

WSR 21-20-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 23, 2021, 1:35 p.m.]

Subject of Possible Rule Making: Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers. The department of health (department) is considering creating model rules establishing minimum standards for health equity continuing education (CE) programs for health professions licensed under Title 18 RCW to implement ESSB 5229 (chapter 276, Laws of 2021). The department is also considering adopting the health equity CE requirements for all professions under the secretary's authority.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 18.130.040; ESSB 5229 (chapter 276, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5229 adds a new section to chapter 43.70 RCW to require the rule-making authority for each health profession licensed under Title 18 RCW and subject to CE requirements to adopt rules requiring a licensee to complete health equity CE training at least once every four years. ESSB 5229 also requires the department, in consultation with health profession boards and commissions, to adopt model rules establishing the minimum standards for continuing education programs meeting the requirements of the bill.

The department is considering model rules establishing minimum standards for health equity CE programs to meet the requirements of ESSB 5229. Establishing the minimum standards and content for CE programs in rule will allow for the monitoring and enforcement of conditions that protect patient safety.

To meet the requirements that licensees must complete health equity CE training at least once every four years, the department will also consider adopting a single set of health equity CE rules for all professions under the secretary's authority subject to CE requirements. These professions will have the option to conduct separate rule making to add any profession-specific requirements deemed necessary. Boards and commissions will conduct separate rule making to adopt requirements that allow licensees to complete health equity CE requirements specific to each license type.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services (DSHS). While the department has regulatory authority for home care aides, DSHS has authority for the profession's CE requirements.

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 Nathan Markiewicz, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4887, TTY 711, email nathan.markiewicz@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 GovDeliv-

ery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page.

September 22, 2021
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-20-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 21-08—Filed September 23, 2021, 3:23 p.m.]

Subject of Possible Rule Making: This rule making will consider updates to chapter 173-455 WAC in WAC 173-455-038, 173-455-050, 173-455-100, 173-455-120, 173-455-130, and 173-455-140. Other sections of this chapter may be added to support these revisions, if necessary.

Ecology is considering an update to the permitting fee structure to:

- Achieve full cost recovery for permit issuance.
- Establish a process to revise future new source review (NSR) fees.

Specifically, this rule making will consider the following changes:

- Update the hourly fee rate to reflect the new rate:
 - WAC 173-455-050 Carbon dioxide mitigation fee.
 - WAC 173-455-100 Fee related to reasonably available control technology (RACT).
 - WAC 173-455-120 New source review fee.
 - WAC 173-455-130 Air pollution standards variance fee.
 - WAC 173-455-140 Nonroad engine permit fee.
- WAC 173-455-038: Update to add greenhouse gas reporting fee, found in chapter 173-441 WAC, Reporting of emissions of greenhouse gases.
- WAC 173-455-100:
 - Relocate fee established by RCW 70A.15.2220 for replacement or substantial alteration of control technology to the permit fee section to improve usability.
 - Evaluate whether a flat fee or an updated hourly rate is the appropriate fee for these reviews.
- Update rule language to improve the readability and clarity.
- Update outdated references to chapter 70.94 RCW throughout the rule to chapter 70A.15 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.15 RCW, Washington Clean Air Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates are needed to achieve full cost recovery for permit issuance and to establish a process to revise future NSR fees.

Existing permit fees fund approximately 70 percent of our cost of issuing a NSR permit. The current fees were established based on the hourly rate of an Environmental Engineer 5 (EE5) in 2012.

We are looking to develop a process for establishing the hourly rate so that we are able to make adjustments to ensure the agency fully recovers costs associated with issuing NSR air quality permits. Industry has communicated with ecology that they prefer incremental increases rather than infrequent significant fee increases.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology is also including staff from the solid waste program (industrial section) and nuclear waste program in our rule-making process, as these programs issue air quality permits that are subject to NSR fees. We are also coordinating with our regional offices to ensure successful implementation.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacob Berkey, Department of Ecology, Air Quality Program, P.O. Box 46700, Olympia, WA 98504-7600, phone 360-972-5147, for Washington relay service or TTY 711 or 877-833-6341, email jacob.berkey@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-455>.

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

September 22, 2021
Kathy Taylor
Air Quality Program Manager

WSR 21-20-034
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 27, 2021, 10:45 a.m.]

