

**WSR 24-18-005**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Pharmacy Quality Assurance Commission)  
[Filed August 22, 2024, 8:57 a.m.]

Subject of Possible Rule Making: Considering adding kratom to the list of Schedule I substances. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-051 and adding new sections to chapter 246-945 WAC to add kratom and its active compounds to the list of Schedule I substances in response to a petition request to do so.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 69.50.201, and 69.50.203.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health received a petition from an interested party on June 15, 2024, requesting that the commission classify kratom and its two active alkaloid compounds, mitragynine and 7-hydroxymitragynine, as Schedule I substances. The petition claimed the potential for abuse, lack of accepted medical use, and public health risks associated with use of kratom as justifications for listing kratom as a Schedule I substance.

Kratom (*Mitragyna speciosa*) is a substance derived from a tree of the same name and can reportedly give users a stimulant or sedative effect. It is not included in the list of controlled substances at the federal level, though the Drug Enforcement Administration (DEA) lists kratom as a "Drug and Chemical of Concern." As of December 2023, sixteen states regulate the sale of kratom products to varying degrees.

Kratom is not currently listed as a controlled substance in either RCW or WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the Federal Drug Administration (FDA) and DEA have regulatory authority over kratom and kratom projects. The commission would not rely on coordination with either the FDA or DEA for the placement of kratom on the list of Schedule I substances in the WAC but would inform both agencies should it schedule kratom as a Schedule I controlled substance.

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 Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-502-5058, fax 360-236-2901, TTY 711, email PharmacyRules@doh.wa.gov.

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

August 21, 2024  
Hawkins DeFrance, PharmD, Chair  
Pharmacy Quality Assurance Commission

**WSR 24-18-008**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed August 22, 2024, 11:17 a.m.]

Subject of Possible Rule Making: New chapter 388-05B WAC, Electronic visit verification system requirements, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060; P.L. 114-255, Section 12006(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Electronic visit verification (EVV) is a federal requirement for all medicaid funded in-home personal care services and respite care services as a verification that care services were provided. This WAC provides the list of required claim elements and system technical requirements for affected providers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicaid and Medicare Services, health care authority, developmental disabilities administration (DDA).

Process for Developing New Rule: Collaborative; the department of social and health services (department) invites interested parties to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Smith, EVV Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2551, email Jennifer.Smith4@dshs.wa.gov, website <https://www.dshs.wa.gov/altsa/stakeholders/electronic-visit-verification>; or Joshua Church, DDA Payment Systems Unit Manager, 1009 College Street S.E., Lacey, WA 98503, phone 360-819-0665, email Joshua.Church@dshs.wa.gov.

August 21, 2024  
Katherine I. Vasquez  
Rules Coordinator

**WSR 24-18-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed August 22, 2024, 12:45 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending the following rules, adding new sections, and amending other sections as needed: Chapter 388-76 WAC, Adult family home (AFH) minimum licensing requirements; chapter 388-78A WAC, Assisted living facility (ALF) licensing rules; and chapter 388-107 WAC, Licensing requirements for enhanced services facilities (ESF). Amendments and new sections will address the need for a legally enforceable agreement between the operators of AFH, ESF, and ALF and residents in those settings whose care is paid through medicaid. This rule making is needed to comply with federal regulations 42 C.F.R. §§ 441.530 (a)(1)(vi)(A) and 441.301 (c)(4)(vi)(A). This rule making will include other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), and 74.39A.007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to comply with Centers for Medicare and Medicaid [Services] (CMS) regulations related to home and community-based settings in AFH, ALF, and ESF. Compliance with the regulations is necessary to administer the state's medicaid funded long-term services and supports programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will compare the draft rules with 42 C.F.R. §§ 441.530 (a)(1)(vi)(A) and 441.301 (c)(4)(vi)(A), CMS requirements for home and community-based settings. The department will confirm consistency with the federal requirements and consult with CMS as necessary.

Process for Developing New Rule: Negotiated rule making; and the department will use a negotiated rule-making process for chapter 388-76 WAC. For chapters 388-78A and 388-107 WAC, the department will use a collaborative rule-making process to consult with internal and external interested parties in the development and review of the draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sondra Haas, P.O. Box 45600, Olympia, WA 98504, phone 360-688-0715, fax 360-438-7903, email Sondra.Haas@dshs.wa.gov.

