

WSR 24-13-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed June 6, 2024, 9:26 a.m.]

Subject of Possible Rule Making: Chapter 110-90 WAC, Extended foster care program, and all other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SB 5908; RCW 74.13.031, 13.34.267; and 42 U.S.C. Section 671-675.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The child welfare division is making changes to the extended foster care (EFC) program WAC in chapter 110-90 WAC and other related rules as required by SB 5908 which take effect June 6, 2024. These changes will reduce systemic barriers to youth who are dependent at the age of 18 and voluntarily enroll in the EFC program by eliminating the federal eligibility requirements.

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 Christopher McLaughlin, Yakima, Washington, phone 509-731-9946, email christopher.mclaughlin@dcyf.wa.gov, website <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making>, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>.

June 6, 2024
Brenda Villarreal
Rules Coordinator

WSR 24-13-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed June 6, 2024, 11:51 a.m.]

Subject of Possible Rule Making: The following WAC related to the foster parent liability fund and property damage reimbursement will be revised:

- WAC 110-50-0900 through 110-50-0970;
- WAC 110-50-1000 through 110-50-1090;
- Other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 74.13.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The financial business services division will be amending rules to correct the address for submitting reimbursement forms, allow for reimbursement to unlicensed caregivers, and increase the reimbursement limit from \$5,000 to \$10,000.

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 Stefanie Niemela, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-725-4402, email stefanie.niemela@dcyf.wa.gov, website www.dcyf.wa.gov; or Colleen Kremin, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-706-3738, email colleen.kremin@dcyf.wa.gov, website www.dcyf.wa.gov.

June 6, 2024
Brenda Villarreal
Rules Coordinator

WSR 24-13-015
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 6, 2024, 1:15 p.m.]

Subject of Possible Rule Making: Chapter 388-829A WAC and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend this chapter to add agencies as a provider type for alternative living and to align with the new certification rules under development at DDA. 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, 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.

June 6, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-13-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 6, 2024, 1:16 p.m.]

Subject of Possible Rule Making: Chapter 388-829C WAC and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend this chapter to align with the new certification rules under development at DDS. 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, 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.

June 6, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-13-022
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 6, 2024, 4:09 p.m.]

Subject of Possible Rule Making: Revising WAC 139-05-242 and 139-10-222 to clarify the eligibility and process for readmission to the Washington state criminal justice training commission (WSCJTC) basic training academies once a recruit has been dismissed and any other general updates or clarifications to these sections.

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: The rule change will implement additional restrictive measures for readmission into the academy after a dismissal due to a major rule violation.

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 WSCJTC'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, phone 206-835-7300, email Lacey.Ledford@cjtc.wa.gov, website cjtc.wa.gov.

June 6, 2024
Lacey Ledford
Rules Coordinator

WSR 24-13-027
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed June 7, 2024, 1:16 p.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-10-045 filed as WSR 17-23-077 on November 14, 2017.

Ellis Starrett
Rules Coordinator

WSR 24-13-037
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 10, 2024, 1:07 p.m.]

The Washington state criminal justice training commission (commission) would like to withdraw the preproposal notice of intent filed as WSR 23-19-049 on September 14, 2023.

The commission will file a new CR-101 at a later date.

Lacey Ledford
Rules Coordinator

WSR 24-13-055
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 13, 2024, 10:18 a.m.]

Subject of Possible Rule Making: WAC 182-501-0070 Health care coverage—Noncovered services, 182-502-0002 Eligible provider types, 182-502-0003 Noneligible provider types, 182-531-0050 Physician-related services definitions, 182-556-0200 Chiropractic services for children, and 182-556-0250 Acupuncture; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5693, section 211 (94) and (95), chapter 297, Laws of 2022; ESSB 5187, section 211 (42) and (43), chapter 475, Laws of 2023; 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 revising these rules to provide an adult chiropractic benefit, in alignment with ESSB 5693, section 211(95) and ESSB 5187, section 211(43). In addition, HCA is adding rules to provide adult acupuncture benefits, in alignment with ESSB 5693, section 211(94) and ESSB 5187, section 211(42). HCA is revising WAC 182-501-0070 to remove acupuncture, naturopathy, and chiropractic for adults from noncovered services. During 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 Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunications relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Joan Chappell, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1071, fax 360-586-9727, TRS 711, email joan.chappell@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 13, 2024
Wendy Barcus
Rules Coordinator

WSR 24-13-061

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed June 13, 2024, 2:32 p.m.]