Subject of Possible Rule Making: WAC 182-550-4300 Hospitals and units exempt from the DRG payment method; 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 agency is amending WAC 182-550-4300(5) to align the rule with the medicaid state plan, which does not have specific time limitations on inpatient withdrawal management services. During this review, the health care authority 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: Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Cynde Rivers, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-5282, fax 360-586-9727, TRS 711, email cynde.rivers@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 27, 2021
Wendy Barcus
Rules Coordinator

WSR 21-20-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed September 28, 2021, 10:43 a.m.]

Subject of Possible Rule Making: WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?

Statutes Authorizing the Agency to Adopt Rules on this Subject: The division of child support (DCS) rule making is authorized under RCW 26.23.110, 34.05.220, 74.08.090, 74.20A.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When establishing administrative support orders, DCS is authorized by law to provide several different types of credits towards a noncustodial parent's support obligation. One such credit is for shelter care, either based on public assistance standards or one-half of the actual shelter payment. These public assistance standards referenced in WAC 388-14A-3375 were established by the community services division in WAC 388-478-0010, which have since been repealed due to legislative changes in the 2020 supplemental budget (ESSB 6168, chapter 357, Laws of 2020) in WSR 20-20-007.

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

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein 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/sesa/rpau/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 distribution 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 Brady Horenstein, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email Brady.Horenstein@dshs.wa.gov.

September 28, 2021
Katherine I. Vasquez
Records Coordinator

WSR 21-20-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Division of Child Support)
[Filed September 28, 2021, 10:47 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) is proposing to amend WAC 388-14A-4300, 388-14A-4301, 388-14A-4302, 388-14A-4303, and 388-14A-4304 to clarify applicable lookback periods and statutes of limitations for daycare expenses under *In re the Marriage of Blackburn*, 12 Wn.App.2d. 798, 460 P.3d 202 (2020). DCS is also considering changes regarding the circumstances in which a daycare overpayment hearing is applicable, various hearing procedures, and how notices are sent by DCS and the office of administrative hearings. DCS may also make other changes as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.19.080, 26.23.035, 26.23.110, 34.05.220, 74.08.090, 74.20A.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to ensure compliance with recent case law regarding the lookback periods and statutes of limitations that apply to claims for daycare expenses that were previously paid. Rules are also necessary to improve efficiencies and clarify daycare-related hearing and notice policies and procedures.

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

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein at the department of social and health services (DSHS) DCS headquarters as soon as possible. Rule-making forms and draft rules may also be found on the DSHS Filings and Rules page at <https://www.dshs.wa.gov/sesa/rpau/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 distribution 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 Brady Horenstein, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email Brady.Horenstein@dshs.wa.gov.

September 28, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-20-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 28, 2021, 11:39 a.m.]

Subject of Possible Rule Making: The department plans to adopt new WAC 388-436-XXXX Pandemic emergency assistance fund (PEAF), and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments planned under this filing will allow for issuance of pandemic emergency assistance funds, a one-time cash payment, to all families with children receiving TANF/SFA or SNAP/FAP whose household income is at or below 75 percent of the federal poverty level. This funding is part of the federal American Rescue Plan Act of 2021 (Title IX, Subtitle C, Sec. 9201), enacted March 2021.

Process for Developing New Rule: The department of social and health services (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 Jennie Fitzpatrick, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-688-6275, fax 360-725-4905, email jennie.fitzpatrick@dshs.wa.gov.

September 28, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-20-057

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed September 28, 2021, 2:47 p.m.]

Subject of Possible Rule Making: WAC 51-11R-40310 Prohibition on gas fireplaces with continuously burning pilot lights within the 2018 Washington State Energy Code, Residential provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.045, 19.27A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council needs to determine if this prohibition should continue in view of the current unavailability of microchips for components necessary for electronic ignition.

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: Technical advisory group.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krista Braaksma, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9278, email sbcc@des.wa.gov, website sbcc.wa.gov.

September 24, 2021
Andrew S. Klein
Acting Council Chair

WSR 21-20-063
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 29, 2021, 8:10 a.m.]

Subject of Possible Rule Making: Chapter 182-551 WAC, Alternatives to hospital services, Subchapter II—Home health services; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2021-2023 operating budget included a proviso (section 211(65), chapter 334, Laws of 2021) specifying that certain appropriated funds are provided to reimburse social workers as part of the medical assistance home health benefit. The agency is amending home health rules in chapter 182-551 WAC, subchapter II, to include medical social services within the home health program. During the course of this review, health care authority 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: Department of health, Centers for Medicare and Medicaid Services.

