

**WSR 24-08-006**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 21, 2024, 9:02 a.m.]

Subject of Possible Rule Making: This rule making will amend WAC 192-140-035 What happens if I do not respond to a request for information? The rule making will correct inconsistent terminology within WAC 192-140-035. WAC 192-140-035 currently states that the employment security department (department) will presume an individual is disqualified from receiving unemployment benefits if they provide potentially disqualifying information, or fail to provide necessary information, and then they do not respond to a request for specific information. The rule then states that the department will deny benefits under RCW 50.20.010. However, RCW 50.20.010 is not a disqualification statute; rather, it sets out a claimant's eligibility for unemployment benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, 50.12.042, 50.20.010, 50.20.050, 50.20.060, 50.20.066, 50.20.070, 50.20.080, 50.20.090, 50.20.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, WAC 192-140-035 is internally inconsistent because it sets forth a presumption of disqualification if a claimant fails to respond to a request for information. The WAC then speaks of denial of benefits under RCW 50.20.010. RCW 50.20.010 is not a disqualification statute, it is a statute that sets out a claimant's eligibility requirements for unemployment benefits. Eligibility for benefits under RCW 50.20.010 is a determination specifically addressing filing a weekly claim, while disqualification from receiving benefits is for a specific period of time.

This rule making will amend WAC 192-140-035 to clarify that unemployment benefits can be denied, either on the basis that an individual is ineligible for or disqualified from receiving unemployment benefits, when an individual fails to respond to a request for specific information.

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

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

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

March 21, 2024

Joy Adams

Employment Security Acting Policy Director

## WSR 24-08-007

**PREPROPOSAL STATEMENT OF INQUIRY  
TRANSPORTATION COMMISSION**

[Filed March 21, 2024, 11:03 a.m.]

Subject of Possible Rule Making: State Route (SR) 520 bridge toll rates, fees, and policies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.56.795, 47.56.850, and 47.56.870.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 47.56.870, the Washington state transportation commission (WSTC) as the state tolling authority must consider toll rates that will help maintain travel time, speed, and reliability on the SR 520 corridor, and must set and adjust toll rates and policies to generate revenue sufficient and necessary to cover costs and obligations described in RCW 47.56.830 and 47.56.850. Toll rates must also be set to meet requirements contained in the SR 520 master bond resolution. Per RCW 47.56.795, WSTC is also authorized to assess systemwide administrative fees as appropriate for toll collection processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other agencies that regulate this subject are the Washington state department of transportation as the operator of the tolled facilities, and the office of the state treasurer who oversees the financing of tolled facilities. WSTC works closely and coordinates with both agencies in developing toll setting proposals and carrying out the rule-making process for making toll adjustments.

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 Carl See, WSTC, P.O. Box 47308, Olympia, WA 98504, phone 360-705-7070, email [transc@wstc.wa.gov](mailto:transc@wstc.wa.gov), website <http://www.wstc.wa.gov>.

March 12, 2024  
Reema Griffith  
Executive Director

**WSR 24-08-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed March 21, 2024, 1:34 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) licensing division will be amending WAC 110-300-0358 Capacity waiver for family home providers, and other related rules. The WAC revisions will allow DCYF to:

- Revise waivers related to capacity.
- Limit issuing waivers to providers with exceptional licensing history.
- Require better coordination between DCYF, child care providers, and local building authorities.
- Revise requirements for emergency preparedness.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 43.216.692.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language of the WAC is being amended to resolve health and safety concerns that have been identified by child care licensing staff, as well as a workgroup of representatives from local building and fire officials.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State and local building and fire officials.

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 Debbie Groff, 1661 Fowler Street, Richland, WA 99352, phone 509-380-4247, email [Debbie.groff@dcyf.wa.gov](mailto:Debbie.groff@dcyf.wa.gov); or Tara Camp, 1002 North 16th Avenue, Yakima, WA 98902, phone 509-823-7503, email [tara.camp@dcyf.wa.gov](mailto:tara.camp@dcyf.wa.gov).

