

**WSR 22-21-002
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:14 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-22-128 on November 7, 2018 (WAC 388-96-905), regarding the "case mix accuracy review of MDS nursing facility resident assessments."

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-003
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:15 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 14-06-081 on March 3, 2014 (WAC 388-96-786), regarding the update of language regarding the adjustment of the pay for performance add-on.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-004
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:18 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 09-15-163 on July 21, 2009 (chapter 388-710 WAC), regarding implementing changes associated with the development of a "block grant" funding mechanism.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-005
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:19 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 15-06-057 on March 3, 2015 (chapter 388-106 WAC), regarding the new freedom program.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-006
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:21 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 15-05-078 on February 18, 2015 (WAC 388-106-1000 through 388-106-1055), regarding private duty nursing.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-007
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:22 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 14-08-070 on March 31, 2014 (chapter 388-106 WAC), regarding Health-Path WA.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-008
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:24 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 16-01-078 on December 14, 2015 (chapter 388-71 and 388-113 WAC), regarding clarifying and consolidating rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability determinations for home and community services, residential care services, and the developmental disabilities administration.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-009
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:25 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 16-13-153 on June 22, 2016 (chapter 388-71 and 388-113 WAC), regarding clarifying and consolidating rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability determinations for home and community services, residential care services, and the developmental disabilities administration.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-010
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:27 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-06-103 on March 7, 2018 (WAC 388-412-0040), regarding getting benefits replaced.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-011
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:28 p.m.]

The economic services administration requests the withdrawal of Preproposal statement of inquiry notice filed as WSR 18-07-077 on March 19, 2018 (chapter 388-14A WAC), regarding child support when paternity is not an issue and support establishment.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-012
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:30 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 11-22-107 on November 2, 2011 (Title 388 WAC), regarding Rosa's Law changing "mental retardation" to "intellectual disability."

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-013
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:31 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 19-03-011 on January 3, 2019 (chapter 388-845 WAC), regarding changing "community access" to "community inclusion."

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-014
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:32 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 19-19-040 on September 12, 2019 (chapter 388-829A WAC), regarding "alternative living."

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-015
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:34 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 08-19-052 on September 11, 2008 (chapter 388-826 WAC), regarding the voluntary placement program.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-016
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:37 p.m.]

The behavioral health administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 19-15-073 on July 17, 2019 (WAC 388-855-0045), regarding "exempt income."

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-017
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:40 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 14-05-100 on February 19, 2014 (chapters 388-400, 388-442, 388-444, and 388-450 WAC), regarding the Federal Agriculture Reform and Risk Management Act of 2014 involving the supplemental nutrition assistance program and the food assistance program.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-018
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 5, 2022, 2:42 p.m.]

The department of social and health services (DSHS) requests the withdrawal of preproposal statement of inquiry notice filed as WSR 08-12-067 on June 3, 2008 (chapter 388-03 WAC), regarding updating references to units within DSHS that have been reorganized and re-named, changing time frames for mailing notification letters to applicants, and reviewing the chapter for other outdated information and necessary changes.

Katherine I. Vasquez
Rules Coordinator

WSR 22-21-025
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed October 6, 2022, 8:54 a.m.]

Subject of Possible Rule Making: The state board of education (SBE) is reviewing chapter 180-51 WAC, High school graduation requirements, to implement recently passed legislation, correct references to law, and improve readability of the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.090, 28A.150.220(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SBE is reviewing chapter 180-51 WAC to make changes as necessary to implement recently passed legislation.

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

Process for Developing New Rule: SBE will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Linda Drake, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6025, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov.

October 3, 2022
Randy Spaulding
Executive Director

**WSR 22-21-026
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed October 6, 2022, 9:00 a.m.]

The Washington state board of education rescinds [withdraws] WSR 22-05-009 filed on February 3, 2022, that lists the subject of rule making as chapter 180-16 WAC, State support of public schools; and chapter 180-18 WAC, Waivers or restructuring purposes.

Randy Spaulding, Ph.D.
Executive Director

WSR 22-21-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 22-07—Filed October 10, 2022, 8:53 a.m.]

