card game licensees to have sufficient cash on hand to redeem all chips issued for play and pay out all prizes. New rules may be necessary to update the methods by which a licensee can pay large prizes without requiring large sums of cash to be on the premises due to safety considerations for both patrons and card room staff. Rule making may take the form of amending WAC 230-15-050 and/or new rules to chapter 230-15 WAC.

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, 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.

March 18, 2024

Adam Amorine

Staff Attorney and Rules Coordinator

WSR 24-07-084

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 23-09—Filed March 19, 2024, 7:33 a.m.]

Subject of Possible Rule Making: Chapter 173-905 WAC, Battery stewardship program. The department of ecology (ecology) is writing rules to clarify definitions, plan requirements, and annual reporting requirements; set the agency fee to cover oversight costs of the program; and establish battery management standards. Other topics ecology will address with rule making include, but are not limited to, setting performance targets and goals, determining local government handling costs, and clarifying battery labeling requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.555 RCW, Batteries—Environmental stewardship.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 70A.555 RCW, requires ecology to adopt rules. This new law creates an extend producer responsibility (EPR) program that will increase opportunity for people to recycle unwanted batteries. Battery stewardship organizations must submit plans to ecology describing how the program will operate. Beginning January 1, 2027, producers selling covered batteries into Washington must participate in an approved battery stewardship plan and fund the program.

With this rule making, ecology intends to clarify battery management requirements so that battery stewardship organizations can submit plans that comply with the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency (EPA) is currently engaged in rule making to improve the management and recycling of lithium batteries nationwide. Their rule proposal will establish universal waste standards specifically tailored for lithium batteries, separate from the existing general battery universal waste category. Ecology will consult the EPA when developing the battery rule to ensure consistency in state and federal battery management regulations.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chris Fredley, Department of Ecology, Solid Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-233-1615, for Washington relay service or TTY call 711 or 877-833-6341, email batterystewardship@ecy.wa.gov, website <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-905>; sign up to receive email notices https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_303.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

March 19, 2024

Peter Lyon
Solid Waste Management Program Manager

WSR 24-07-091

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 19, 2024, 11:44 a.m.]

Subject of Possible Rule Making: This rule making will outline the employment security department's (department) process for processing waiver applications and adjudicating waiver eligibility for all claimants who were issued a decision that created an overpayment of benefits under Title 50 RCW or under the CARES Act for the week beginning February 2, 2020, through the week ending September 4, 2021.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.20.190, 50.24.020, 50.12.010, 50.12.042, and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For 19 months, from February 2, 2020, through September 4, 2021, the unemployment insurance system implemented five new federal programs and made continuous systemic changes in response to 67 separate pieces of the United States Department of Labor (USDOL) guidance. During and after this time frame, many claimants were unable to reach the department to obtain answers to their questions about their unemployment benefits claims. Many of these claimants had no experience with the unemployment insurance system and were confused by the constant changing of the system. As a result of their confusion and their inability to reach department staff for guidance on how to answer questions or concerning what information was needed, many claimants answered questions incorrectly or in a manner that otherwise gave rise to an overpayment.

Currently, there are approximately 135,000 claimants with pandemic-era overpayments totaling more than \$725,000,000.00 who have not applied for a waiver. An overpayment of unemployment benefits occurs when someone received benefits that they are later found to have been ineligible to receive. A waiver, if approved, would allow a claimant financial relief from the overpayment.

The overpayment waiver project was developed by the department to address pandemic-era overpayments. The project has determined many of these claimants are potentially eligible for a waiver. Despite customer outreach, many claimants are not submitting waiver applications.

This rule making will put into rule the department's plan to send waiver applications to all claimants who have been issued a decision that created an overpayment of benefits under Title 50 RCW or under the CARES Act for the week beginning February 2, 2020, through the week ending September 4, 2021, and who have not had those overpayments reversed or applied for a waiver. The department will then review all completed applications and if a claimant does not return an application, the department will make a decision about the claimant's eligibility for a waiver based on available information.