March 21, 2024  
Brenda Villarreal  
Rules Coordinator

**WSR 24-08-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed March 21, 2024, 1:39 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families, licensing division will be amending rules to inform providers how [to] prevent harm to children. The following WAC refer to prohibited behavior, discipline, and physical removal of children and need to be revised: WAC 110-300-0331 Prohibited behavior, discipline, and physical removal of children, 110-301-0331 Prohibited behavior, discipline, and physical removal of children, and 110-302-0331 Prohibited behavior, discipline, and physical removal of children; other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW; RCW 43.215.070, 43.215.201, 43.216.055, 43.216.065, and 43.216.742.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The language of the WAC does not clearly forbid child care providers from harming children. This rule requires an immediate and permanent change to the WAC chapters to protect children from harm.

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 Debbie Groff, 1661 Fowler Street, Richland, WA 99352, phone 509-380-4247, email [Debbie.groff@dcyf.wa.gov](mailto:Debbie.groff@dcyf.wa.gov); or Tara Camp, 1002 North 16th Avenue, Yakima, WA 98902, phone 509-823-7503, email [tara.camp@dcyf.wa.gov](mailto:tara.camp@dcyf.wa.gov).

March 21, 2024  
Brenda Villarreal  
Rules Coordinator

**WSR 24-08-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed March 22, 2024, 11:43 a.m.]

Subject of Possible Rule Making: The environmental and land use hearings office (ELUHO) commences this inquiry to consider possible corrections and changes to certain sections of chapter 371-08 WAC, the pollution control hearings board's (PCHB) procedural rules governing the conduct of business before PCHB, including rules governing formal proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21B.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PCHB's last review of chapter 371-08 WAC was in 2023. Since these rules became effective in 2023, PCHB board members, administrative appeal judges, and interested persons who conduct business for PCHB have identified a number of areas to improve and clarify within PCHB's procedural rules in chapter 371-08 WAC. Based on the number of areas needing review, PCHB finds it appropriate to initiate this rule making to review its procedural rules.

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

Process for Developing New Rule: Agency study; and ELUHO will provide opportunity for initial comments, may schedule one or more workshops, and will provide the opportunity to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Merly, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, phone 360-485-1282, fax 360-586-2253, email jamie.merly@eluhwa.gov, website www.eluhwa.gov.

March 22, 2024  
Jamie Merly, Director  
Legal and Administrative Services

**WSR 24-08-014**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed March 22, 2024, 11:44 a.m.]

Subject of Possible Rule Making: The environmental and land use hearings office (ELUHO) commences this inquiry to consider possible corrections and changes to certain sections of chapter 198-14 WAC, ELUHO's procedural rules governing full access to public records concerning the conduct of government.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ELUHO's last review of chapter 198-14 WAC was in 2012. Since these rules became effective in 2012, ELUHO staff have identified potential areas to improve and clarify within ELUHO's public records procedural rules in chapter 198-14 WAC. Based on the areas needing review, ELUHO finds it appropriate to initiate this rule making to review its public records procedural rules.

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

Process for Developing New Rule: Agency study; and ELUHO will provide opportunity to provide initial comments, may schedule one or more workshops, and will provide opportunity to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Merly, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, phone 360-485-1282, fax 360-586-2253, email jamie.merly@eluhwa.gov, website www.eluhwa.gov.

March 22, 2024  
Jamie Merly, Director  
Legal and Administrative Services

**WSR 24-08-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed March 22, 2024, 11:44 a.m.]

Subject of Possible Rule Making: The environmental and land use hearings office (ELUHO) commences this inquiry to consider possible corrections and changes to certain sections of chapter 242-03 WAC, the growth management hearings board's (GMHB) procedural rules governing the conduct of business before GMHB, including rules governing formal proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: GMHB's last review of chapter 242-03 WAC was in 2023. Since these rules became effective in 2023, GMHB board members and interested persons who conduct business for GMHB have identified areas to improve and clarify within GMHB's procedural rules in chapter 242-03 WAC. Based on the areas needing review, GMHB finds it appropriate to initiate this rule making to review its procedural rules.

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

Process for Developing New Rule: Agency study; and ELUHO will provide opportunity to provide initial comments, may schedule one or more workshops, and will provide opportunity to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Merly, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, phone 360-485-1282, fax 360-586-2253, email jamie.merly@eluhwa.gov, website www.eluhwa.gov.