Subject of Possible Rule Making: To protect the residents, visitors, air, water (both potable and nonpotable), and soil of Washington state, environmental laboratories provide sample analysis of various matrices that investigate, measure, and/or monitor for known, or suspected, harmful environmental pollutants. Washington state laboratory accreditation is required to assure [ensure] that the laboratory submitting data to the state has demonstrated their ability of producing accurate and defensible analytical data.

Washington state department of ecology developed and codified chapter 173-50 WAC, Accreditation of environmental laboratories, and created the Laboratory Accreditation Unit (LAU) to maximize efficacy of the state, federal, or other relevant regulations. Previous rule making was done to adapt the rule sections and fees as the environmental laboratory industry grew and evolved over time. The last rule making occurred in 2010. Rule making is needed to adjust for increased costs associated with a larger industry and emerging pollutants.

We have two major goals with this rule making:

(1) Add/amend wording in existing sections to increase clarity of accreditation decisions.

(a) For example, codifying targeted requirements from the LAU Procedural Manual, TNI standards, other agency rules, good laboratory practices, etc.

(2) Amend the fee-structure to meet the following objectives:

(a) Account for work that is missing, in part or whole, by the current fee structure. This includes, but is not limited to, mid-year revisions to add/remove parameters, mid-year revisions for a laboratory to correct issues from a previous renewal or audit, when laboratories ask for direct assistance to help gain/maintain accreditation or troubleshoot issues, and laboratories that request accreditation but are unable to complete the accreditation process.

(b) The premise is for the LAU to be cost-neutral upon initial roll-out of the revised rule, and can remain so in the future without requiring rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.21A RCW, environmental certification programs.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The following challenges are the most critical for the rule making to address:

- Our current rule has gaps that prevent some necessary accreditation recommendations/actions from having codified standards that we can use as reference. Without this regulatory support, the LAU is unable to correct issues that can/did lead to harm on either the citizens or environment of Washington state.
- Currently, the LAU is unable to keep cost-neutral from the fee structure. The fee structure is no longer able to cover the work that has steadily increased and gained complexity since the last rule making that implemented the current fees.
- The fee structure is only applicable once accreditation has been granted either initially or during the renewal process. The fee structure does not cover the work performed in unsuccessful or prolonged accreditations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under a memorandum of understanding with the Washington department of health, the LAU administers accreditation for laboratories analyzing public drinking water samples.

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 Ryan Zboralski, Department of Ecology, Environmental Assessment Program, 300 Desmond Drive S.E., Lacey, WA 98503, phone 360-764-9364, Washington relay service or TTY 711 or 877-833-6341, email rzbo461@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-50>.

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.

October 10, 2022
Annette Hoffmann
Environmental Assessment Program Manager

WSR 22-21-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 11, 2022, 11:54 a.m.]

Subject of Possible Rule Making: The department is considering changes to recreational clam and oyster harvest seasons. Rules and updates to beach designations according to shellfish pest status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.60.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational harvest opportunity. The department must also maintain up-to-date shellfish restricted areas to prevent the spread of pest infestations harmful to shellfish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). The Washington department of fish and wildlife works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

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 Kelly Henderson, voicemail comments 855-925-2801, project code 6666, TTY 1-800-833-6388 or 711, email clamoyster2023@PublicInput.com, website <https://publicinput.com/clamoyster2023>; or Camille Speck, Intertidal Bivalve Manager, 375 Hudson Street, Port Townsend, WA 98368, phone 360-302-3030 ext. 313, fax 360-302-3030, email Camille.speck@dfw.wa.gov.

Additional comments: Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov.

October 11, 2022
Chris Fredley
for Annie Szvetecz
Rules Analyst [Coordinator]

WSR 22-21-047
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket T-220252—Filed October 11, 2022, 12:11 p.m.]