Rules are needed to provide clarity on the department's process for handling pandemic-era overpayments and to maximize financial relief to claimants who are eligible for a waiver.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lawrence Larson, P.O. Box 9046, phone 360-890-3460, fax 844-652-7096, TTY relay 711, email Lawrence.larson@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

March 18, 2024

Joy E. Adams, Director
Employment System Policy and Integrity

WSR 24-07-094

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed March 19, 2024, 2:19 p.m.]

Subject of Possible Rule Making: Extending the duration of temporary practice permits for pharmacy interns who are military spouses and establishing a renewal extension process for pharmacy interns. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-155, 246-945-156, other related sections as needed, and potentially adding a new section in chapter 246-945 WAC to amend its requirements relating to pharmacy intern registrations. Specifically, the commission is considering amending WAC 246-945-155 and adding a new section to chapter 246-945 WAC to grant renewal extensions to pharmacy interns who have reached the renewal limitation to address concerns raised by interested parties. Additionally, the commission is considering amending WAC 246-945-156 to extend the duration of a temporary pharmacy intern practice permit to 180 days for applicants who are spouses of military personnel and who meet the criteria in RCW 18.340.020 (1)(a) in accordance with 2SHB 1009 (chapter 165, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 18.64.080, and 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 14, 2023, the commission voted to consider rule making pertaining to two topics related to pharmacy intern registration establishing a process to exceed the current limit in rule on registration renewals and extending the duration of temporary pharmacy intern practice permits for military spouses.

Renewal Extension Process: At the October 19, 2023, business meeting, the commission received a public comment requesting the commission allow pharmacy interns the ability to renew their license beyond the two-renewal limit set in WAC 246-945-155(3). At the December 2023 business meeting, the commission voted to consider rule making and file a policy statement to establish a process for the commission to consider extensions beyond the two-renewal limit while rule making is in progress. The renewal extension process allows individuals more time to complete their pharmacy interns hours before obtaining a pharmacist license.

Temporary Practice Permits for Military Spouses: 2SHB 1009 Military Spouse Employment Act (chapter 165, Laws of 2023) went into effect on July 23, 2023. Section 4 of the bill took effect on October 1, 2023, and requires each licensing authority to issue temporary practice permits for a minimum of 180 days to applicants who are spouses of military personnel subject to a military transfer, and who are licensed, certified, or registered in another state to perform professional services in that state. The commission already has rules in place for temporary practice permits; however, the temporary practice permit for pharmacy interns is for a 90-day period with an option to renew for a second 90-day period. At the December 2023 business meeting, the commission voted to consider rule making to extend its temporary practice permit for pharmacy interns who are spouses of military personnel to 180 days in compliance with 2SHB 1009 and file an interim policy statement to extend the duration a pharmacy intern temporary practice permit for spouses of military personnel is valid during the rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Renewal Extension Process: The commission is the only Washington state agency that regulates the subject of licensing pharmacy interns per chapter 246-945 WAC. No other federal agencies regulate the matter either.

Temporary Practice Permits for Military Spouses: The Washington military department (WMD) regulates military employee impacts of rules. WMD would be able to provide insight on the impact of temporary practice permits for applicants who are spouses of military personnel.

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 Julia Katz, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-791-1167, fax 360-236-2901, TTY 711, email

PharmacyRules@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/pharmacy-commission>.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

March 19, 2024

Ken Kenyon, PharmD, BCPS
Pharmacy Quality Assurance Chair

**WSR 24-07-102
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 20, 2024, 11:06 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-24-018 on November 28, 2023, (WAC 388-71-0971, 388-71-0990, and 388-71-0991) regarding continuing education that must be verified upon hire. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