March 22, 2024  
Jamie Merly, Director  
Legal and Administrative Services

**WSR 24-08-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed March 22, 2024, 11:44 a.m.]

Subject of Possible Rule Making: The environmental and land use hearings office (ELUHO) commences this inquiry to consider possible corrections and changes to certain sections of chapter 461-08 WAC, the shorelines hearings board's (SHB) procedural rules governing the conduct of business before SHB, including rules governing formal proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21B.170, 90.58.175.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB's last review of chapter 461-08 WAC was in 2023. Since these rules became effective in 2023, SHB board members, administrative appeal judges, and interested persons who conduct business for SHB have identified a number of areas to improve and clarify within SHB's procedural rules in chapter 461-08 WAC. Based on the number of areas needing review, SHB finds it appropriate to initiate this rule making to review its procedural rules.

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

Process for Developing New Rule: Agency study; and ELUHO will provide opportunity to provide initial comments, may schedule one or more workshops, and will provide opportunity to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jamie Merly, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, phone 360-485-1282, fax 360-586-2253, email jamie.merly@eluhwa.gov, website www.eluhwa.gov.

March 22, 2024  
Jamie Merly, Director  
Legal and Administrative Services

**WSR 24-08-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 26, 2024, 8:51 a.m.]

Subject of Possible Rule Making: Transportation network companies (TNC) classification and TNC death benefit rule. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.04.020(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.16.035 requires the department of labor and industries (L&I) to classify all occupations or industries by degree of hazard. L&I has researched and evaluated the impact of TNCs on Classification 1401 Taxi and determined TNCs represent at least 95 percent of the classification. We are considering creating a new risk classification and premium rate for TNCs.

In addition, we anticipate creating a rule to address implementation of 2024's SHB 2382 TNC death benefits, which provides for TNC driver death benefits during non-covered times in certain circumstances.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: Agency study; and parties interested in this rule making may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. A public hearing will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email JoAnne.Attwood@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/?query=TNC&ruleTopic=Workers%27%20Comp>.

March 26, 2024  
Joel Sacks  
Director

## WSR 24-08-028

**PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 26, 2024, 9:52 a.m.]

Subject of Possible Rule Making: The employment security department (department), leave and care division, is considering rules for the long-term services and supports trust (WA Cares fund) program to implement SHB 2467 (chapter 120, Laws of 2024) and implement other portions of chapter 50B.04 RCW. Rules may also include considerations for program definitions, qualified individuals, public records requests, and verification of information submitted to the department. Other rules may be considered as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020; SHB 2467 (chapter 120, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must implement and administer portions of chapter 50B.04 RCW and changes made to the law by SHB 2467. Rules will ensure clear guidance is available for implementation and administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state health care authority, department of social and health services, and office of the state actuary also have program implementation and administration responsibilities under chapter 50B.04 RCW. Drafts of rules will be shared with these agencies and feedback will be requested from them throughout the rule-making process.

Process for Developing New Rule: Collaborative rule making. The draft rules will be shared with the public, stakeholders, and other agencies responsible for the WA Cares fund program. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583, TTY Theresa Eckstein, relay 771 [711], 360-507-9890, or teckstein@esd.wa.gov, email rules@esd.wa.gov, website [paidleave.wa.gov/rulemaking/](http://paidleave.wa.gov/rulemaking/).

March 26, 2024

April Amundson

Policy and Rules Manager, ESPI

Leave and Care Programs

**WSR 24-08-030**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed March 26, 2024, 2:10 p.m.]

Subject of Possible Rule Making: Chapter 16-250 WAC, Commercial feed rules. The department of agriculture (department) is considering adopting the latest version of the Association of American Control Officials (AAFCO) Official Publication (OP), clarifying areas of the rule regarding livestock feed and including additional categories of product types that were previously absent.

Chapter 16-252 WAC, Commercial feed rules—Pet food and specialty pet food rules. The department is considering adopting the latest version of the AAFCO OP, which includes language regarding pet food label modernization (PFLM) such as, but not limited to, the requirements and formatting of pet and specialty pet food labels to be more familiar to consumers by mirroring human food labels to increase quick and consistent consumer understanding and transparency of the label.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 15.53.9012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department and all states that have animal feed regulatory authority adopt some level of the AAFCO OP which contains model bill and regulations and approved ingredients. All updates to the model bill and regulations go through a thorough, multidisciplinary deliberation process and ultimately get approved or denied by AAFCO, members of which include animal feed regulatory and laboratory officials; industry, consumer, and academic advisors are involved in the process by providing their perspective, suggestions, and voting at the workgroup level. Once approved, it is important for states, including Washington, to stay up-to-date in the adoption of the model bill and regulations to increase consistency of regulations nationwide and better facilitate interstate commerce.