Subject of Possible Rule Making: ***This is an amended version of the original CR-101 submitted to the code reviser's office on July 15, 2022. The amendment allows additional rule making related to motor common carrier and nonprofit transportation provider surplus lines insurance rules.** The purpose of this rule making is to consider revisions to insurance and safety regulations governing the operation of motor common carriers, household goods carriers, auto transportation companies, nonprofit transportation providers, charter party and excursion service carriers, and solid waste collection companies in chapters 480-14, 480-15, 480-30, 480-31, and 480-70 WAC. This rule making is recorded as Docket T-220252 at the utilities and transportation commission (UTC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.01.010, 81.04.160, 81.68.030, 81.70.270, 81.77.030, 81.80.130, 81.80.140, 81.80.290, and 34.05.365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To address inconsistencies between UTC's motor carrier safety rules, the Washington state patrol's (WSP) rules in Titles 204 and 446 WAC, and Title 49 C.F.R. governing the passenger, household goods, and solid waste transportation industries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: UTC adopts by reference several parts of Title 49 C.F.R. The Federal Motor Carrier Safety Administration (FMCSA) and WSP also utilize parts of Title 49 C.F.R. to establish and enforce safety regulations on public highways in the state of Washington. UTC partners with FMCSA, as well as WSP, to ensure intrastate regulated companies comply with all required safety standards.

Process for Developing New Rule: UTC will ask for initial written comments on the CR-101 by August 15, 2022, and will conduct a stakeholder workshop on October 11, 2022. During and after the rule making, UTC will consider interested parties' input and prepare draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amanda Maxwell, Executive Director and Secretary, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1160, fax 360-586-1150, website www.utc.wa.gov.

October 11, 2022
Amanda Maxwell
Executive Director and Secretary

**WSR 22-21-055
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 12, 2022, 10:22 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for WAC 308-80-010(4) filed as WSR 21-22-078 on November 1, 2021.

Ellis Starrett
Rules Coordinator

WSR 22-21-056

**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION**

[Filed October 12, 2022, 10:30 a.m.]

Subject of Possible Rule Making: WAC 468-300-080 Fuel surcharge.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 47.56.030 and 47.60.315.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: This rule is needed to amend WAC 468-300-080 related
to the ferry fare fuel surcharge for Washington state ferries (WSF).
Amendments are expected to include: (1) Adding an approval for the
fuel surcharge, and (2) updating the formula to reflect current WSF
fuel purchasing practices.

Other Federal and State Agencies that Regulate this Subject and
the Process Coordinating the Rule with These Agencies: The other agen-
cy that regulates this subject is the Washington state department of
transportation as the operator of the ferry system. The Washington
state transportation commission works closely, and coordinates with
the Washington state department of transportation in administering the
surcharge calculation, developing fare setting proposals, and for car-
rying out the rule-making process for making ferry fare adjustments.

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 Transportation Commission, P.O. Box 47308, Olympia, WA
98504-7308, phone 360-705-7070, fax 360-705-6802, email
transc@wstc.wa.gov, website <http://www.wstc.wa.gov>.

October 10, 2022
Reema Griffith
Executive Director

WSR 22-21-057
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed October 12, 2022, 10:37 a.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-878 WAC to develop rules for a leave of absence, amend the procedures for program removal and program end, and update definitions. The department may add new rules or amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.77.086 and 10.77.088.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the 2022 legislative session, the legislature passed 2SSB 5664, concerning forensic competency restoration programs. This legislation made changes to the outpatient competency restoration program procedures and requirements. These rules are necessary to implement the legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority will be a partner in the development of these rules.

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 Emma Palumbo, P.O. Box 45050, Olympia, WA 98504-5050, phone 360-972-6214, email emma.palumbo@dshs.wa.gov.

October 12, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-21-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed October 12, 2022, 1:43 p.m.]

Subject of Possible Rule Making: WAC 332-150-030 Filing and recording fees for survey maps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule is being modified to revise the filing and recording fee to appropriately fund the public land survey office (PLSO) surveys and maps program within the department.

Process for Developing New Rule: Full 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 Patrick J. Beehler, Land Survey Manager, 1111 Washington Street S.E., Olympia, WA 98504-7030, phone 360-902-1181, fax 360-902-1778, email Pat.Beehler@DNR.WA.Gov.

Additional comments: Notice of proposed rule change will be distributed by PLSO to stakeholders.

Duane Emmons
Acting Deputy Supervisor for State Uplands

WSR 22-21-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 13, 2022, 9:47 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-450-0015 What types of income are not used by the department to figure out my benefits?, 388-470-0045 How do my resources count towards the resource limits for cash assistance?, 388-470-0055 How do my resources count towards the resource limit for basic food?, 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, 74.04.300, 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 amendments will clarify how the new working families tax credit will be treated for purposes of cash and food assistance eligibility.