August 22, 2024  
Katherine I. Vasquez  
Rules Coordinator

**WSR 24-18-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed August 22, 2024, 12:50 p.m.]

Subject of Possible Rule Making: New chapter 388-843 WAC, Youth transitional care facility, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to write a new chapter of rules to operationalize services at Lake Burien as directed by the Washington state legislature in the supplemental operating budget 2023-2025 (ESSB 5950, section 203 (1)(nn); ESSB 5950, section 227(44)). During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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

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

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

August 21, 2024  
Katherine I. Vasquez  
Rules Coordinator

**WSR 24-18-031  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed August 26, 2024, 10:13 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for WAC 246-337-040 Construction review services requirements, which was filed March 18, 2020, and published in WSR 20-07-124.

The department is withdrawing this CR-101 because updates to the Washington state building code in WAC 51-50-0308 Section 308—Institutional Group 1, made department rule updates unneeded.

Individuals requiring information on this rule should contact Dan Overton, facilities program manager, at 360-236-2953.

Tami M. Thompson  
Regulatory Affairs Manager

## WSR 24-18-032

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed August 26, 2024, 10:15 a.m.]

Subject of Possible Rule Making: Clarifying the utilization of pharmacy ancillary personnel. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-001, 246-945-315, 246-945-317, 246-945-320, and potentially adding a new section in chapter 246-945 WAC to clarify the utilization of pharmacy ancillary personnel and technology within the pharmacy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 18.64A.020, 18.64A.030, and 18.64A.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2024, the commission set goals to improve access to care for patients by reconsidering the roles of pharmacy professionals and incorporating technology into practice. In order to meet these goals, the commission is considering updating its rules relating to the utilization of pharmacy ancillary personnel, which include pharmacy assistants, pharmacy technicians, and pharmacy technicians-in-training.

RCW 18.64A.060 requires that any pharmacy licensed in Washington that intends to utilize the services of pharmacy ancillary personnel must apply by submitting an ancillary utilization plan (AUP) that details the manner and extent to which the pharmacy ancillary personnel would be used and supervised. These AUPs are submitted to the commission for discussion and approval at commission business meetings. Through its review of AUPs submitted by licensees for approval, the commission has noticed that licensees are increasingly looking for creative ways to utilize pharmacy ancillary personnel within the pharmacy. The commission expects this trend to continue as workforce shortages persist and technological innovations within the pharmacy progress. In preparation, the commission has decided to review its current rules and explore the limitations of current technologies being used and tasks being performed by ancillary personnel.

The commission has also received inquiries from licensees regarding the administration of drugs and devices by pharmacy technicians, which resulted in the commission issuing Guidance Document 690-361, Ancillary Utilization Plans and Pharmacy Technician Administration, in 2018. The guidance document has since been updated as Guidance Document G006, Ancillary Utilization Plans and the Administration of Drugs and Devices, in 2024 to include pharmacy technicians-in-training meeting certain criteria to administer drugs and devices and needs to be codified.

Through this rule making, the commission intends to set modern guidelines for the utilization of pharmacy ancillary personnel within the pharmacy, create boundaries for the use of technology in the pharmacy, and codify its guidance for the administration of drugs and devices to further clarify commission expectations for licensees.

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 Haleigh Mauldin, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-890-0720, fax 360-236-2901, email PharmacyRules@doh.wa.gov.

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

August 26, 2024  
Hawkins DeFrance, PharmD  
Pharmacy Quality Assurance Commission

**WSR 24-18-033**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 26, 2024, 12:47 p.m.]

Subject of Possible Rule Making: WAC 181-79A-244 educator certificate renewal requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update WAC to align with HB [2ESHB] 1377 after having to wait due to this WAC already being in the process of a change at the time of other HB [2ESHB] 1377 WAC changes.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Nguyen, 600 Washington Street S.E., Olympia, WA 98504, phone 360-489-4471, email rulespesb@k12.wa.us, website [www.pesb.wa.gov](http://www.pesb.wa.gov).

August 26, 2024  
Michael Nguyen  
Rules Coordinator



**WSR 24-18-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed August 26, 2024, 12:51 p.m.]

Subject of Possible Rule Making: WAC 181-79A-231 limited certificate renewal requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update limited certificate policy to reduce confusion in the field.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Nguyen, 600 Washington Street S.E., Olympia, WA 98504, phone 360-489-4471, email rulespesb@k12.wa.us, website [www.pesb.wa.gov](http://www.pesb.wa.gov).