The changes in chapter 16-250 WAC will clarify some guarantees for various types of livestock feeds. Industry has initiated some of these minor changes already. Predominately, it is a low burden to update a livestock feed label, as most print separate tags in house that they sew onto bags, and a slightly higher burden for smaller packages since they sometimes have to outsource label printing.

The changes in chapter 16-252 WAC were prompted by the Food and Drug Administration (FDA) and state regulators, industry, and consumers for a need to modernize pet and specialty pet food labels. The nutrition information on the label will be more closely aligned with human food labels. To provide more transparency and consumer understanding of pet and specialty pet food, these regulations will require consistent locations for needed product information on the label.

This project was initiated by AAFCO in 2015. It involved several years of multidisciplinary workgroups, consumer focus groups, periods of public comment and inclusion, and press releases. There will be a healthy enforcement discretion period to allow for companies to come into compliance with the new label changes. AAFCO will also be continuing evaluation periods of the enforcement discretion period to ensure practicality and resolve issues such as high demand of label printing companies, etc. Industry will need to invest more time in educating themselves on the changes and planning for and implementing them. Since some companies have hundreds of pet food products, it can

be a lengthy and burdensome process. Again, as a result, the enforcement discretion will be in place and reevaluated regularly.

If the rules are not amended, Washington regulations fall behind nationwide adoption of updated regulations and labels would remain inconsistent and easily misunderstood.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other Washington state agency regulates this completely. There are some minor cross walks with weights and measures and potentially if other entities regulate fair labeling and broad consumer protection clauses. FDA has some authority over labeling but is limited to mostly defrauding consumers and drug claims. Other states would be adopting these updated model regulations as well. FDA and other states, along with other stakeholders, are involved in the development and approval. Coordination with other regulatory authorities in state will be provided during the sharing of the rule-making agenda and public announcements.

Process for Developing New Rule: Department staff have and will continue to discuss any proposed amendments with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlee-Rose Ferguson, P.O. Box 42560, Olympia, WA 98504, phone 360-902-1844, email [animalfeed@agr.wa.gov](mailto:animalfeed@agr.wa.gov), website <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed>, <https://agr.wa.gov/services/rulemaking>.

March 25, 2024  
Luisa F. Castro  
Assistant Director

**WSR 24-08-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed March 27, 2024, 1:59 p.m.]

Subject of Possible Rule Making: Application of brief adjudicative proceedings under the authority of the department of health (department). The department is considering amending WAC 246-10-501 to include interstate license compacts, milk bank applicants, and 988-line crisis call center applicants to the list of applicant types who are eligible for brief adjudicated proceedings (BAPs) as a due process recourse if their application is denied. The department is considering these amendments to streamline application processing while maintaining fairness towards applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 34.05.413, 34.05.482, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In certain circumstances, when a party disagrees with a decision or denial made by the department and appeals that decision, BAP may be used to preserve a party's legal rights, but increase efficiency and speed of the legal proceeding. As outlined in the Administrative Procedure Act, RCW 34.05.482, BAPs are simplified legal processes which don't require as many steps as formal administrative proceedings. Use of BAP is permitted by statute when all of the following conditions are met: (1) Using BAP would not violate a law; (2) where public comment is not needed to protect a public right; (3) where the scope of a case falls entirely within one agency-regulated area which has rules that allow the use of BAP; and (4) where the matter does not require a different adjudicative process. A BAP cannot be used to adjudicate public assistance and entitlement programs in Title 74 RCW.

Recent changes in Washington state law have created new programs and licensing opportunities for health care providers that have expanded the agency's application processes. The following applicant types meet the conditions required by RCW 34.05.482 and may benefit from the increased efficiency of the BAP process:

- Human donor milk bank applicants.
- 988 crisis line call center applicants.
- Interstate compact applicants for health care credentials.

WAC 246-10-501 outlines under what circumstances or criteria a BAP may be used under the authority of the department. While the rule allows individuals to request an adjudicative proceeding that is not specifically outlined in this rule, these requests are at the discretion of the presiding officer. Adding specific application types to the "approved" list creates consistency in determining qualifications and is more efficient than using the full hearing process.

The department is considering allowing the use of BAP for human donor milk bank applicants, 988 crisis line applicants, and interstate compact applicants for health care providers to preserve fairness and improve outcomes and efficiency for supporting parties and organizations.

