WSR 23-04-003 PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed January 18, 2023, 4:59 p.m.]

Subject of Possible Rule Making: Chapter 181-82 WAC, Certificate endorsement and assignment of certified personnel.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update WAC language to more closely align with federal quidance regarding special education qualifications.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jisu Ryu, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

> January 17, 2023 Jisu Rvu Rules Coordinator

WSR 23-04-011 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Order 23-02—Filed January 19, 2023, 6:28 p.m.]

Subject of Possible Rule Making: The department is reviewing the status of American white pelican (Pelecanus erythrorhynchos) currently classified as protected; shall not be hunted or fished (WAC 220-200-100 and 220-610-110).

Statutes Authorizing the Agency to Adopt Rules on this Subject:

RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on the information collected and reviewed, the department will make recommendations to classify American white pelican within the protected wildlife WAC (WAC 220-200-100 Protected wildlife and 220-610-110 Endangered, threatened, and sensitive wildlife species classification).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state agencies that regulate these species include the United States Fish and Wildlife Service, National Marine Fisheries Service, United States Forest Service, Bureau of Land Management, Bureau of Reclamation, and Washington department of natural resources. The department will coordinate with appropriate entities during the review period.

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 Eric Gardner, P.O. Box 43200, phone 855-925-2801, project code 9587, fax 360-902-2162, TTY 360-902-2349 or 711, email white-pelican@PublicInput.com, website https://publicinput.com/white-pelican; or Heather Bonagofski, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2512, email heather.bonagofski@dfw.wa.gov.

Assistance for Additional Accessibility and Persons with Disabilities Contact: Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov.

> January 20, 2023 Chris Fredley Acting Agency Rules Coordinator

WSR 23-04-022 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Hearing and Speech) [Filed January 23, 2023, 5:17 p.m.]

Subject of Possible Rule Making: Hearing and speech health equity continuing education. The board of hearing and speech (board) is considering amendments to WAC 246-828-510 Continuing education, and creating new sections to chapter 246-828 WAC to adopt the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, and to consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161, 43.70.040, and 43.70.613.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3)(b) also directed the department of health (department), in consultation with the health profession boards and commissions, to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards on November 23, 2022, under WSR 22-23-167. Any rules developed by the board must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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 Kim-Boi Shadduck, Program Manager, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2912, fax 360-236-2901, TTY 360-833-6388 or 711, email kimboi.shadduck@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board 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 GovDelivery, please visit www.doh.wa.gov, select the "Subscribe" button at the bottom of the page, select "Health Professions," and then select "Board of Hearing and Speech" and any other topics you wish to follow.

> January 23, 2023 Jennifer Santiago Executive Director Office of Health Professions

WSR 23-04-023 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Hearing and Speech) [Filed January 23, 2023, 5:20 p.m.]

Subject of Possible Rule Making: Over-the-counter hearing aids. The board of hearing and speech (board) is considering amending WAC 246-828-100 Hearing instruments fitting and dispensing—Minimum standards of practice, to be consistent with the Food and Drug Administration (FDA) finalized rule regarding the sale of over-the-counter hearing aids. The board may also consider clarifying or technical changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering amendments to WAC 246-828-100 to align with recently adopted FDA rule (21 C.F.R. Parts 800, 801, 808, and 874 (2022)). The federal rule established a new category of "over-the-counter" hearing aid, which will impact the sale, fitting, and dispensing of hearing aids by those licensed under chapter 246-828 WAC.

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

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 Kim-Boi Shadduck, Program Manager, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2912, fax 360-236-2901, TTY 360-833-6388 or 711, email kimboi.shadduck@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board 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 GovDelivery, please visit www.doh.wa.gov, select the "Subscribe" button at the bottom of the page, select "Health Professions," and then select "Board of Hearing and Speech" and any other topics you wish to follow.