Subject of Possible Rule Making: Permanent facility closure reporting requirements. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-480 and creating new sections in chapter 246-945 WAC to improve notifications and prescription transfer directions provided to patients when the facility closes permanently. This action is in response to a rule petition filed by an interested party and approved by the commission at its December 2023 business meeting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received feedback from an interested party about challenges obtaining requested information about a pharmacy's closure permitted by WAC 246-945-480 (2)(b) and voted to address the concerns at the December 14, 2023, business meeting. The commission may consider adding a time frame to the reporting requirements to patients in the event of a permanent facility closure. This would help provide patients with time and information needed to transfer their care to the facility of their choice.

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 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 www.doh.wa.gov.

Additional comments: All rule-making notices will be distributed 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 box next to "Pharmacy Quality Assurance Commission."

June 11, 2024

Kenneth Kenyon, PharmD, BCPS, Chair
Pharmacy Quality Assurance Commission

WSR 24-13-063
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 13, 2024, 3:45 p.m.]

Subject of Possible Rule Making: WAC 182-505-0100 Monthly income standards for MAGI-based programs and 182-509-0305 MAGI income—Persons subject to the modified adjusted gross income (MAGI) methodology; 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 its rules to increase the income standards for pregnancy and postpartum groups from 193 percent to 210 percent of the federal poverty level. This increase is consistent with legislative directives in chapter 213, Laws of 2024 (2E2SSB 5580). 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: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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 services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Kristina Bair, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-9964, fax 360-586-9727, TRS 711, email Kristina.bair@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 13, 2024
Wendy Barcus
Rules Coordinator

WSR 24-13-069

PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed June 14, 2024, 1:18 p.m.]

Subject of Possible Rule Making: Everett Community College (EvCC) is planning to amend WAC 132E-124-010 Everett—State of educational freedom and any related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EvCC is considering amending rules to reflect changes in expectations and language. If applicable, these 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: Not applicable.

Process for Developing New Rule: At a later date, EvCC 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 anyone who requests a copy. Proposed changes will be presented to the college community and a public hearing will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua R. Ernst, 2000 Tower Street, Everett, WA 98201, phone 425-388-9131, fax 425-388-9228, email jernst@everettcc.edu, website www.everettcc.edu.

June 14, 2024
Joshua R. Ernst
Vice President
Human Resources and Compliance

WSR 24-13-070

PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed June 14, 2024, 1:19 p.m.]

Subject of Possible Rule Making: Everett Community College (EvCC) is planning to amend chapter 132E-108 WAC (WAC 132E-108-010 through 132E-16-080 [132E-108-080]) Practice and procedure, and any related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EvCC is considering amending rules to reflect changes in business processes, technology, and language. If applicable, these 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: Not applicable.

Process for Developing New Rule: At a later date, EvCC 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 anyone who requests a copy. Proposed changes will be presented to the college community and a public hearing will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua R. Ernst, 2000 Tower Street, Everett, WA 98201, phone 425-388-9131, fax 425-388-9228, email jernst@everettcc.edu, website www.everettcc.edu.

June 14, 2024
Joshua R. Ernst
Vice President
Human Resources and Compliance

WSR 24-13-071

PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed June 14, 2024, 1:19 p.m.]

Subject of Possible Rule Making: Everett Community College (EvCC) is planning to amend chapter 132E-16 WAC (WAC 132E-16-001 through 132E-16-340) Traffic regulations of Everett Community College, and any related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EvCC is considering amending rules to reflect changes in business processes, college property boundaries, operating location changes, technology, means of conveyance/transportation, and language. If applicable, these 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: Not applicable.

Process for Developing New Rule: At a later date, EvCC 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 anyone who requests a copy. Proposed changes will be presented to the college community and a public hearing will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua R. Ernst, 2000 Tower Street, Everett, WA 98201, phone 425-388-9131, fax 425-388-9228, email jernst@everettcc.edu, website www.everettcc.edu.

June 14, 2024
Joshua R. Ernst
Vice President

Human Resources and Compliance

WSR 24-13-072

PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed June 14, 2024, 1:19 p.m.]