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

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Erin Brewster, P.O. Box 47890, Olympia, WA 98504-7890, phone 360-545-7315, TTY 711, email erin.brewster@doh.wa.gov.

Additional comments: Parties who are interested in this rule making and would like to be on the interested parties list should contact Erin Brewster.

March 27, 2024  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 24-08-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed March 28, 2024, 9:29 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend WAC 388-14A-4111, 388-14A-8110, 388-14A-8120, and other related rules as may be needed to reflect that the department of children, youth, and families (DCYF) administers the state's foster care program, rather than the department of social and health services (DSHS), and that DCS provides child support services on a foster care case when DCYF refers the case to DCS for action.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.09.105, 26.18.170, 26.23.050, 26.23.110, 34.05.020, 34.05.060, 74.08.090, 74.20.040, 74.20A.055, and 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The two purposes of this proposal are to: (1) Make nonsubstantive technical changes in chapter 388-14A WAC in light of the formation of DCYF in July 2018 and that DCYF has administered the foster care program since that time, not DSHS; and (2) amend WAC 388-14A-8120 to clarify when DCS provides child support services on foster care cases. As currently written, WAC 388-14A-8120(1) states DCS provides child support services whenever DSHS provides residential care for a dependent child or children. Technical correction from DSHS to DCYF aside, further amendment to this section is appropriate. Subsequent to guidance issued by the federal Administration of Children and Families (ACF) Children's Bureau (CB) and Office of Child Support Services (OCSS), DCYF updated their criteria for what constitutes an appropriate referral to DCS. Far fewer cases meet DCYF's new criteria than met their prior criteria. It is now inaccurate to say DCS provides child support services whenever the department provides residential care services. To maintain compliance with the Title IV-D state plan, DCS maintains the legal framework to accept referrals from DCYF and provide child support services upon receipt of an appropriate referral from DCYF.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCS contacted DCYF regarding these proposed rule changes and will include them in all rule-making reviews and notifications.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those wishing to participate in developing the new rules are encouraged to contact Monica Turnbaugh at 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?field\\_type\\_value=Preproposal+Statement+of+Inquiry+%28CR101%29&field\\_admincategory\\_value=Economic+Services](https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings?field_type_value=Preproposal+Statement+of+Inquiry+%28CR101%29&field_admincategory_value=Economic+Services). 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, DCS Rules Coordinator, 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](mailto:Monica.Turnbaugh@dshs.wa.gov).

March 26, 2024  
Katherine I. Vasquez  
Rules Coordinator

**WSR 24-08-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 29, 2024, 8:25 a.m.]

Subject of Possible Rule Making: WAC 182-531-1675 Washington apple health—Gender affirming interventions for gender dysphoria; 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) intends to amend this rule to reflect current standards of care. 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 Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Lisa Little, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone [360-]725-2033, fax 360-586-9727, TRS 711, email [lisa.little@hca.wa.gov](mailto:lisa.little@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 29, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-08-054**

**PREPROPOSAL STATEMENT OF INQUIRY  
EASTERN WASHINGTON UNIVERSITY**

[Filed March 29, 2024, 8:50 a.m.]

Subject of Possible Rule Making: Chapter 172-121 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update some of the definitions, procedures for appointing student disciplinary council members, requirements for recordkeeping, a prohibition on filing a false complaint, notification of outcomes, and a definition of domestic violence.

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

Process for Developing New Rule: Negotiated rule making.

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

March 29, 2024  
Annika Scharosch  
Associate Vice President

**WSR 24-08-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 29, 2024, 9:04 a.m.]

Subject of Possible Rule Making: WAC 182-507-0125 State-funded long-term care services; 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 amending this rule to include state-funded long-term care services provided in an intermediate care facility for individuals with intellectual disabilities authorized by the Washington state department of social and health services (DSHS), developmental disabilities administration. During this review, HCA 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: 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 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](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://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](mailto:paige.lewis@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 29, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-08-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 29, 2024, 9:51 a.m.]