> January 23, 2023 Jennifer Santiago Executive Director Office of Health Professions

WSR 23-04-024 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed January 24, 2023, 12:35 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) wants to amend the definition of Indian child in WAC 110-110-0010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090; chapter 13.38 RCW; and 25 U.S.C. chapter 21.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed for the delivery of child welfare services and, more specifically, for the department to better identify when to apply state and federal Indian Child Welfare Acts codified at chapter 13.38 RCW and 25 U.S.C. chapter 21, respectively. This rule making will address issues identified in the court's opinion in Matter of Dependency of Z.J.G., 196 Wn.2d 152, 471 P.3d 853 (2020).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DCYF is coordinating rule development with tribal governments by convening a tribalstate workgroup to inform rule development. Final rules will be the subject of a formal tribal consultation.

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 Robert Smith, 1500 Jefferson Street, Olympia, WA 98504, phone 360-407-1602, email Robert.Smith@dcyf.wa.gov.

> January 24, 2023 Brenda Villarreal Rules Coordinator

WSR 23-04-025 PREPROPOSAL STATEMENT OF INQUIRY BELLEVUE COLLEGE

[Filed January 24, 2023, 1:23 p.m.]

Subject of Possible Rule Making: Chapter 132H-121 WAC, General

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bellevue College plans to repeal WAC 132H-121-020 Hazing. This change is proposed as updates regarding hazing have been made to chapter 132H-126 WAC, Student conduct code of Bellevue College, to be in compliance with Sam's Law (HB [2SHB] 1751).

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nadescha Bunje, 3000 Landerholm Circle S.E., phone 425-564-5669, TTY 425-564-6189, email nadescha.bunje@bellevuecollege.edu, website www.bellevuecollege.edu.

> January 24, 2023 Loreen M. Keller Associate Director Policies and Special Projects

WSR 23-04-027 PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed January 25, 2023, 10:42 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering amending, repealing, and creating rule sections in Title 314 WAC as necessary to allow cannabis, vapor, tobacco, and liquor licensees to use cloud storage options instead of physical, on-premises storage for recordkeeping.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 (cannabis), 70.345.020 (vapor products), 82.24.550, 82.26.220 (tobacco and cigarettes), and 66.08.030 (liquor).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 31, 2022, WSLCB accepted a rule petition related to cloud storage options for recordkeeping. Consistent with RCW 34.05.330 (1)(b), WSLCB is initiating the rule-making process to begin collaboratively engaging with stakeholders and any interested members of the public to explore the possibility of allowing licensees to use cloud storage as a recordkeeping option instead of physical, on-site storage.

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

Process for Developing New Rule: Collaborative rule making. Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daniel Jacobs, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, 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 WSLCB website at lcb.wa.gov.

> January 25, 2023 David Postman Chair

WSR 23-04-036 PREPROPOSAL STATEMENT OF INQUIRY SEATTLE COLLEGES

[Filed January 25, 2023, 2:19 p.m.]

Subject of Possible Rule Making: WAC 132F-121-010 and 132F-121-110, student activities, rights and discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140, 42.56.040, 28B.50.090, and 28B.50.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend WAC to follow the RCW for hazing prevention policy and expanded definitions used, as well as the new state Sam's Law requirements amended in RCW 28B.10.900 from the HB [2SHB] 1751. The amended WAC will include providing hazing awareness and prevention education.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable. Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kurt Buttleman, 1500 Harvard Avenue, Seattle, WA 98122, phone 206-934-4111, email kurt.buttleman@seattlecolleges.edu.

> Kurt R. Buttleman Vice Chancellor for Academic and Student Success

WSR 23-04-044 PREPROPOSAL STATEMENT OF INQUIRY BELLEVUE COLLEGE

[Filed January 26, 2023, 10:28 a.m.]

Subject of Possible Rule Making: Chapter 132H-108 WAC, Practice and procedure and formal hearing rules for contested case hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Housekeeping edits and updates to application process for adjudicative hearings in line with current practices of the college.

