

WSR 25-11-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed May 7, 2025, 4:25 p.m.]

Subject of Possible Rule Making: Chapter 110-80 WAC, Adoption support program; and all other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 42 U.S.C. § 671-675 and RCW 26.33.340, 74.13A.020, 74.13A.030, 74.13A.040, 74.13A.045, 74.13A.047, 74.13A.060, 74.13A.075, 74.13A.084, 74.13A.100, and 74.15.020; 45 C.F.R. § 1356.40 and RCW 74.13A.020(1), 74.13.109, and 74.13.031; section 202(8), chapter 371, Laws of 2002; and 42 U.S.C. 671-675.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The partnership, prevention, and services division of the department of children, youth, and families is revising adoption support, chapter 110-80 WAC, to reflect federal law requirements which prohibit states from granting exceptional cost allowances to adoptive parents for child care costs as well as exceptional foster care rates. These revisions will also include general housekeeping edits and other updates to align with current practice.

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 Lindsay Rajic, phone 425-463-6974, email Lindsay.rajic@dcyf.wa.gov, website www.dcyf.wa.gov; or Nicole Clark, phone 360-628-1524, email Nicole.clark@dcyf.wa.gov, website www.dcyf.wa.gov.

May 7, 2025
Brenda Villarreal
Rules Coordinator

WSR 25-11-010
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed May 8, 2025, 1:22 p.m.]

Subject of Possible Rule Making: WAC 182-532-510 Family planning only program—Eligibility; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending this rule to expand eligibility for family planning only coverage to people age 26 and younger who are confidentially seeking those services. The agency filed emergency rules under WSR 25-11-008 to make the change effective May 8, 2025. During this review, the agency may identify additional related changes that improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Sheldon Prante, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0752, fax 360-586-9727, TRS 711, email Sheldon.prante@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 8, 2025
Wendy Barcus
Rules Coordinator

**WSR 25-11-020
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 12, 2025, 4:08 p.m.]

The home and community living administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 23-21-034 on October 6, 2023 (chapters 388-76, 388-78A, 388-97, and 388-107 WAC), regarding background checks. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 25-11-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 14, 2025, 11:31 a.m.]

Subject of Possible Rule Making: SECURE Act 2.0; Roth catch-up contributions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Beginning in January 2026, Section 603 of the SECURE Act 2.0 requires participants who are high-wage earners under the Internal Revenue Service wage threshold to make any age 50 plus catch-up contributions on a post-tax basis through Roth instead of on a pretax basis. The department of retirement systems (DRS) must carry out rule making to align its rules with this requirement.

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, DRS, 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.

May 14, 2025
Bianca Stoner
Rules Coordinator

WSR 25-11-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
[Filed May 15, 2025, 10:59 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering amending and adding new sections to the following chapters and associated sections:

Chapter 388-76 WAC, Adult family home minimum licensing requirements: WAC 388-76-10000 Definitions, 388-76-10164 Background checks—Results—Duty to inform, and 388-76-10161 Background checks—Who is required to have.

Chapter 388-78A WAC, Assisted living facility licensing rules: WAC 388-78A-2020 Definitions, 388-78A-2465 Background check—Results—Inform, and 388-78A-2462 Background checks—Who is required to have.

Chapter 388-97 WAC, Nursing homes: WAC 388-97-0001 Definitions, [no WAC citation provided] Background check—Results—Inform, and 388-97-1800 Criminal history disclosure and background inquiries.

Chapter 388-107 WAC, Licensing requirements for enhanced services facilities: WAC 388-107-0001 Definitions, 388-107-1210 Background checks—Who is required to have, and 388-107-1240 Background check—Results—Inform.

This rule making may result in adopting new sections of rule. As needed, amendments will also make changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations. Updates to other related rules may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1385, ESHB 1395, and SHB 1490; RCW 18.20.090, 18.51.070, 70.97.230, and 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In alignment with ESHB 1385, ESHB 1395, and SHB 1490, passed during the 2025 Washington state legislative session, DSHS is considering rule making to align with the process requirements for fingerprint-based background checks under the National Crime Prevention and Privacy Compact, integrate streamlined background check requirements for home care agency providers, update definitions, and provide clarity on background checks for rehired employees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS will discuss proposed changes with the Washington state patrol and the facilities, finance, and analytics administration.

Process for Developing New Rule: Negotiated rule making; and collaborative rule making. DSHS invites the public to give input on the draft language for proposed rule changes. More information is available through contacting the residential care services policy unit as provided 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 Lindsey Lozoskie, P.O. Box 45600, Olympia, WA 98504, phone 564-999-0210, fax 360-438-7903, TTY 711 relay service, email rcspolicy@dshs.wa.gov.

May 15, 2025
Katherine I. Vasquez
Rules Coordinator

WSR 25-11-053
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 15, 2025, 5:12 p.m.]

Subject of Possible Rule Making: WAC 181-78A-105; updating WAC language on initial approval of an educator preparation program.

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: The new WAC language will be aligned to the new professional educator standards board educator preparation program approval process.