Subject of Possible Rule Making: WAC 182-545-200 Outpatient rehabilitation (occupational therapy, physical therapy, and speech therapy); other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; and SB 5228, section 2, chapter 113, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to SB 5228, section 2, chapter 113, Laws of 2023, the health care authority (HCA) is amending WAC 182-545-200 to state that HCA pays for outpatient rehabilitation services provided to eligible clients when provided by licensed or certified behavioral health agencies as part of a mental health or substance use disorder treatment program. HCA is also amending this rule to add separate limits for clients needing occupational therapy to treat behavioral health conditions. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: 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](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://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](mailto:dani.crawford@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 29, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-08-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Hearing and Speech)  
[Filed March 29, 2024, 9:58 a.m.]

Subject of Possible Rule Making: Hearing and speech; implementing legislation, removing barriers to licensure, and providing clarification. The board of hearing and speech (board) is considering amendments to the following WAC sections to implement 2SHB 1724, (chapter 425, Laws of 2023): WAC 246-828-020 Examinations, 246-828-510 Continuing education, and 246-828-617 Requirements for speech-language pathology assistant certification. The board may also consider making related updates or new sections to clarify and streamline licensure in chapter 246-828 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161; and 2SHB 1724 (chapter 425, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 8 of 2SHB 1724 directed all disciplining authorities for licensed professionals to waive certain requirements for licensure for specific types of applicants. The intent of the bill was to make disciplining authorities review and adjust licensure requirements to remove barriers to entering and remaining in the health care workforce, and to streamline and shorten the credentialing process. Rule making may be necessary to amend licensure requirements to align with section 8 of 2SHB 1724. Additionally, the board will consider clarifying rule language on the speech-language assistant certification requirements in WAC 246-828-617 to address confusion about the education and experience needed to get the certification.

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 Kim-Boi Shadduck, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, TTY 711, email kimboi.shadduck@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in drafting the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board will use the GovDelivery board of hearing and speech list to inform interested parties of opportunities to provide input on proposed rule language.

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 Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then check "Board of Hearing and Speech." 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.

March 28, 2024  
Jennifer Santiago  
Executive Director  
Office of Health Professions

**WSR 24-08-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed March 29, 2024, 2:08 p.m.]

Subject of Possible Rule Making: Chapter 110-148 WAC, Licensing requirement for child foster homes, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.020; 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 revising chapter 110-148 WAC to remove child-specific items to accommodate a new WAC chapter that will outline the licensing standards for kinship caregivers. This will allow for DCYF to issue child-specific licenses to kinship caregivers and eliminate the need to use nonsafety exemptions and waivers. This will reduce barriers and create better equity for kinship caregivers trying to become licensed. These updates will also provide greater stability and outcomes for children entering foster care.

Process for Developing New Rule: Collaborative rule-making process including, but not limited to, partnering with sovereign tribal nations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kyler McGee, phone 253-290-9317, email [kyler.mcgee@dcyf.wa.gov](mailto:kyler.mcgee@dcyf.wa.gov); or Michael Williams, phone 360-688-0195, email [Michael.williams2@dcyf.wa.gov](mailto:Michael.williams2@dcyf.wa.gov), website [www.dcyf.wa.gov](http://www.dcyf.wa.gov).

March 29, 2024  
Brenda Villareal  
Rules Coordinator

**WSR 24-08-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
(Division of Child Support)  
[Filed March 29, 2024, 3:27 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) proposes to amend, adopt, or repeal, as needed, various sections in chapter 388-14A WAC 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 clarify and streamline the rules and procedures regarding parentage to conform with current state and federal laws and other related rules as may be needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.050, 26.23.110, 43.20A.550, 74.04.055, 74.04.057, 74.08.090, 74.20.040, 74.20A.055, 74.20A.056, and 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS is updating its rules to implement changes in state and federal law in order to clarify and streamline our processes, with the end goal of making our processes and procedures clearer, more flexible, and more understandable for the parties, children, and families who receive our services. DCS is incorporating changes in terminology regarding parentage from the Uniform Parentage Act (adopted as chapter 26.26A RCW). In addition, DCS is implementing certain mandatory and optional provisions from the *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs* rule ("Flexibility rule," which was published on December 20, 2016, in the Federal Register, Volume 81, Number 244, on page 93492), as well as other concepts. This rule-making project is intended to improve the level of services we can provide to children and families.

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 people wishing to participate in developing the new rules are encouraged to contact the DCS rules coordinator 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 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, DCS Rules Coordinator, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, phone 360-664-5339, fax

360-664-5342, TTY 1-800-833-6384, email [Monica.Turnbaugh@dshs.wa.gov](mailto:Monica.Turnbaugh@dshs.wa.gov),  
website [www.childsupportonline.wa.gov](http://www.childsupportonline.wa.gov).