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 Gary Fryer, P.O. Box 45470, Olympia, WA 98504-5470, phone 253-720-5306, fax 360-478-6960, email gary.fryer@dshs.wa.gov; or Rocio Loera, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-480-5477, email rocio.loera@dshs.wa.gov.

October 13, 2022
Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-074
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:26 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 11-07-092 on March 22, 2011 (chapter 388-551 WAC, Subchapter I), regarding hospice services.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-075
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:28 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 10-18-097 on September 1, 2010 (chapter 388-548 WAC), regarding federally qualified health centers.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:32 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 11-09-057 on April 18, 2011 (WAC 388-505-0210 and 388-542-0011), regarding apple health for kids and other children's medical assistance programs and order of payments under the premium-based apple health for kids program as funded by Title XXI of the Social Security Act.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-078
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:34 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 10-20-165 on October 6, 2010 (chapter 388-505, 388-530, 388-532, and 388-533 WAC), regarding family medical, prescription drugs, reproductive health/family planning/~~TAKE CHARGE~~ and maternity-related services.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-079
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:35 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 09-13-099 on June 17, 2009 (chapter 388-552 WAC), regarding oxygen and respiratory therapy services.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-080
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:36 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 07-03-055 on January 12, 2007 (WAC 388-533-0390), regarding breaking WAC 388-533-0390 into smaller sections, removing SSPS references, changing MAA to the department, clarifying department policy on child-birth education payment as a refresher course, and expanding coverage to include payment for refresher courses.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-081
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:39 p.m.]

The department of social and health services requests the withdrawal of preproposal statement of inquiry notice filed as WSR 07-12-062 on June 4, 2007 (WAC 388-501-0060 and 388-501-0065), regarding correcting errors made in developing the scope of covered services chart.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-082
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:40 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 09-24-029 on November 23, 2009 (chapter 388-561 WAC), regarding Trusts, annuities, and life estates—Effect on medical programs.

Katherine I. Vasquez
Rules Coordinator

**WSR 22-21-083
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed October 13, 2022, 12:41 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 09-22-045 on October 28, 2009 (chapter 388-513 and 388-515 WAC), regarding Client not in own home—Institutional medical and Alternative living—Institutional medical.

Katherine I. Vasquez
Rules Coordinator

WSR 22-21-091
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 14, 2022, 1:29 p.m.]

Subject of Possible Rule Making: WAC 182-508-0005 Washington apple health medical care services—Eligibility and scope of coverage; 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 182-508-0005 to include individuals residing in "public institutions" (as that term is defined in WAC 182-500-0050) within the population not eligible for state-funded Washington apple health medical care services. The amendment is necessary to ensure that individuals residing in public institutions receiving a new aged, blind, or disabled program cash grant (ESSB 5693, section 205(22), chapter 297, Laws of 2022) do not thereby become eligible for state-funded Washington apple health medical care 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: Washington state department of social and health 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, Rule-Making 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 Dody McAlpine, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-9964, fax 360-586-9727, TRS 711, email dody.mcalpine@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 14, 2022
Wendy Barcus
Rules Coordinator

WSR 22-21-096

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 17, 2022, 11:43 a.m.]

Subject of Possible Rule Making: The employment security department (department), leave and care division, is considering amending several sections of rule to provide additional clarity and improve programmatic operations. Subjects that may be addressed include, but are not limited to, placement, correcting an out-of-date pointer to an RCW, elective coverage eligibility, designated representatives, and employer reporting requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for ongoing programmatic operations. The department is considering new or amended rules that may include the following topics:

- Placement;
- Elective coverage;
- Designated representatives; and
- Employer reporting requirements.

The department may also consider providing additional guidance as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the paid family and medical leave program as authority is granted solely to the department.

Process for Developing New Rule: Collaborative rule making. The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583, TTY Theresa Eckstein, relay 771 [711], 360-507-9890, or teckstein@esd.wa.gov, email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking/.

October 17, 2022
April Amundson
Leave and Care Policy
and Rules Manager, ESPI

WSR 22-21-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 18, 2022, 10:46 a.m.]