August 26, 2024  
Michael Nguyen  
Rules Coordinator

WSR 24-18-042

PREPROPOSAL STATEMENT OF INQUIRY  
PUBLIC DISCLOSURE COMMISSION

[Filed August 27, 2024, 9:11 a.m.]

Subject of Possible Rule Making: The public disclosure commission (PDC) will consider rules regarding exemptions to sponsor identification and other disclaimers required on political advertising, including implementation of HB 2032 (2024), which requires sponsor identification on previously exempted political yard signs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110, [42.17A].320, and [42.17A].350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to implement the newly enacted law, HB 2032 (2024), which requires sponsor identification on previously exempted political yard signs. Additional changes to the exemptions for disclaimers will be considered to account for new media and other developments in political advertising.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PDC will consider existing and proposed regulations for required disclaimers in federal election advertising campaigns, as regulated by the Federal Elections Commission.

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 Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA 98504, phone 360-753-1111, fax 360-753-1112, email pdc@pdc.wa.gov, website www.pdc.wa.gov.

August 23, 2024  
Sean Flynn  
General Counsel

WSR 24-18-047

PREPROPOSAL STATEMENT OF INQUIRY

LOWER COLUMBIA COLLEGE

[Filed August 27, 2024, 12:15 p.m.]

Subject of Possible Rule Making: Student code of conduct and student disciplinary procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(16), 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring Lower Columbia College's student conduct code, chapter 132M-126 WAC, into compliance with a new final rule issued by the United States Department of Education pursuant to its authority under Title IX of the Education Amendment of 1972 and to update other provisions of the student conduct code to reflect current issues and needs of the district and its students.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Title IX of the Education Amendments of 1972.

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 Bryanna Doumit, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone 360-442-2100, fax 360-442-2129, TTY 800-833-6388, email [rulemaking@lowercolumbia.edu](mailto:rulemaking@lowercolumbia.edu) [[rulemaking@lowercolumbia.edu](mailto:rulemaking@lowercolumbia.edu)], website <https://lowercolumbia.edu/disclosure/rulemaking.php>; or Kendra Sprague, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone 360-442-2121, fax 360-442-2129, TTY 800-833-6388, email [ksprague@lowercolumbia.edu](mailto:ksprague@lowercolumbia.edu), website <https://lowercolumbia.edu/disclosure/rulemaking.php>.

August 20, 2024

Kendra Sprague

Vice President of Foundation  
Human Resources and Legal Affairs

**WSR 24-18-054  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed August 28, 2024, 9:12 a.m.]

On April 4, 2023, the office of superintendent of public instruction (OSPI) filed a CR-101 preproposal statement of inquiry (WSR 23-08-078) concerning permanent rule making for WAC 392-410-350. However, OSPI determined that updates to the reasons for the seal of biliteracy rule revisions are needed due to recent legislative directives. OSPI plans to file an updated CR-101 form today with those updates.

Therefore, this document serves as official notification that OSPI is rescinding the CR-101 preproposal statement of inquiry (WSR 23-28-078), effective August 28, 2024.

Chris P. S. Reykdal  
State Superintendent of Public Instruction

**WSR 24-18-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 28, 2024, 9:23 a.m.]

Subject of Possible Rule Making: WAC 392-410-350 Seal of biliteracy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making concerning the seal of biliteracy (the seal) to align with HB 1228 (2024), recognize additional proficiency scales, and create multiple levels of the seal. This would put Washington state on par with other states, which have multitiered seal programs. Currently, the proficiency level to earn the seal is ACTFL intermediate mid. With dual language education programs producing students with higher levels of proficiency, a multilevel seal would motivate students to continue language learning beyond intermediate mid. A multitiered seal would also encourage students to take additional languages after the requirements for the first language are met.

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 Veronica Trapani-Huebner, OSPI, P.O. Box 47200, Olympia, WA 98504, TTY 360-664-3631, email veronica.trapani@k12.wa.us, website [ospi.k12.wa.us](http://ospi.k12.wa.us).

August 28, 2024  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

**WSR 24-18-057**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Washington Medical Commission)  
[Filed August 28, 2024, 9:23 a.m.]

Subject of Possible Rule Making: Anesthesiologist assistants; the Washington medical commission (commission) is considering creating a new chapter of rules under Title 246 WAC to establish licensing regulations for anesthesiologist assistants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050; and SB 5184 (chapter 362, Laws of 2024), codified in chapter 18.71D RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.71D RCW directs the commission to adopt rules necessary to implement a licensure program for anesthesiologist assistants. The rules must include education, training, and examination requirements for initial licensure.