March 29, 2024  
Katherine I. Vasquez  
Rules Coordinator

**WSR 24-08-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed April 1, 2024, 1:34 p.m.]

Subject of Possible Rule Making: WAC 182-550-1500 Covered and noncovered revenue codes categories and subcategories for outpatient hospital services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SB [2SSB] 5736, section 1 (1)(a)(ix); 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 WAC 182-550-1500 to allow for the payment of outpatient services in the following revenue code categories: Partial hospitalization—Less intensive, Partial hospitalization—Intensive, and Intensive outpatient services—Psychiatric. 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](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Jennifer Wipprecht, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1532, fax 360-586-9727, TRS 711, email [jennifer.wipprecht@hca.wa.gov](mailto:jennifer.wipprecht@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

April 1, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-08-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 1, 2024, 5:36 p.m.]

Subject of Possible Rule Making: Public water system fees as identified in WAC 246-290-990 Water system evaluation and project review and approval fees. The department of health (department) is considering amending public water system fees to cover operating costs. This may include updating or restructuring existing fees or creating new fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, 43.20B.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.110 and 43.70.250 authorize the secretary of health to establish various fees associated with licensing and regulation of professions, occupations, or businesses. These fees should be set at a level that covers the costs of administering each program or license. RCW 43.20B.020 authorizes the department to charge fees for services. The department completed an initial assessment of the drinking water program and determined fees are not generating sufficient revenue to cover the costs of the program. The department will assess the cost of services provided and adjust or restructure fees accordingly to ensure that they cover the cost of operations.

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 Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, TTY 711, email peter.beaton@doh.wa.gov, website www.doh.wa.gov; or Brad Burnham, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3102, TTY 711, email brad.burnham@doh.wa.gov, website www.doh.wa.gov.

Additional comments: The department will use a collaborative rule making approach by keeping interested parties informed of the rule development through email and posting information on the department's rule-making websites. Interested parties will have the opportunity to provide comments throughout the rule-making process and at the public hearing. To be added to the interested parties list, please contact Brad Burnham.

April 1, 2024  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 24-08-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed April 2, 2024, 12:25 p.m.]

Subject of Possible Rule Making: Chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards, and fees. The department of agriculture (department) is considering rule making to revise the structure of permanent staffing including, but not limited to, fees, time frames, and any services that are not specifically identified and to increase program fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 22.09.020 and 22.09.790.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on the findings of a recent comprehensive budget review, the department determined that the program is ill-equipped to withstand reductions in service requests needed to sustain program viability. Amending the rules regarding permanent staffing, contract versus noncontract fees, hourly rate and revenue minimums, along with increasing the tonnage tier rates/structure and other fees will improve employee retention and total revenue, enabling the program to maintain stability and service through times of fiscal uncertainty.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Agricultural Marketing Service, Federal Grain Inspection Service (USDA AMS FGIS) must approve changes in the department's grain inspection program's fee schedule.

Process for Developing New Rule: Department staff will develop the proposed amendments based upon program needs, requirements of USDA AMS FGIS, and will discuss any proposed amendments with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Philip Garcia, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1921, TTY 800-833-6388 or 711, email [pgarcia@agr.wa.gov](mailto:pgarcia@agr.wa.gov), website [agr.wa.gov](http://agr.wa.gov).

April 2, 2024  
Jessica Allenton  
Assistant Director

WSR 24-08-073

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF TRANSPORTATION

[Filed April 2, 2024, 3:07 p.m.]

Subject of Possible Rule Making: Implementing minority, small, veteran, and women business enterprise public works small business certification on state-funded contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.19 RCW and RCW 47.28.030(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of transportation (WSDOT) needs to adopt these rules to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW. These rules are intended to certify businesses as public works small business certification program. These rules apply to WSDOT's contracting process to reduce and discourage discrimination in WSDOT's contracting.

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: This is in response to legislative changes passed by the state legislature that created a new form of certification, the public works and small business certification program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jackie Bayne, 310 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-705-7084, fax 360-705-6801, TTY 711, email BayneJ@wsdot.wa.gov, website [www.wsdot.wa.gov/equalopportunity](http://www.wsdot.wa.gov/equalopportunity).