Subject of Possible Rule Making: Everett Community College (EvCC) is planning to amend chapter 132E-122 WAC (WAC 132E-122-010 through 132E-122-490) Student rights and responsibilities, and any related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EvCC is considering amending rules to reflect changes in college policy, state and federal law related to student conduct, technology, business processes, expectations of students, expectations for students, and language. If applicable, these 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: Not applicable.

Process for Developing New Rule: At a later date, EvCC 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 anyone who requests a copy. Proposed changes will be presented to the college community and a public hearing will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua R. Ernst, 2000 Tower Street, Everett, WA 98201, phone 425-388-9131, fax 425-388-9228, email jernst@everettcc.edu, website www.everettcc.edu.

June 14, 2024
Joshua R. Ernst
Vice President
Human Resources and Compliance

WSR 24-13-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed June 17, 2024, 9:27 a.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to amend WAC 388-106-0010 What definitions apply to this chapter?, 388-106-0090 How does the CARE tool measure cognitive performance?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.46.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The first intent of this rule making is to implement HB [SHB] 1942 and amend WAC 388-106-0010 to not consider an individual provider to be a source of informal support. The second intent is to amend WAC 388-106-0090 to align with requirements defined in WAC 388-106-0010 Ability to make self understood.

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

Process for Developing New Rule: The department welcomes the public to take part in developing the rules. Anyone interested should contact the staff persons 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 Dru Aubert, CARE Management Unit Manager, Aging and Long-Term Support Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone 206-348-2698, email dru.aubert@dshs.wa.gov; or Melissa Randles, State Plan Services Unit Manager, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504, phone 360-407-1515, email melissa.randles@dshs.wa.gov.

June 17, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-13-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 17, 2024, 10:44 a.m.]

Subject of Possible Rule Making: Review of initial license and endorsement requirements for athletic trainers. To comply with 2SHB 1724 (chapter 425, Laws of 2023), the department of health (department), in collaboration with the athletic training advisory committee, will consider amending WAC 246-916-030 to update substantial equivalency standard rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.250.020; and 2SHB 1724 (chapter 425, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1724, codified as RCW 18.130.077, requires disciplining authorities to waive education, training, experience and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure for longer than 90 days.

The goal of 2SHB 1724 and substantial equivalency is to reduce work force shortages, and reduce licensing barriers for applicants seeking a credential. The department will consider amending WAC 246-916-030 Applicants currently licensed in other states, to bring it into alignment with section 8 of 2SHB 1724.

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 Allyson McIver, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2878, fax 360-236-2901, TTY 711, email allyson.mciver@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click on "Athletic Training." You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

June 17, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-13-082
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2024-06—Filed June 17, 2024, 12:20 p.m.]

Subject of Possible Rule Making: Producer and adjuster licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3) (a) and 48.17.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed rule consists of both substantive and technical changes to producer and adjuster licensing requirements under chapter 284-17 WAC. It would ensure that insurance rules are clear, relevant, and aligned with Title 48 RCW and with the planned National Insurance Producer Registry (NIPR) interface enhancement.

The first substantive change simplifies limited line credit insurance producer licensing by amending WAC 284-17-009. With this change, limited line credit insurance will automatically be included for producers who hold a life, disability, property, or casualty line of authority, streamlining the licensing process by eliminating the need for separate requests.

Another substantive update allows insurance agencies to add a new designated responsible licensed producer (DRLP) during the license renewal process if the current DRLP is inactive. This change addresses a concern raised by NIPR regarding WAC 284-17-443, which currently prohibits new affiliations during the renewal process. This prohibition is problematic for agencies with only one affiliate who becomes inactive. Finally, the rule proposes to amend WAC 284-17-490 (5) (b) to simplify the fee structure associated with the cancellation of producer licenses, thereby resolving complex fee calculation issues and preventing delays in the NIPR interface enhancement project.

The proposed rule's technical changes remove outdated language in WAC 284-17-720 (2) (b) that exempted crop adjusters from continuing education (CE) requirements, aligning with a 2022 rule mandating CE for all licensed resident adjusters. The rule deletes references to prelicensing education (PLE) requirements for insurance producers, following the 2023 law that eliminated the PLE requirement. Finally, the rule removes obsolete references to specific dates related to the implementation of required electronic submissions for licensing processes, as all licensing is now conducted electronically.