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Loreen McRea Keller, 3000 Landerholm Circle S.E., phone 425-564-6155, email loreen.keller@bellevuecollege.edu.

> January 26, 2023 Loreen M. Keller Associate Director Policies and Special Projects

WSR 23-04-053 PREPROPOSAL STATEMENT OF INQUIRY CRIMINAL JUSTICE TRAINING COMMISSION

[Filed January 27, 2023, 9:16 a.m.]

Subject of Possible Rule Making: Creating new WAC to implement HB [ESHB] 1326 (2021) and RCW 43.101.480 that requires training, exemption from trainings, and the certification of medical examiners, coroners, and medical legal investigators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080 and 43.101.480.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establish basic curriculum requirements for certification, establish protocol for notice of hire and separation from an agency to allow to track certification compliance for agencies under RCW 43.101.480, and expand and establish standards per RCW 43.101.480 (4) (a) (meet the recommendations of the national commission on forensic science for certification and accreditation) to include continuing education requirements for continued certification.

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

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 Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 206-793-6332, email Derek.zable@cjtc.wa.gov, website cjtc.wa.gov.

> January 27, 2023 Derek Zable Records Manager

WSR 23-04-056 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:13 p.m.]

Subject of Possible Rule Making: Amending and consolidating nursing assistant rules regarding expired licenses, mandatory reporting, and fees. The department of health (department), in consultation with the nursing care quality assurance commission (commission), is considering adopting the requirements of WAC 246-841-520 Expired license, 246-841-720 Mandatory reporting and 246-841-990 Fees in new chapter 246-841A WAC; and repealing WAC 246-841-520, 246-841-720, and 246-841-990, as part of an update and consolidation of chapters 246-841 and 246-842 WAC into new chapter 246-841A WAC. The department may consider amendments to the existing language of WAC 246-841-520 and 246-841-720. The department does not intend to amend nursing assistant fees in WAC 246-841-990 but may consider technical changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.040, 18.130.050, 18.130.060, 18.130.070, 18.130.175, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering repealing chapters 246-841 and 246-842 WAC and consolidating nursing assistant requirements into new chapter 246-841A WAC. The commission is considering these changes to nursing assistant standards to eliminate duplication, update competencies, and revise program requirements.

The department and commission determined that WAC 246-841-520, 246-841-720, and 246-841-990 are under department authority, and the department must conduct the rule making for these sections. The department previously filed a CR-101 under WSR 22-08-019 in collaboration with the commission so these sections could be included in the commission's revision of chapters 246-841 and 246-842 WAC. However, at the time of filing the CR-101, the department was not aware the commission intended to repeal chapter 246-841 WAC, and did not include WAC 246-841-990, which is also under department authority. To remedy this issue, the department is withdrawing the CR-101 filed under WSR 22-08-019 and filing a new CR-101 that includes WAC 246-841-520, 246-841-720, and 246-841-990.

The department, in collaboration with the commission, also intends to incorporate the requirements of WAC 246-841-520, 246-841-720, and 246-841-990 in new chapter 246-841A WAC, and will repeal from chapter 246-841 WAC. The department may consider amendments to the current language of WAC 246-841-520 and 246-841-720. For WAC 246-841-520, the department is considering clarifying the section being referenced in chapter 246-12 WAC and changing the WAC section number to align with chapter revisions. The department is also considering amending WAC 246-841-720 to adopt mandatory reporting requirements in chapter 246-16 WAC, which pertain to impaired practice and unprofessional conduct. The department does not intend to amend nursing assistant fees in WAC 246-841-990 but may consider technical changes.

Rule making is necessary to bring these sections up-to-date and ensure the rules are clear for the public's safety and well-being.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by

contacting Ross Valore, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4711, TTY 711, email ncqac.rules@doh.wa.gov, website www.doh.wa.gov, nursing.wa.gov.