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 Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504, phone 360-918-6336, TTY 711, email [amelia.boyd@wmc.wa.gov](mailto:amelia.boyd@wmc.wa.gov), website <https://wmc.wa.gov>.

Additional comments: To join the commission's rules interested parties email list, please visit [https://public.govdelivery.com/accounts/WAMC/subscriber/new?topic\\_id=WAMC\\_2](https://public.govdelivery.com/accounts/WAMC/subscriber/new?topic_id=WAMC_2).

August 26, 2024  
Kyle S. Karinen  
Executive Director

**WSR 24-18-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CENTER FOR DEAF AND**  
**HARD OF HEARING YOUTH**

[Filed August 29, 2024, 12:22 p.m.]

Subject of Possible Rule Making: Student code of conduct and student disciplinary procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(16), 72.42.041(2), 72.40.0191(12), 72.40.0191(17).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the Center for Deaf and Hard of Hearing Youth's (Washington school for the deaf) student conduct code, chapter 148-120 WAC, into compliance with a new final rule issued by the United States Department of Education pursuant to its authority under Title IX of the Education Amendment of 1972 and to update other provisions of the student conduct code to reflect current issues and needs of the school and its students. Additionally, rule changes are needed to update the student conduct code for consistency with the office of superintendent of public instruction's (OSPI) rules, chapter 392-400 WAC, regarding student discipline.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Title IX of the Education Amendments of 1972; OSPI.

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 Erica Rader, 611 Grand Boulevard, Vancouver, WA 98661, phone 360-418-0401, fax 360-696-6291, email [erica.rader@cdhy.wa.gov](mailto:erica.rader@cdhy.wa.gov), website [www.cdhy.wa.gov](http://www.cdhy.wa.gov).

August 29, 2024  
Shauna Bilyeu  
Executive Director

**WSR 24-18-074**

**PREPROPOSAL STATEMENT OF INQUIRY  
CENTER FOR DEAF AND  
HARD OF HEARING YOUTH**

[Filed August 29, 2024, 12:22 p.m.]

Subject of Possible Rule Making: Practice and procedure for student disciplinary proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(16), 72.42.041(2), 72.40.0191(12), 72.40.0191(17).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update chapter 148-108 WAC regarding the practices and procedures for student disciplinary proceedings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington office of superintendent of public instruction.

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 Erica Rader, 611 Grand Boulevard, [Vancouver, WA 98661,] phone 360-418-0401, fax 360-696-6291, email erica.rader@cdhy.wa.gov, website www.cdhy.wa.gov.

August 28, 2024  
Shauna Bilyeu  
Executive Director



**WSR 24-18-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed September 3, 2024, 8:51 a.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values—2024, 458-40-610 Timber excise tax—Definitions, and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, 82.01.060(2), and 84.33.091.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.140 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.140(3). The department of revenue (department) anticipates amending the forest land values rule (WAC 458-40-540) to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2025.

RCW 84.33.091 requires the department to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the first half of 2025.

The department also anticipates amending WAC 458-40-610 to fix an incorrect reference in the rule. WAC 458-40-610(7) currently references WAC 458-40-610(14); it should reference WAC 458-40-610(13).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax process and definitions are coordinated with these agencies to avoid conflict, but it is not necessary to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Do, P.O. Box 47467, Olympia, WA 98504-7467, phone 360-534-1558, fax 360-534-1606, TTY 800-833-6384, email TiffanyD@dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting. Written comments may be submitted by mail or email and should be directed to Tiffany Do using one of the contact methods above.

Written and oral comments will be accepted at the public meeting on October 22, 2024, at 1:00 p.m., telephonic/internet meeting only.

Contact Barbara Imperio at BarbaraI@dor.wa.gov for dial-in/login information.

September 3, 2024  
Brenton Madison  
Rules Coordinator

**WSR 24-18-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 3, 2024, 9:33 a.m.]

Subject of Possible Rule Making: Repeal of WAC 296-20-12501  
Physician assistant billing procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 51.04.020, 51.04.030, and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They  
Might Accomplish: The purpose of this rule making is to remove the pay  
differential for physician assistants from chapter 296-20 WAC. WAC  
296-20-12501 requires physician assistants to be paid at 90 percent of  
the value listed in the fee schedule for services they perform. This  
differential was put in place when physician assistants were exclu-  
sively supervised by other providers and could not practice medicine  
on their own. With the passage of ESHB 2041, chapter 62, Laws of 2024,  
physician assistants may now practice autonomously in collaborative  
agreements with other providers. Given this change, it no longer makes  
sense to pay physician assistants less than other providers.