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

Process for Developing New Rule: Written comment period begins on June 20, 2024, and closes on August 2, 2024.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 17, 2024
Mike Kreidler
Insurance Commissioner

WSR 24-13-084
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 17, 2024, 2:42 p.m.]

Subject of Possible Rule Making: WAC 392-123-060 Petition to budget receivables collectible in future fiscal periods.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.710.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In alignment with ESSB 5293, passed by the Washington state legislature in 2023, the office of superintendent of public instruction (OSPI) is considering rule making to implement an exemption for school districts and charter schools for the 2024-25 and 2025-26 budget periods from accepting binding conditions when the proceeds of an interfund loan have been used to balance deficit fund balances. The rules would allow this exemption in order to address budget destabilization in the aftermath of the COVID-19 pandemic, which is consistent with the purpose described under ESSB 5293 (2023) and RCW 28A.505.130.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T.J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504, TTY 360-664-3631, email Thomas.kelly@k12.wa.us, website ospi.k12.wa.us.

June 17, 2024

Chris P. S. Reykdal

State Superintendent of Public Instruction

WSR 24-13-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 18, 2024, 8:26 a.m.]

Subject of Possible Rule Making: 2025 industrial insurance premium rates. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington Workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is required by law to establish and maintain a workers' compensation classification plan, and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

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: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends, and financial markets. L&I works with the workers' compensation advisory committee (WCAC) and retrospective rating advisory committee (RAC) as changes are developed. The public can participate in these discussions by attending the WCAC or RAC meetings.

A schedule of the WCAC meetings is available at www.lni.wa.gov/insurance/insurance-requirements/workers-compensation-advisory-committee#meeting-schedule.

A schedule of the RAC meetings is available at www.lni.wa.gov/insurance/rates-risk-classes/reducing-rates/retro-advisory-committee#schedule-of-meetings.

Employers covered by L&I will receive notice of the proposed changes and public hearings.

L&I is planning to hold formal public hearings in October 2024 via Zoom.

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 www.lni.wa.gov/rulemaking-activity/?query=premium.

June 18, 2024
Joel Sacks
Director

WSR 24-13-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 18, 2024, 8:30 a.m.]

Subject of Possible Rule Making: Apprenticeship rules concerning timeline for apprenticeship sponsors to submit requests for changes to apprenticeship program standards. WAC 296-05-008 Meetings and adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.04.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2022, the Washington state legislature passed E2SSB 5600 concerning the sustainability and expansion of state registered apprenticeship programs. In part, the bill established industry sector platforms intended to collaborate and support apprenticeships (RCW 49.04.240). Among the responsibilities, the relevant industry sector platform must review proposed standards when submitted by an apprenticeship program and provide a recommendation to the Washington state apprenticeship training council (WSATC) for consideration in approving or denying the proposed apprenticeship program standards.

Rule making is needed to adjust the timeline for which an apprenticeship program submits proposed new program standards, additions, or changes to their existing apprenticeship program standard(s). In addition to the staff review process, the change is needed to allow time for industry sector platforms to review and provide recommendations prior to the WSATC meeting materials submission deadline. Currently, apprenticeship program standards requests must be submitted 45 days prior to the next regularly scheduled WSATC quarterly meeting. This rule making is intended to propose adjusting the submission deadline to allow adequate time for the additional level of review.

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), Employment and Training Administration, Office of Apprenticeship also regulates apprenticeships. Although the nature of the proposed changes does not necessitate coordination with USDOL, the federal agency may be provided an update on the rule-making process.

Process for Developing New Rule: The department of labor and industries (L&I) will develop rule language in consultation with WSATC, including the council's WAC/RCW policy subcommittee.

Interested parties may provide initial input in the course of drafting rule language by contacting the individual below. In addition, the public may participate when rules are proposed by providing written comments and/or spoken testimony during the public hearing and comment period.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristin Murphy, L&I, Fraud Prevention and Labor Standards, P.O. Box 44530, Olympia, WA 98504-4530, phone 564-999-0975, TTY 1-800-833-6388, email ApprenticeshipRules@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.Lni.wa.gov/rulemaking-activity/>.

June 18, 2024
Joel Sacks

WSR 24-13-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 18, 2024, 3:44 p.m.]

Subject of Possible Rule Making: Deferred compensation plan revisions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Completing implementation of the required minimum distribution provision from the SECURE Act of 2022 and revising language to align with other deferred compensation plan WAC.