Additional comments: The department will notify interested parties of rule making by posting information on the department website, the commission website, and by use of GovDelivery. The commission will hold virtual meetings at varying times to encourage participation. Interested parties can join the distribution list at https:// public.govdelivery.com/accounts/WADOH/subscriber/new and by selecting "Health Systems Quality Assurance," "Health Professions," "Nursing Assistant, "and any other lists you wish to join.

> January 27, 2023 Kristin Peterson, JD Chief of Policy for Umair A. Shah, MD, MPH Secretary

Washington State Register, Issue 23-04 WSR 23-04-057

WSR 23-04-057 WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:14 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for WAC 246-841-520 and 246-841-720, which was filed March 25, 2022, and published as WSR 22-08-019.

The department is withdrawing this CR-101 because it intends to repeal chapter 246-841 WAC as part of a rewrite of the regulations governing nursing assistants. WAC 246-841-990 was not included in the initial CR-101 and will need to be opened for the chapter to be repealed.

Individuals requiring information on this rule should contact Ross Valore, policy analyst, at Ross. Valore@doh.wa.gov.

> Tami M. Thompson Regulatory Affairs Manager

WSR 23-04-058 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:19 p.m.]

Subject of Possible Rule Making: Sex offender treatment provider health equity continuing education rules. The department of health (department) is considering amending WAC 246-930-410 Continuing education requirements, to adopt the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613 and ESSB 5229 (chapter 276, Laws of 2021). The department will also consider whether additional CE hours and course topics should be included. The department may also make amendments to update, clarify, and streamline this section as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.155.040, 43.70.040, 43.70.613, 18.130.040; and ESSB 5229.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years. RCW 43.70.613 (3)(b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules in November 2022. Any rules developed for sex offender treatment providers must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brandon Williams, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4611, fax 360-236-2901, TTY 711, email brandon.williams@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 the GovDelivery sex offender treatment provider list to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page. Please go to https://public.govdelivery.com/accounts/WADOH/subscriber/new. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and then click on "Sex Offender Treatment Provider." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

January 27, 2023 Kristin Peterson, JD Chief of Policy for Umair A. Shah, MD, MPH

Secretary

WSR 23-04-060 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:26 p.m.]

Subject of Possible Rule Making: WAC 246-254-053 Radiation machine facility fees. The department of health (department) is considering amending registration and tube fees to cover operating costs. This may include updating or restructuring existing fees or creating new fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110 and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 43.70.250, the secretary of health (secretary) shall, from time to time, establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses (licensees) administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities shall be borne by the persons who hold licenses. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program.

The department has completed an initial assessment of the radiation machine program fiscal resources and determined the program is not generating sufficient revenue to cover the cost of the program over the fiscal planning period. The program is also reviewing machine categories to better align with current classifications and may update or restructure existing fees and may propose new fees for radiation machine facilities. This rule making will not alter or change any professional license fees that radiation professionals currently pay (e.g., radiation technician, radiation technologist). This fee rule applies to facilities that pay registration fees for radiation machine facilities and tube fees for radiation machines.

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

Process for Developing New Rule: The department will use a collaborative rule-making approach by keeping interested parties informed of the rule development through email, and posting information on the department's rule-making websites. Interested parties will have the opportunity to provide comments throughout the rule-making process and at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, email peter.beaton@doh.wa.gov, website www.doh.wa.gov; or Richard Montemarano, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3238, email Richard.Montemarano@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties may receive rule-making notices by signing up for our email list at https://doh.wa.gov/community-and-environment/radiation/e-mail-lists.

January 27, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-04-061 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:33 p.m.]

Subject of Possible Rule Making: WAC 246-282-990 Fees, sanitary control of shellfish. The department of health (department) is considering amending the fees to cover the operational costs of the shell-fish program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110 and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 43.70.250, the secretary of health (secretary) shall, from time to time, establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses (licensees) administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities shall be borne by the persons who hold licenses. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program.