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, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Cynthia Rivers, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-5282, fax 360-586-9727, TRS 711, email Cynthia.rivers@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 29, 2021
Wendy Barcus
Rules Coordinator

WSR 21-20-067
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed September 29, 2021, 11:47 a.m.]

Subject of Possible Rule Making: WAC 314-03-XXX Axe throwing at liquor licensed premises. The Washington state liquor and cannabis board (LCB) is considering creating a new rule section and amending or repealing other related rules in Title 314 WAC as necessary to allow the added activity of axe throwing at liquor licensed premises.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Axe throwing has become increasingly popular as an activity that liquor licensed businesses would like to offer to their customers. Beginning in 2018, the LCB licensing division began receiving applications from businesses that either had axe throwing as their primary activity and wanted to add liquor service, or from established liquor licensed businesses that wanted to add axe throwing as entertainment.

More recently, an axe throwing business applied for a liquor license and appealed the LCB licensing division's decision to deny their application. In April 2021, the LCB approved a settlement agreement allowing that specific business to have a liquor license for one year with certain parameters in place, including a safety plan that addresses public health and safety concerns arising at the intersection of axe throwing and alcohol service.

The LCB considers axe throwing at liquor licensed premises to be a high-risk activity with implications for public health and safety. Rules are needed to mitigate safety concerns and maintain public health and safety while allowing axe throwing at liquor licensed premises.

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 Audrey Vasek, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1758, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the LCB website at lcb.wa.gov.

September 29, 2021
David Postman
Chair

WSR 21-20-069
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 29, 2021, 12:48 p.m.]

Subject of Possible Rule Making: WAC 182-535-1270 Oral health connections pilot project; 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 agency is amending these rules to extend the program through December 31, 2023, or until pilot funds are completely dispersed, whichever comes first. Additionally, the agency is removing age limits and dual eligibility exclusions. The enhanced rate will now include an additional adult prophylaxis, an additional fluoride varnish application, two periodic exams and two silver diamine fluoride treatment[s]. During the course of this review, the health care authority 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: The Center[s] for Medicare and Medicaid Services.

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 Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Pixie Needham, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9967, fax 360-586-9727, TRS 711, email pixie.needham@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 29, 2021

Wendy Barcus

Rules Coordinator

WSR 21-20-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 30, 2021, 1:29 p.m.]

Subject of Possible Rule Making: WAC 246-850-030 and 246-850-060, orthotics and prosthetics. The department of health (department) is considering clarifications to examination and course requirements for application and licensure of Washington state orthotists and prosthetists. The department will also update titles, grammar, citations, and other housekeeping items in these two rule sections as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.200.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of a five-year rule review required by RCW 43.70.041 to clarify and simplify regulatory requirements, the department identified sections of rule needing further consideration. This decision was made in consultation with the orthotics and prosthetics advisory committee. Specific topics include clarification of exam and course requirements for initial licensure in WAC 246-850-030 and 246-850-060.

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

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. 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." From there, you may check the box next to one or more of the professions listed.

September 30, 2021
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah MD, MPH
Secretary

WSR 21-20-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 30, 2021, 2:04 p.m.]

Subject of Possible Rule Making: WAC 246-335-510, 246-335-545, 246-335-610, and 246-335-645 in chapter 246-335 WAC, In-home services agencies. The department of health (department) will consider amending requirements for how in-home services agencies perform supervisory visits. This may include permanently adopting some measures used throughout the coronavirus disease 2019 (COVID-19) pandemic, such as expanding the definition of "telemedicine," removing the requirement that supervisory visits must occur during an on-site visit, and other regulatory flexibilities as appropriate. Additionally, the department will consider whether amendments are necessary to align with ESHB 1196 (chapter 157, Laws of 2021), audio-only telemedicine legislation that was passed during the 2021 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.127.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department currently has an emergency rule on this topic, filed August 3, 2021, under WSR 21-16-096. Emergency rules were adopted to continue allowing telemedicine supervisory visits after the end of the COVID-19 declared emergency.

Currently, state and federal waivers effective during the COVID-19 declared emergency allow in-home services agencies additional flexibilities, one of which is the ability to conduct supervisory visits through telemedicine. Once authorizing waivers are discontinued at the end of the declared emergency, this flexibility would end. Given the success of the telemedicine supervisory visits at promoting social distancing, increasing agency efficiency, and allowing supervisors to devote more time to clinical care activities, the department will consider permanent rules adopting this practice. Such amendments may be particularly impactful in rural communities, where vaccination rates are lower and more travel time is required for on-site visits.