**WSR 24-07-103
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed March 20, 2024, 11:08 a.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-10-032 on April 27, 2023, (WAC 388-400-0005) regarding WorkFirst orientation as a condition of temporary assistance for needy families eligibility. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 24-07-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed March 20, 2024, 11:28 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend WAC 388-14A-4900 and other related rules as may be required to implement SB 5842 as enacted during the 2024 legislative session (chapter 126, Laws of 2024), and make other changes as may be necessary. SB 5842 amends RCW 26.23.037 with respect to DCS minimizing the use of Social Security numbers reported directly to DCS by insurance companies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.110, 74.08.090, 74.20A.055; and SHB 1416 (section 5, chapter 168, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An amendment to WAC 388-14A-4900 is necessary to implement this legislation. DCS has a strong interest in providing relevant guidance and procedures for insurance companies to comply with the reporting requirements of RCW 26.23.037. Other proposed changes are to update the name of the federal child support agency from Office of Child Support Enforcement to Office of Child Support Services.

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: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Monica Turnbaugh at the department of social and health services (DSHS) DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support>, or on the DSHS economic services administration's policy review website, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. Rule-making forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Monica Turnbaugh, Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5339, fax 360-664-5342, TTY 1-800-833-6384, email Monica.Turnbaugh@dshs.wa.gov.

March 20, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-07-105

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed March 20, 2024, 11:46 a.m.]

Subject of Possible Rule Making: Extending the duration of temporary practice permits for pharmacy interns who are military spouses and establishing a renewal extension process for pharmacy interns. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-155, 246-945-156, other related sections as needed, and potentially adding a new section in chapter 246-945 WAC to amend its requirements relating to pharmacy intern registrations. Specifically, the commission is considering amending WAC 246-945-155 and adding a new section to chapter 246-945 WAC to grant renewal extensions to pharmacy interns who have reached the renewal limitation to address concerns raised by interested parties. Additionally, the commission is considering amending WAC 246-945-156 to extend the duration of a temporary pharmacy intern practice permit to 180 days for applicants who are spouses of military personnel and who meet the criteria in RCW 18.340.020 (1)(a) in accordance with 2SHB 1009 (chapter 165, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 18.64.080, and 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 14, 2023, the commission voted to consider rule making pertaining to two topics related to pharmacy intern registration establishing a process to exceed the current limit in rule on registration renewals and extending the duration of temporary pharmacy intern practice permits for military spouses.

Renewal Extension Process: At the October 19, 2023, business meeting, the commission received a public comment requesting the commission allow pharmacy interns the ability to renew their license beyond the two renewal limit set in WAC 246-945-155(3). At the December 2023 business meeting, the commission voted to consider rule making and file a policy statement to establish a process for the commission to consider extensions beyond the two renewal limit while rule making is in progress. The renewal extension process allows individuals more time to complete their pharmacy interns hours before obtaining a pharmacist license.

Temporary Practice Permits for Military Spouses: 2SHB 1009 Military Spouse Employment Act (chapter 165, Laws of 2023) went into effect on July 23, 2023. Section 4 of the bill took effect on October 1, 2023, and requires each licensing authority to issue temporary practice permits for a minimum of 180 days to applicants who are spouses of military personnel subject to a military transfer, and who are licensed, certified, or registered in another state to perform professional services in that state. The commission already has rules in place for temporary practice permits; however, the temporary practice permit for pharmacy interns is for a 90-day period with an option to renew for a second 90-day period. At the December 2023 business meeting, the commission voted to consider rule making to extend its temporary practice permit for pharmacy interns who are spouses of military personnel to 180 days in compliance with 2SHB 1009 and file an interim policy statement to extend the duration a pharmacy intern temporary practice permit for spouses of military personnel is valid during the rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Renewal Extension Process: The commission is the only Washington state agency that regulates the subject of licensing pharmacy interns per chapter 246-945 WAC. No other federal agencies regulate the matter either.

Temporary Practice Permits for Military Spouses: The Washington military department (WMD) regulates military employee impacts of rules. WMD would be able to provide insight on the impact of temporary practice permits for applicants who are spouses of military personnel.

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 Julia Katz, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-791-1167, fax 360-236-2901, TTY 711, email

PharmacyRules@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/pharmacy-commission>.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

March 19, 2024

Ken Kenyon, PharmD, BCPS
Pharmacy Quality Assurance Chair