April 2, 2024  
Sam Wilson, Director  
Business Support Services

**WSR 24-08-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed April 2, 2024, 3:20 p.m.]

Subject of Possible Rule Making: WAC 110-148-1305 What definitions do I need to know to understand this chapter? and 110-148-1365 What are the personal requirements for foster parents?; other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 43.216.020, and 43.216.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of children, youth, and families (DCYF) is required to develop a contract and licensing category for professional therapeutic foster care according to the D.S. Settlement Agreement. The licensing division (LD) must update sections of chapter 110-148 WAC to satisfy this legal requirement. Currently, foster family home licensing rules do not allow foster care payments to be the sole income of a licensed foster family home. Accordingly, to meet the terms of the settlement agreement, LD must remove this barrier in licensing rules and add new language describing the existence, eligibility, and licensing requirements for professional therapeutic foster parents.

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 Joelle Leisure, 1949 South State Street, Tacoma, WA 98405, phone 253-533-0045, email [joelle.leisure@dcyf.wa.gov](mailto:joelle.leisure@dcyf.wa.gov), website [www.dcyf.wa.gov](http://www.dcyf.wa.gov); or Michael Williams, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-688-0195, email [michael.williams2@dcyf.wa.gov](mailto:michael.williams2@dcyf.wa.gov), website [www.dcyf.wa.gov](http://www.dcyf.wa.gov).

April 2, 2024  
Brenda Villarreal  
Rules Coordinator

**WSR 24-08-075  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed April 2, 2024, 3:33 p.m.]

This letter is to inform you that the employment security department (department) is withdrawing a preproposal statement of inquiry filed as WSR 24-07-091 on March 19, 2024. The department has decided it will not be pursuing this rule making at this time.

For this reason, WSR 24-07-091 is being withdrawn pursuant to WAC 1-21-060 and RCW 34.05.335.

Please email [rules@esd.wa.gov](mailto:rules@esd.wa.gov) if you have questions.

Stephanie Frazee  
Legislation and Rules Coordinator  
Employment System Policy and Integrity Division

**WSR 24-08-079  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed April 3, 2024, 9:05 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 filed January 27, 2023, and published as WSR 23-04-061 for WAC 246-282-990 Shellfish fees.

The department is withdrawing the CR-101 because the 2024 legislature passed a budget proviso that gives the department funding to contract with an independent third-party consultant to study the commercial shellfish regulatory program and make recommendations on fees. The budget proviso prohibits the department from increasing commercial shellfish fees during fiscal year 2025.

Individuals requiring information on this rule should contact Peter Beaton, rules coordinator, at [peter.beaton@doh.wa.gov](mailto:peter.beaton@doh.wa.gov).

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 24-08-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
[Filed April 3, 2024, 10:59 a.m.]

Subject of Possible Rule Making: A new section in Title 308 WAC and/or modifications to rule sections not yet identified.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.82.460 Interactive map of driver training education course providers, providers of traffic safety education program—Report of course and program pricing.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (DOL) is pursuing rule making to outline the process for motorcycle safety, commercial driver's license, and driver training schools to submit required information to the department, per SB [ESSB] 5583 passed during the 2023 legislative session. This information may include the names of training and testing providers, locations, contact information, course and program pricing, and services offered by language, among other items. All provided information will be used to develop an interactive map displayed on DOL's website.

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](mailto:rulescoordinator@dol.wa.gov), website [dol.wa.gov/about/rules](http://dol.wa.gov/about/rules); or Bryan Jackson, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-3854, email [brjackson@dol.wa.gov](mailto:brjackson@dol.wa.gov).

April 3, 2024  
Ellis Starrett  
Rules and Policy Manager

WSR 24-08-081

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE UNIVERSITY

[Filed April 3, 2024, 11:29 a.m.]

Subject of Possible Rule Making: The university is updating the rules regarding campus parking and traffic regulations for Washington State University (WSU) Vancouver, chapter 504-19 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments modify, clarify, and update the campus parking and traffic regulations at WSU Vancouver.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Policies, Records, and Forms, Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, email [prf.forms@wsu.edu](mailto:prf.forms@wsu.edu), website <https://policies.wsu.edu/prf/index/wac/>.

Additional comments: A public hearing will be held to permit comment on all proposed rules and revisions. There will also be an opportunity to provide written comments to the proposed rules.

April 3, 2024

Deborah L. Bartlett, Director  
Office of Policies, Records, and Forms  
Rules Coordinator