Billing procedures are commonly published as part of payment pol-  
icies rather than in WAC sections. No other WAC would be rendered in-  
accurate by the repeal of WAC 296-20-12501. Nothing in this WAC must  
by necessity appear in rule; therefore, it makes the most sense to re-  
peal it in its entirety and move any necessary information physician  
assistants may need to payment policy where it can be explained in  
greater detail and updated to reflect changes.

The department of labor and industries (L&I) will do a separate  
rule making to make any changes related to nonbilling language in  
chapter 296-20 WAC needed to align with ESHB 2041.

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 proposed change will be pre-  
sented to advisory groups, published via the GovDelivery service, com-  
municated to industry organizations by email, and publicized in a let-  
ter to in-network physician assistants. Parties interested in this  
rule change may contact the individual listed below. The public may  
also participate by commenting after the proposal (CR-102) is filed 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 Marc Hobbs, L&I, Health Services Analysis, Insurance Serv-  
ices, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-4244, fax  
360-902-4249, email Marc.Hobbs@Lni.wa.gov.

Additional comments: For information about L&I rule making, visit  
the Rulemaking Activity website [https://www.lni.wa.gov/rulemaking-  
activity](https://www.lni.wa.gov/rulemaking-activity).

September 3, 2024  
Joel Sacks  
Director

**WSR 24-18-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed September 3, 2024, 12:46 p.m.]

Subject of Possible Rule Making: New chapter 388-842 WAC, sections from chapters 388-825, 388-828, and 388-845 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 sections from chapters 388-825, 388-828, and 388-845 WAC to align with home and community-based services (HCBS) waiver amendments approved by the Centers for Medicare and Medicaid Services (CMS). Some of these amendments, as well as new chapter 388-842 WAC, are necessary to implement RCW 71A.12.380, which directs DSHS to seek waiver-enrollment eligibility approval from CMS for individuals under RCW 71A.12.370. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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

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

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

September 3, 2024  
Katherine I. Vasquez  
Rules Coordinator

**WSR 24-18-106  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed September 3, 2024, 2:14 p.m.]

The Washington state patrol hereby withdraws the CR-101 for a new chapter in Title 446 WAC, work zone speed safety camera, filed on October 3, 2023, as WSR 23-20-109.

Kimberly Mathis  
Rules Coordinator

**WSR 24-18-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed September 3, 2024, 3:09 p.m.]

Subject of Possible Rule Making: New chapter to Title 446 WAC, work zone speed safety camera systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.63.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sections 1-3, chapter 17, Laws of 2023 (ESSB 5272); and sections 1-4, chapter 308, Laws of 2024 (SSB 6115), require the Washington state patrol to adopt rules related to the enforcement and adjudication of speed violations including, but not limited to, notice of infraction verification and issuance authorization, and determining which types of emergency vehicles are exempt from being issued notices of infraction under the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: Agency review; WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email [Kimberly.mathis@wsp.wa.gov](mailto:Kimberly.mathis@wsp.wa.gov), website [wsp.wa.gov/rules-development/](http://wsp.wa.gov/rules-development/).

September 3, 2024  
John R. Batiste  
Chief

WSR 24-18-109

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE LOTTERY

[Filed September 3, 2024, 3:20 p.m.]

Subject of Possible Rule Making: Washington's lottery (lottery) is considering revisions to chapter 315-38 WAC, Mega Millions. The lottery is proposing amendments to this chapter in order to make changes consistent with the upcoming game changes by the Mega Millions Consortium, which controls the operation of this multistate game.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules will not be consistent with the Mega Millions Consortium's changes to the multistate game after April 2025.

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 lottery will use a collaborative rule-making process to develop the proposed rules. The lottery will post draft rules on its website and notify interested parties of the opportunity to provide informal comments. Staff will evaluate informal comments prior to proposing the rule for adoption. Formal comments will be taken in writing during the formal comment period and in person at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristi Weeks, P.O. Box 4300, Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email KWeeks@walottery.com, website www.walottery.com.

September 3, 2024  
Kristi Weeks  
Director of Legal Services

WSR 24-18-115  
PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE  
SCHOOL FOR THE BLIND

[Filed September 4, 2024, 8:09 a.m.]