The department has completed an initial assessment of the commercial shellfish program fiscal resources and determined the program is not generating sufficient revenue to cover the cost of the program. Rule making is needed to create or update fees for operator licenses, export certificates, and paralytic shellfish poisoning testing. The department is also considering changing the existing biotoxin fee into an environmental sampling fee that will also cover the cost of *Vibrio* testing. The department may also consider implementing cost recovery mechanisms consistently across operator license categories for harvesters, shippers, and shucker-packers, such as adding a late license renewal fee, reinspection fee, or a noncompliance-driven inspection fee.

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

Process for Developing New Rule: The department will use a collaborative rule-making approach by keeping interested parties informed of the rule development through email and posting information on the department's rule-making websites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dani Toepelt, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3347, email danielle.toepelt@doh.wa.gov, website www.doh.wa.gov; or Peter Beaton, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-4031, email peter.beaton@doh.wa.gov.

Additional comments: Please contact Dani Toepelt or Peter Beaton to be added to the interested parties list to receive rule-making notices.

January 27, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-04-062 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:39 p.m.]

Subject of Possible Rule Making: Chapter 246-490 WAC, Vital statistics and chapter 246-491 WAC, Vital statistics—Certificates. The department of health (department) is considering amending and repealing existing rules and creating new rules related to vital records. The rules may establish registration and amendment requirements for vital records; update or add program processes to align with statutory changes; adopt fees associated with amendment and delayed birth applications; add or adjust fees associated with the issuance of certifications and informational copies; add or remove data items collected in a vital record; expand use of electronic registration of a vital event; make editorial and technical changes to align with statutory changes; and repeal obsolete sections of rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.58A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Three significant statutory changes to vital records caused a need for rule making. First, passage of ESSB 6037 (chapter 6, Laws of 2018), Uniform Parentage Act (UPA), expanded surrogacy rights and duties, included surrogacy in the birth registration process, and recognized the diversity of families and nonbiological parent-child relationships. UPA updates also included broader definitions of the term "parent" and "parentage" to recognize and protect the diversity of families and nonbiological parent-child relationships.

Second, in 2019, the legislature repealed chapter 70.58 RCW and replaced it with chapter 70.58A RCW, Vital statistics, to modernize vital record processes. Chapter 70.58A RCW includes the following new or clarified elements:

- Limits access to certified copies of birth and death records to qualified applicants.
- Gives the department authority to amend vital records and transfer custody of records to state archives.
- Updates references and definitions that reflect the 2018 changes to the UPA.
- Creates a right to appeal some decisions made by the state registrar.

Third, the legislature added a certification of birth resulting in stillbirth through HB 1031 (chapter 55, Laws of 2021) (RCW 70.58A.530). The department created a new certificate that provides families a way to honor stillbirth. The new certificate uses data from the fetal death record and took effect on October 1, 2022.

In addition to statutory changes, the National Center for Health Statistics (NCHS) standards for birth and fetal death record items changed significantly in 2014. The department may also want to align the statistical items collected through vital records with the new NCHS standards. Continual realignment with national standards supports interoperability and the collection of useful data as these standards change over time.

The department's goal is to realign rule with statute and national standards. Changes considered during this rule making will ensure that rule language reflects new and updated program requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of health (board) has rule-making authority over WAC 246-491-029. On November 9, 2022, the board delegated authority to the department. The department will work closely with the board to make sure that any proposed changes maintain the integrity of the rule.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelly Thomson, P.O. Box 47814, Olympia, WA 98504-7814, phone 360-236-2274, TTY 360-833-6388 or 711, email kelly.thomson@doh.wa.gov, website http://www.doh.wa.gov/AboutUs/RuleMaking.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing list-serv and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Kelly Thomson.

January 27, 2023
Kristen Petersen, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-04-064 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:59 p.m.]