Subject of Possible Rule Making: Retirement account correction after retirement or separation from service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify when the department can correct a member's record in cases where the member has been underpaid or overpaid.

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 Rubi Reaume, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504, phone 360-664-7311, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules.

October 18, 2022
Rubi Reaume
Rules Coordinator

WSR 22-21-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 18, 2022, 3:44 p.m.]

Subject of Possible Rule Making: Disclaiming beneficiary benefits.

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: Occasionally a beneficiary decides that they do not want to receive a benefit when a retirement member passes away. This rule will clarify how any disclaimed benefit will pass to other beneficiaries and/or the estate of the deceased.

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 Rubi Reaume, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504, phone 360-664-7311, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules.

October 18, 2022
Rubi Reaume
Rules Coordinator

WSR 22-21-137
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 19, 2022, 8:51 a.m.]

Subject of Possible Rule Making: Chapter 392-335 WAC, Pupils—Uniform entry qualifications. The office of superintendent of public instruction (OSPI) is considering rule making concerning transitional kindergarten.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.225.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: OSPI is considering rule making to revise chapter 392-335 WAC to establish uniform entry qualifications for transitional kindergarten to: (1) Clarify the purpose of transitional kindergarten; and (2) provide regulatory guidelines to districts who choose to implement a transitional kindergarten program under RCW 28A.225.160.

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: 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 Samantha Bowen, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6161, TTY 360-664-3631, email samantha.bowen@k12.wa.us, website k12.wa.us; or Dr. Jon Ram Mishra, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6339, TTY 360-664-3631, email Jon.Mishra@k12.wa.us, website k12.wa.us.

October 19, 2022
Chris P. S. Reykdal
State Superintendent of Public Instruction

WSR 22-21-139
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 19, 2022, 9:00 a.m.]

Subject of Possible Rule Making: Elective high school credit for work experience. Chapter 392-410 WAC, Courses of study and equivalencies; and chapter 392-121 WAC, Finance—General apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.100.

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 elective high school credit for work experience. The rules may clarify implementation requirements for schools and ensure students have access to elective credit. The proposed rule making does not seek to impact or modify laws or rules related to employing youth.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of labor and industries (L&I) provides regulatory guidance related to youth employment. OSPI will consult with L&I throughout the rules process to support consistent communication and guidance related to youth employment related policies.

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 Jill Diehl, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 546-200-4363, TTY 360-664-3631, email jill.diehl@k12.wa.us, website k12.wa.us; or Rebecca Wallace, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-791-4182, TTY 360-664-3631, email Rebecca.wallace@k12.wa.us, website k12.wa.us.

October 19, 2022
Chris P. S. Reykdal
State Superintendent of Public Instruction

WSR 22-21-142
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS

[Filed October 19, 2022, 9:13 a.m.]

Subject of Possible Rule Making: The office of administrative hearings (OAH) is proposing to amend chapter 10-08 WAC containing the model rules of procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.250, 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure that the model rules comply with RCW 34.05.220(5) by being "clearly and simply stated, so that [they] can be understood by those required to comply."

To ensure that the model rules comply with RCW 34.05.250 by being "appropriate for use by as many agencies as possible" and that the rules "deal with all general functions and duties performed in common by the various agencies."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state agencies subject to the Administrative Procedure Act (APA). See RCW 34.05.030 for details on which agencies are excluded from all or part of the APA. The process for coordinating the development of the model rules entails: (1) Gathering information, (2) sharing results, and (3) seeking input.

Process for Developing New Rule: OAH welcomes the public to participate in developing the model rules of procedure under the APA. Anyone interested should contact the staff person identified below. OAH is compiling a list of parties who might be interested in these proposed amendments. At a later date, OAH will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the notice will be sent to everyone on the list of interested parties, as well as anyone who requests a copy. The notice will also be posted on our website at the following web page <https://oah.wa.gov/Content-Area-Management/Rule-Making-Hub/Rulemaking-Activities>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sabiha Malikani Ahmad, Staff Attorney, P.O. Box 42488, Olympia, WA 98504-2488, phone 360-407-2739, fax 360-664-8721, TTY 711, email rulemaking@oah.wa.gov, website <https://oah.wa.gov>.

October 18, 2022

Lorraine Lee

Chief Administrative Law Judge