Subject of Possible Rule Making: Practice and procedure for student disciplinary proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(16), 72.40.022(15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update chapter 72-108 WAC regarding the practices and procedures for student disciplinary proceedings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington office of superintendent of public instruction.

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 Scott McCallum, 2214 East 13th Street, Vancouver, WA 98661, phone 360-947-3301, fax 360-737-2120, email scott.mccallum@wssb.wa.gov, website www.wssb.wa.gov.

September 4, 2024  
Scott McCallum  
Superintendent

**WSR 24-18-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE**  
**SCHOOL FOR THE BLIND**

[Filed September 4, 2024, 8:33 a.m.]

Subject of Possible Rule Making: Student code of conduct and student disciplinary procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(16), 72.40.022(15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the Washington state school for the blind's student conduct code, chapter 72-120 WAC, into compliance with a new final rule issued by the United States Department of Education pursuant to its authority under Title IX of the Education Amendment of 1972 and to update other provisions of the student conduct code to reflect current issues and needs of the school and its students. Additionally, rule changes are needed to update the student conduct code for consistency with the office of superintendent of public instruction's (OSPI) rules, chapter 392-400 WAC, regarding student discipline.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Title IX of the Education Amendments of 1972; OSPI.

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 Scott McCallum, Superintendent, 2214 East 13th Street, Vancouver, WA 98661, phone 360-947-3301, fax 360-737-2120, email [scott.mccallum@wssb.wa.gov](mailto:scott.mccallum@wssb.wa.gov), website [www.wssb.wa.gov](http://www.wssb.wa.gov).

September 4, 2024  
Scott McCallum  
Superintendent



WSR 24-18-120

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed September 4, 2024, 9:39 a.m.]

Subject of Possible Rule Making: WAC 308-101-240 Clarifying probation guidelines and terms in habitual traffic offender matters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 308-101-240 Probation in habitual traffic offender matters. Update will better define the expected duration of the probation period, along with terms and conditions for probation for habitual traffic offenders upon reinstatement to remain in effect. Correction of WAC 308-101-240(1) is needed to address the minimum duration of the probation period; correction to subsections (2) and (2)(a) to clearly define the criteria for violations of the probation or stay agreement.

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 Colton Myers, 1125 Washington Street S.E., Olympia, WA 98504, 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 Marta Reinhold, 1125 Washington Street S.E., 4th Floor E, Olympia, WA 98504, phone 360-664-1488, fax 360-570-4950, email [mreinhold@dol.wa.gov](mailto:mreinhold@dol.wa.gov), website [hearings@dol.wa.gov](http://hearings@dol.wa.gov).

September 4, 2024

Ellis Starrett

Rules and Policy Manager

**WSR 24-18-121**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed September 4, 2024, 9:42 a.m.]

Subject of Possible Rule Making: To amend chapter 308-101 WAC to align more closely with chapter 34.05 RCW, Administrative Procedure Act, to define business rules, guidelines, and the process for conducting administrative interviews and formal hearings for financial responsibility and unsatisfied judgment cases with the department of licensing (department).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.29.110, 46.29.280, 46.29.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Administrative interviews, followed by formal hearings, for individuals to contest actions taken by the department based on collision reports where liability insurance was not active or based on court judgments with unsatisfied balances. Chapter 34.05 RCW focuses on adjudicative proceedings provides standard procedures, including eligibility, presiding officers, notice of hearing, hearing procedures, evidence to be reviewed, and decision-making authority.

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 Colton Myers, 1125 Washington Street S.E., Olympia, WA 98504, 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 Marguerite Friedlander, 1125 Washington Street S.E., 4th Floor E, Olympia, WA 98504, phone 360-664-1528, fax 360-570-4950, email [MFriedlandl@dol.wa.gov](mailto:MFriedlandl@dol.wa.gov), website [hearings@dol.wa.gov](mailto:hearings@dol.wa.gov).

September 4, 2024  
Ellis Starrett  
Rules and Policy Manager

**WSR 24-18-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed September 4, 2024, 11:46 a.m.]

Subject of Possible Rule Making: Student code of conduct, chapter 132R-04 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring Big Bend Community College's student conduct code (code) into compliance with a new final rule governing sex discrimination grievance procedures recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Education.

Process for Developing New Rule: Compliance with Department of Education.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Owens, 7662 Chanute Street N.E., phone 509-793-2001, email melindad@bigbend.edu, website www.bigbend.edu.

September 4, 2024

Melinda Owens

Executive Assistant to the President