Additionally, ESHB 1196, which defines when and how audio-only telemedicine can be used, passed in the 2021 legislative session. The department will consider the impact of ESHB 1196 and whether these sections of chapter 246-335 WAC should be amended to align with new statutory language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will collaborate as appropriate with the health care authority, which is involved with telemedicine reimbursement.

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 John Hilger, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2929, TTY 711, email john.hilger@doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. 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 "Community Health Systems." From there, you may check the box next to one or more of the facility types and programs listed.

September 30, 2021

Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-20-094

PREPROPOSAL STATEMENT OF INQUIRY

STATE BOARD OF EDUCATION

[Filed October 1, 2021, 10:47 a.m.]

Subject of Possible Rule Making: The state board of education (SBE) has proposed amendments to chapters 180-90 and 180-08 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, and make other changes identified during the review of the WAC chapter. The purpose of this rule making on chapters 180-90 and 180-08 WAC is to align the conditions for private school approval to current law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.195.040, 28A.305.130, 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 28A.195.040 states that SBE shall adopt rules regarding the loss of private school approval. This revision is necessary to align the conditions of loss of private school approval to current law. SBE also needs to review and update its rules regarding administrative practices and any additional changes need [needed] to the chapter.

Process for Developing New Rule: Permanent rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6047, fax 360-753-6712, email parker.teed@k12.wa.us, website www.sbe.wa.gov.

October 1, 2021
Randy Spaulding
Executive Director

WSR 21-20-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 5, 2021, 8:38 a.m.]

Subject of Possible Rule Making: Fee increase consideration for elevators under WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider a 5.79 percent fee increase for inspections of conveyances and other elevator program public safety activities. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2022. The current fee levels are not enough to cover current program expenses. A fee increase is needed to ensure the program's revenues match expenditures, otherwise, service levels may need to be reduced.

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and [the] formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimmie Stringfellow, Administrative Assistant, Department of Labor and Industries, Field Services and Public Safety, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-5039, fax 360-902-5292, email Kimmie.Stringfellow@Lni.wa.gov, website <https://lni.wa.gov/licensing-permits/elevators/laws-rules-policies#rule-development>.

October 5, 2021
Joel Sacks
Director

WSR 21-20-124
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 5, 2021, 12:16 p.m.]

Subject of Possible Rule Making: WAC 182-531-1400 Psychiatric physician-related services and other professional mental health services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 2SHB 1325, section (2)(11), chapter 126, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending WAC 182-531-1400 to implement changes directed by the legislature in 2SHB 1325, section (2)(11), chapter 126, Laws of 2021. For mental health diagnostic assessment of children birth through age five, HCA is directed to reimburse providers for up to five sessions per assessment and for travel costs when a session is conducted in a home or community setting. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Christine Cole, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1368, fax 360-586-9727, TRS 711, email christine.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 5, 2021
Wendy Barcus
Rules Coordinator

WSR 21-20-130
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed October 5, 2021, 5:35 p.m.]

Subject of Possible Rule Making: WAC 388-829-0085 and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120; ESHB 1120 (2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend WAC 388-829-0085 and to add new sections to chapter 388-829 WAC. These amendments extend the due dates for providers who are required to complete training and continuing education requirements under chapter 388-829 WAC. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

Process for Developing New Rule: The department of social and health services (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.

October 6, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-20-133
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 6, 2021, 9:33 a.m.]

Subject of Possible Rule Making: Chapter 392-725 WAC, College in the high school programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.290.

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 to reflect recent changes to RCW 28A.600.290 (SHB 1302 (2021)) which established new provisions for eligibility to students in the ninth grade to be able to earn college credit for completing the courses. The statute changes also established new provisions for OSPI to annually determine the maximum per credit tuition fee colleges can charge students based on inflation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WAC 392-725-005 requires that changes to chapter 392-725 WAC be done by joint agreement with OSPI, the state board of community and technical colleges, the Washington student achievement council, and an organization representing the interest of the public baccalaureate institutions. The college of presidents will be the organization that will represent the public baccalaureate institutions. OSPI staff has collaborated with appropriate members of all these agencies, as well as a representative from the Association of Washington School Principals, to work on the proposed revisions to chapter 392-725 WAC.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kim Reykdal, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6168, TTY 360-664-3631, email kim.reykdal@k12.wa.us, website k12.wa.us; or Katherine Mahoney, Executive Director, Strategic Policy and Implementation, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6033, TTY 360-664-3631, email katherine.mahoney@k12.wa.us, website k12.wa.us.

October 6, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction