

WSR 21-23-034
PREPROPOSAL STATEMENT OF INQUIRY
GREEN RIVER COLLEGE

[Filed November 8, 2021, 1:02 p.m.]

Subject of Possible Rule Making: The Department of Education (DOE) issued updated Title IX rules on May 22, 2020, which took effect August 14, 2020. These updated rules incorporate the Title IX regulations by amending Green River College's student conduct code requirements in chapter 132J-126 WAC and repealing chapter 132J-300 WAC, Grievance procedure—Sex discrimination. These rule changes are necessary to maintain compliance with DOE requirements. On August 24, 2021, DOE announced that it will no longer enforce the cross-examination requirement in the 2020 regulations. To comply with training and live hearing requirements in the 2020 federal regulations, the college rule changes also add authority to contract with the Washington office of administrative hearings and other contractors to help with these duties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The rules specified are being added, amended, or repealed under chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To be in compliance with the new federal regulations.

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 Godfrey Drake, 12401 S.E. 320th Street, Auburn, WA 98092, phone 253-833-3397, email gdrake@greenriver.edu.

November 8, 2021
George P. Frasier
Vice President
of College Advancement

WSR 21-23-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 10, 2021, 1:53 p.m.]

Subject of Possible Rule Making: WAC 246-840-990 Fees and renewal cycle, the department of health (department) in consultation with the nursing care quality assurance commission (commission) is considering fee changes for registered nurses, licensed practical nurses, advanced registered nurse practitioners, and nursing technicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060, 18.36A.140, 43.70.110, 43.70.250, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.250 requires that the costs of licensing each profession be fully borne by members of that profession. Rule making is needed to ensure fees cover the costs of licensing the professions. A fee change may be necessary to cover the cost of a database solution to replace an outdated licensing system, for staffing to continue nurse license processing within legislated timelines, and staffing to address increased workload associated with nursing assistants and the long-term care crisis.

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 Shad Bell, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, TTY 711, email ncqac.rules@doh.wa.gov, <https://www.doh.wa.gov/licensespermitsandcertificates/nursingcommission>; or Heather Cantrell, MPA, P.O. Box 47850, Olympia, WA 98540 [98504]-7850, phone 360-236-4637, TTY 711, email HSQAfeerules@doh.wa.gov.

Additional comments: The commission will notify interested parties of rule making by posting information on the department website, the commission website and by use of GovDelivery. Interested parties may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. The commission will hold virtual meetings at varying times to encourage participation.

November 10, 2021
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-23-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed November 10, 2021, 2:43 p.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' (LEOFF) Plan 1 minimum medical and health standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minimum medical and health standards for establishing membership in LEOFF Plan 1 prior to October 1, 1977, are no longer necessary.

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

November 10, 2021
Jilene Siegel
Rules Coordinator

WSR 21-23-072

PREPROPOSAL STATEMENT OF INQUIRY

WESTERN WASHINGTON UNIVERSITY

[Filed November 15, 2021, 11:27 a.m.]

Subject of Possible Rule Making: Chapter 516-35 WAC, Use of university property—Freedom of expression and assembly and chapter 516-36 WAC, Use of university property—Scheduling and general use; WAC 516-24-130 Freedom of expression and prohibited conduct, and 516-52-020 Weapons and armaments prohibited.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update changes in titles, offices, and processes. Update language to be clearer for off-campus users. Update language related to external space use scheduling. Changes in policing laws may impact some of these codes. Other housekeeping changes as needed.

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 Jennifer Sloan, Rules Coordinator, 516 High Street, Old Main 120C, Bellingham, WA 98225-9015, phone 360-650-3117, TTY 1-800-833-6384, email Jennifer.Sloan@wwu.edu, website <https://president.wwu.edu/policy-rules>; or Eric Alexander, Executive Director for Student Engagement, 516 High Street, Viking Union 545, Bellingham, WA 98225-9106, phone 360-650-3451, email Eric.Alexander@wwu.edu.

November 15, 2021
Jennifer L. Sloan
Rules Coordinator

WSR 21-23-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 16, 2021, 9:58 a.m.]

Subject of Possible Rule Making: WAC 246-454-010, 246-454-020, 246-454-090, and 246-454-110, Hospitals—System of accounting, financial reporting, budgeting, cost allocation. The department of health (department) is considering amendments to existing rules to implement new requirements in E2SHB 1272. Updates may be needed to ensure that the rules are current and align with best practices. The department will also consider adding a new section to address requirements for clarity and conciseness.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1272 (chapter 162, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1272 addresses many health system transparency topics. Specific to this rule making the bill strives to increase transparency in hospital financial data. Rule making is being considered to implement this portion of E2SHB 1272. The bill requires the department to revise the uniform, hospital financial reporting system to further delineate hospital expenses and revenue, and monies received by federal, state, or local government in response to national or state-declared emergencies. Instructions for hospital financial reporting are provided by the department in the Accounting and Reporting Manual for Hospitals, which may need updates to comply with the new requirements.

To update the manual to reflect additional hospital financial reporting requirements required within E2SHB 1272, the processes associated with how the manual is updated and distributed to hospitals is detailed in rule and would need to be updated to current standards. The department is considering the revision of several rule sections to modernize the rules for hospital reporting including repealing sections of rule and amending language to update the requirements in and the distribution of the Accounting and Reporting Manual for Hospitals. The department will also consider adding a new section to address requirements for clarity and conciseness.

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 Carrie Baranowski, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-4210, fax 360-236-2830, TTY 711, email HOS@doh.wa.gov.

Additional comments: Interested parties will be notified and kept updated throughout the rule-making process through GovDelivery and already established email lists. Interested parties will be invited to participate in rules workshops, provide comments at the proposal stage, and attend the public hearing. Join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

November 15, 2021
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-23-099
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 17, 2021, 7:40 a.m.]

Subject of Possible Rule Making: WAC 182-501-0215 Wraparound with intensive services (WISE); 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 revising this rule to remove the restriction that the WISE program only applies to medicaid clients and add language to clarify the program is for those clients eligible for coverage under WAC 182-505-0210. 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 services (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Annette Schuffenhauer, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1254, fax 360-586-9727, TRS 711, email Annette.schuffenhauer@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 17, 2021
Wendy Barcus
Rules Coordinator

WSR 21-23-101

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE UNIVERSITY

[Filed November 17, 2021, 8:07 a.m.]

Subject of Possible Rule Making: The university is updating the rules regarding standards of conduct for students, chapter 504-26 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments modify, clarify, and update the university's standards of conduct for students, specifically the rules regarding evidence in student conduct proceedings.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, fax 509-335-3969, email prf.forms@wsu.edu, website <http://policies.wsu.edu/prf/index/wac/>.

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

November 17, 2021
Deborah L. Bartlett, Director
Office of Procedures, Records, and Forms
and University Rules Coordinator

WSR 21-23-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 21-01—Filed November 17, 2021, 8:37 a.m.]

Subject of Possible Rule Making: The Washington department of ecology (ecology) plans to develop new chapter 173-337 WAC, Safer products restrictions and reporting, aiming to reduce toxic chemicals in consumer products.

Ecology plans to conduct this rule making to:

- Reduce the use of priority chemicals in priority consumer products.
- Develop chapter 173-337 WAC in accordance with the regulatory actions outlined in the final report to the legislature. Ecology will submit by June 1, 2022.

Ecology could restrict the manufacture or sale of a chemical in a product, or require manufacturers to report a chemical in a product. Ecology could also adopt a rule that includes:

- Allowances for:
 - Pre- and post-consumer recycled content.
 - Products currently in the chain of commerce - available for purchase or stockpiled.
- Chemical concentration limits.
- Compliance schedules.
- Exclusions.
- Use of safer chemicals or reformulations.
- Other requirements or restrictions allowed by law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.350 RCW, Toxic pollution.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Steady releases of chemicals from millions of consumer products make up the largest source of toxics [toxins] entering Washington's environment. Toxic chemicals in consumer products can expose people:

- Directly from items such as personal care products, furniture, and household products.
- Indirectly from their environment - air we breathe, water we drink, and food we eat.

To address this, as ecology develops chapter 173-337 WAC, ecology plans to develop rules that could potentially:

- Reduce the use of toxic chemicals in products by restricting those chemicals when ecology identifies safer, available, and feasible alternatives. This will help:
 - Reduce consumers' exposure to toxic chemicals.
 - Reduce the amount of toxic chemicals that enter the environment.
- Increase product ingredient transparency.
- Encourage changes in the broader marketplace, both nationally and internationally.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency regulates toxic chemicals through the Toxic Substance Control Act. Many states regulate chemicals in consumer prod-

ucts or have proposed regulations. Ecology will consider these regulations when developing requirements and will coordinate with these agencies as necessary.

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 Stacey Callaway, Department of Ecology, Hazardous Waste and Toxics Reduction Program, Olympia, WA, phone 360-407-7018, for Washington relay service or TTY call 711 or 877-833-6341, email SaferProductsWA@ecy.wa.gov, website www.ecology.wa.gov/saferproductsrule; or Cheryl Niemi, Department of Ecology, Hazardous Waste and Toxics Reduction Program, Olympia, WA, phone 360-407-6850, email SaferProductsWA@ecy.wa.gov.

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.

November 16, 2021
Darin Rice
Program Manager
Hazardous Waste
and Toxics Reduction

WSR 21-23-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed November 17, 2021, 10:22 a.m.]

Subject of Possible Rule Making: The department is planning to adopt chapter 388-439 WAC, Pandemic EBT (P-EBT) program, to include WAC 388-439-0005 What is the pandemic EBT program?, 388-439-0010 Eligibility of pandemic EBT benefits for the 2020-2021 school year, 388-439-0015 General information about pandemic EBT benefits, 388-439-0020 Eligibility of pandemic EBT benefits for children under age six, 388-439-0025 Eligibility of pandemic EBT benefits during the 2021 summer period; and create or amend other related rules as appropriate.

Existing emergency rules related to this filing are in place under WSR 21-08-010 and 21-16-017.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned adoption of these rules support implementation of the P-EBT program for eligible children who do not have regular access to free or reduced-price school meals or childcare meals due to limited on-site learning or attendance in any school year in which there is a federal public health emergency designation (as allowed under Section 1101 of H.R. 6201, Families First Coronavirus Response Act, as amended by Section 1108 of H.R. 1319, American Rescue Plan of 2021).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

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 Ivette Dones-Figueroa, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-3812, fax 360-725-4904, email

ivette.dones-figueroa@dshs.wa.gov; or Troy Burgess, Program Manager,
Economic Services Administration, Community Services Division, P.O.
Box 45470, Olympia, WA 98504-5470, phone 360-584-5162, fax
360-725-4904, email troy.burgess@dshs.wa.gov.

November 17, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-23-110
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 17, 2021, 11:12 a.m.]

Subject of Possible Rule Making: Add sections to Title 392 WAC concerning withholding distribution of certain apportionment funds to school districts and other local education agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220, 28A.150.290, 28A.300.040, 28A.505.120, 28A.642.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is intended to establish terms and conditions for withholding state basic education apportionment allocations when a school district is found to be willfully noncompliant with certain state laws and rules.

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended 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 Katherine Mahoney, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504, phone 360-764-0780, TTY 360-664-3631, email Katherine.mahoney@k12.wa.us, website k12.wa.us.

November 17, 2021
Chris P. S. Reykdahl
State Superintendent
of Public Instruction