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

June 18, 2024
Bianca Stoner
Rules Coordinator

WSR 24-13-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 20, 2024, 8:06 a.m.]

Subject of Possible Rule Making: Penalty schedule for large on-site sewage system regulations. The department of health (department) is considering amending chapter 246-272B WAC to add a penalty schedule for the issuance of civil penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.115.040 and 70A.115.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 70A.115.050 gives the department the ability to assess a penalty of not more than \$10,000 per day for every violation of a law or rule regulating large onsite sewage systems. Rules that establish a penalty schedule would clarify the department's penalties based on the severity of the violation.

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

Process for Developing New Rule: The department will use a collaborative rule-making approach.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 47822, Olympia, WA 98504-7822, phone 360-236-3000, TTY 711, email ashlie.laydon@doh.wa.gov, website www.doh.wa.gov; or Andrew Jones, P.O. Box 47824, Olympia, WA 98504-7824, phone 360-236-3378, TTY 711, email andrew.jones@doh.wa.gov, website www.doh.wa.gov.

Additional comments: The department will keep interested parties informed of the rule development through email and by posting information on the department's rule-making website. Interested parties will have an opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearing. Interested parties may contact Ashlie Laydon or Andrew Jones to be added to the interested parties list.

June 20 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-13-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 20, 2024, 8:13 a.m.]

Subject of Possible Rule Making: 23-Hour crisis relief centers (CRCs) for minors in Washington state. The department of health (department) is considering amending the behavioral health agency regulations in chapter 246-341 WAC including, but not limited to, WAC 246-341-0903 to implement E2SSB 5853 (chapter 367, Laws of 2024), an act relating to extending the crisis relief center (CRC) model to provide behavioral health crisis services for minors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.037, 71.24.916; and E2SSB 5853 (chapter 367, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the legislature passed 2SSB 5120 (chapter 433, Laws of 2023), establishing 23-hour CRCs in the state of Washington. At that time, by definition, CRCs were only meant to serve adults. In 2024, the legislature passed E2SSB 5853 amending the definition of "23-hour crisis relief center" in RCW 71.24.025 to remove the reference to adults and adding certain requirements in RCW 71.24.916 for 23-hour CRCs that wish to serve children ages eight and older. Section 2(2) of E2SSB 5853 directs the department to amend the licensure and certification rules for CRCs to create standards for the licensure or certification of CRCs which provide services to children.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health care authority (HCA) and the department of children, youth, and families (DCYF). The department is required to consult with HCA and DCYF on the development of these rules.

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 Dan Overton, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-2953, fax 360-236-2321, TTY 711, email dan.overton@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department's interested parties list (GovDelivery), attending workshops, and providing input on draft and proposed materials. To find out more about our rule making and to be included on the interested parties list, please follow these steps: (1) Go to doh.wa.gov; (2) click on the "Sign up for Updates from DOH" button on the bottom of the page; (3) enter your contact information; (4) click "Submit"; (5) under the subscription preferences, check the box that says "Behavioral Health Care Integration"; and (6) scroll to the bottom of the page and click "Submit."

June 20, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-13-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 20, 2024, 8:19 a.m.]

Subject of Possible Rule Making: Certification of magnetic resonance imaging technologists. The department of health (department) is considering adding new sections to and updating sections of chapter 246-926 WAC, Radiologic imaging professionals, to implement SHB 2355 (chapter 94, Laws of 2024), which establishes certification of magnetic resonance imaging (MRI) technologists. The department will also consider minor housekeeping edits and/or updates related specifically to establishing and regulating MRI techs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 2355 (chapter 94, Laws of 2024) and RCW 18.84.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will consider creating and amending relevant sections in chapter 246-926 WAC, including updates to WAC 246-926-020, 246-926-095 through 246-926-120, 246-926-135 through 246-926-180, 246-926-420, 246-926-600, and 246-926-990 to establish the new MRI credential.

Rule making is necessary to establish a new credential type under the radiological technologist chapter, including rules on application processes, primary and alternative education and training pathways, national certification examinations, and fees.

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 Tommy Simpson III, P.O. Box 47850, Olympia, WA 98504-7850, phone 564-669-8421, TTY 711, email tommy.simpson@doh.wa.gov, website doh.wa.gov.