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.

May 15, 2025
Michael Nguyen
Rules Coordinator

WSR 25-11-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed May 19, 2025, 4:29 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) proposes to amend sections in chapter 388-14A WAC to implement section 1 of EHB 1014 (chapter 272, Laws of 2025), as enacted during the 2025 legislative session, and other related rules as may be necessary. Section 1 of EHB 1014 amends RCW 26.19.065 to increase the self-support reserve from 125 percent of the one-person federal poverty guideline to 180 percent. Section 1 also clarifies that although each child is entitled to a pro rata share of income available for support, the court only applies the pro rata share to the children in the case before the court.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.20.040, 74.20A.055, and 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to implement this legislation to maintain consistency with the RCW.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those wishing to participate in developing the new rules are encouraged to contact Monica Turnbaugh at the department of social and health services (DSHS) DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support>, or on the DSHS economic services administration's policy review website, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. Rule-making forms and draft rules may also be found on the DSHS filings and rules page at <https://www.dshs.wa.gov/office-of-the-secretary/filings-and-rulings>. DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Monica Turnbaugh, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507, phone 360-664-5339, fax 360-664-5342, TTY 1-800-833-6384, email monica.turnbaugh@dshs.wa.gov.

May 19, 2025
Katherine I. Vasquez
Rules Coordinator

WSR 25-11-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 20, 2025, 10:11 a.m.]

Subject of Possible Rule Making: Reporting and classification amendments.

Chapter 296-17 WAC, General reporting rules, audit and record-keeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2026 Reporting and classification amendments: Classification development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified and amendments will not impact employer rates.

As part of this rule making, the department of labor and industries (L&I) intends to review these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Also as part of this rule making, L&I intends to respond to legislation that may require implementation.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, email JoAnne.Attwood@Lni.wa.gov.

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

May 20, 2025
Joel Sacks
Director

WSR 25-11-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 21, 2025, 8:01 a.m.]

Subject of Possible Rule Making: Brief adjudicative proceedings (BAP), expanding applicability to new category types including inter-state compacts. The department of health (department) is considering amending WAC 246-10-501 and 246-11-420 to add specific categories of hearings eligible for BAP. These amendments are intended to streamline the hearing process while maintaining fairness and due process for applicants across programs regulated by the department and its boards and commissions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.40, 34.05.413, 34.05.482, 34.05.485, and 18.130.050; and chapters 18.71B and 18.74 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending WAC 246-10-501 and 246-11-420 to expand the types of categories of hearings eligible for BAP, a streamlined legal process authorized under the Administrative Procedure Act, chapter 34.05 RCW. BAPs are designed to provide due process protections while increasing efficiency and reducing the complexity of administrative hearings. Under RCW 34.05.482, agencies may use BAP when four conditions are met: (1) No violation of law; (2) no need for broader public participation; (3) the matter falls entirely within agency jurisdiction and applicable rules permit BAP; and (4) no statutory requirement for a different process.

Recently, various laws establishing Washington participation in interstate compacts for various provider types have passed. Denials of eligibility may be appealed but do not result in discipline or National Practitioner Data Bank reporting and therefore qualify for BAP. Other legislation involving applications for such things as milk bank certification and 988 crisis call center hub designation have recently passed, the denials of which also would qualify for BAP. The department will consider adding these application determinations as well as pharmacy ancillary utilization plan decisions, and other categories of hearings eligible for BAP.

The department is considering adding additional specific decisions to improve consistency in due process across the agency.

The department previously filed CR-101s on this subject under WSR 21-21-105 (filed October 18, 2021) and 24-08-043 (filed March 24, 2024). These filings will be rescinded in order to consolidate the efforts into a single rule making with expanded scope and improved clarity.

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 Erin Brewster, P.O. Box 47890, Olympia, WA 98504-7890, phone 360-545-7315, TTY 711, email Erin.Brewster@DOH.WA.gov.

Additional comments: If you are interested in this rule making and want to be on the interested parties list, please email Erin.Brewster@doh.wa.gov.

May 20, 2025
Todd Mountin, PMP
Deputy Chief of Policy
for Jessica Todorovich, MS
Acting Secretary of Health

WSR 25-11-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 21, 2025, 9:29 a.m.]

Subject of Possible Rule Making: Volunteer firefighter participation in the state deferred compensation program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 52, Laws of 2025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of retirement systems needs to do rule making to implement chapter 52, Laws of 2025, regarding volunteer firefighter participation in the state deferred compensation program.

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.

May 21, 2025
Bianca Stoner
Rules Coordinator

WSR 25-11-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 21, 2025, 11:06 a.m.]

Subject of Possible Rule Making: School employee post-retirement restrictions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 284, Laws of 2025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under chapter 284, Laws of 2025, certain school employee postretirement employment restrictions will expire on January 1, 2030, instead of expiring on July 1, 2025. This change affects three pension plans: The teachers' retirement system, the school employees' retirement system, and the public employees' retirement system.

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.

May 21, 2025
Bianca Stoner
Rules Coordinator