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

To subscribe 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 on the box labeled "Health Professions," and then click on "Radiologic Technologists." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

June 20, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-13-117
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed June 20, 2024, 8:27 a.m.]

Subject of Possible Rule Making: Primary and secondary school environmental health and safety regulations. The state board of health (board) is considering creating a new chapter (chapter 246-370 WAC) of draft rules for school environmental health and safety. The board will consider establishing minimum statewide health and safety standards for schools, formalizing school environmental health and safety inspection procedures, and repealing chapters 246-366 and 246-366A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 and ESSB 5950 (chapter 376, Laws of 2024), section 222(159).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2024 legislative session, the legislature directed the board to review the current rules and draft new proposed school environmental health and safety rules in collaboration with a technical advisory committee and other state agencies. The board has the authority under RCW 43.20.050 to adopt rules controlling public health for schools. The current school environmental health and safety rules are outdated and need modernization. The intended goal of this rule making is to replace the existing rules in chapters 246-366 and 246-366A WAC and develop minimum environmental health and safety standards alongside an implementation plan that helps to prioritize pieces of the rule by section or subject matter to improve the health and safety of students.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board will lead a technical advisory committee with representatives from the department of health, office of the superintendent of public instruction, school districts, local health jurisdictions, Washington association of school administrators, Washington state school directors' association, Washington association of maintenance and operations administrators, and Washington association of school business officials. The board will also coordinate with the department of labor and industries, state building code council, department of commerce, and state board of education.

Process for Developing New Rule: The board will use a collaborative rule-making approach, via a technical advisory committee, in developing the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Andrew Kamali, P.O. Box 47990, Olympia, WA 98504-7790, phone 360-584-6737, fax 360-236-4088, TTY 711, email andrew.kamali@sboh.wa.gov.

Additional comments: To be added to the listserv for notifications regarding this rule making, email schoolehs@sboh.wa.gov with the subject line "School Rules Review Email Notification." The board, in collaboration with the department of health, will complete an environmental justice assessment for this rule making.

June 20, 2024
Michelle A. Davis, MPA
Executive Director

WSR 24-13-120

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed June 20, 2024, 9:07 a.m.]

Subject of Possible Rule Making: WAC 308-125-120 Fees and charges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (DOL) is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Current fees for appraisers are insufficient to sustain the program, and therefore DOL is considering fee increases.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rulemaking-activity; or Kathe McDaniel, P.O. Box 9020, Olympia, WA 98507, phone 360-634-5238, email kcmcdaniel@dol.wa.gov.

June 5, 2024
Ellis Starrett
Rules and Policy Manager

WSR 24-13-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 20, 2024, 10:17 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-449-0080 Sequential evaluation process step IV—How does the department evaluate if I am able to perform relevant past work? and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090, 74.08A.100, 74.09.035, 74.09.530, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are necessary to align aged, blind, or disabled (ABD) program rules with Social Security Administration's revision of the definition of "past relevant work," by reducing the relevant work period from 15 to five years. If applicable, these 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: Not applicable.

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 Lorri Burns, P.O. Box 45470, Olympia, WA 98504-4570, phone 509-385-9020, email lorri.burns3@dshs.wa.gov.

June 20, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-13-125
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed June 20, 2024, 10:19 a.m.]

Subject of Possible Rule Making: Chapter 308-77 WAC, Fuel tax rules and regulations; chapter 308-78 WAC, Aircraft fuel tax; chapter 308-91 WAC, Reciprocity and proration; and a new chapter in Title 308 WAC to cover discovery/investigation procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.38.260 Administration and enforcement, 82.41.120 Implementing rules required, and 82.42.130 Administration and enforcement.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 1964, passed during the 2024 legislative session, allows the department of licensing (DOL) to implement E-Withhold procedures, change the appeals procedure from informal hearing to department review, establish reinstatement procedures, add an escalated penalty path, and requires the development of fuel tax discovery and investigative procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOL is the regulatory agency and the Washington State Patrol, who is responsible for enforcement, has already been notified of changes to RCW 82.38.260 and will be notified of the proposed changes to WAC.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rulemaking-activity; or Lynn Briscoe, 405 Black Lake Boulevard S.W., Olympia, WA 98502, phone 360-480-1717, TTY 711, email lbriscoe@dol.wa.gov.

June 20, 2024
Ellis Starrett
Rules and Policy Manager