Subject of Possible Rule Making: WAC 246-980-100 Examination and reexamination for home care aide certification, in chapter 246-980 WAC, Home care aide rules. The department of health (department) is considering amending WAC 246-980-100 to: (1) Update the home care aide examination process; (2) consider whether the examination must be completed within a certain time period after completing training; and (3) address any other issues identified by the department or interested parties. The department also may consider changes to streamline or clarify the rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.021 and 18.88B.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending WAC 246-980-100 to update examination requirements, update language to align with contractor procedures, and streamline the process where possible.

Additionally, the department is considering how soon after training an applicant must complete the examination. Currently, the rule requires an applicant to complete the examination within two years of completing training. While historically this amount of time has not been problematic, more recently it has contributed to process backlogs. The department plans to discuss this issue with the department of social and health services (DSHS), the regulated community, and other interested parties to balance administrative processes with the health of the profession and the safety of clients and their families.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS shares regulatory authority over home care aides with the department. The department and DSHS are coordinating closely with each other and other interested parties to ensure proposed rules align, meet the needs of the profession, and protect clients and their families.

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 Stacey Saunders, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-2813, TTY 711, email stacey.saunders@doh.wa.gov, website www.doh.wa.gov.

Additional comments: All rule-making notices will be mailed via GovDelivery. To receive notices, interested persons may sign up by going to https://public.govdelivery.com/accounts/WADOH/subscriber/new. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the box next to "Home Care Aides."

> January 27, 2023 Kristen Petersen, JD Chief of Policy for Umair A. Shah, MD, MPH Secretary

WSR 23-04-065 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed January 30, 2023, 9:23 a.m.]

Subject of Possible Rule Making: Retiree return to work rules for some public employees' retirement system (PERS), teachers' retirement system (TRS), and school employees' retirement system (SERS) retirees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To support the implementation of HB [ESHB] 1699 -2021-22, which creates additional opportunities for some retirees of TRS, SERS, and PERS to work for a school district for up to 1,040 hours per school year while in receipt of pension benefits until July 1, 2025. The department of retirement systems expects to create a new WAC and update existing WAC to ensure public servants, public employers, and stakeholders impacted by the legislation understand how the new rules will be implemented.

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

> January 30, 2023 Bianca Stoner Rules Coordinator

WSR 23-04-068 PREPROPOSAL STATEMENT OF INQUIRY BOARD OF ACCOUNTANCY

[Filed January 30, 2023, 11:43 a.m.]

Subject of Possible Rule Making: WAC 4-30-022 What is the board's meeting schedule and how are officers elected?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule change is to provide guidance for resignations, vacancies, and removal of board officers.

Other Federal and State Agencies that Regulate this Subject and

the Process Coordinating the Rule with These Agencies: None.

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, website https://acb.wa.gov/.

> January 30, 2023 Michael J. Paquette, CPA Executive Director

WSR 23-04-074 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Public Employees Benefits Board) [Admin #2023-01—Filed January 31, 2023, 7:51 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-08, 182-12, and 182-16 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC to support the PEBB program.

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: 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 Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/abouthca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

WSR 23-04-075 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Public Employees Benefits Board)
[Admin #2023-02—Filed January 31, 2023, 7:54 a.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement public employees benefits board (PEBB) policy resolutions and make other technical amendments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-08 and 182-12 WAC that may require PEBB policy resolutions to support the PEBB program.

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: 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 Cade Walker, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

WSR 23-04-076 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(School Employees Benefits Board) [Admin #2023-01—Filed January 31, 2023, 7:57 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-30, 182-31, and 182-32 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC to support the school employees benefits board program.

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: 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 Cade Walker, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade. Walker@hca.wa.gov, website www.hca.wa.gov/abouthca/rulemaking; or Stella Ng, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

WSR 23-04-077 PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(School Employees Benefits Board) [Admin #2023-02—Filed January 31, 2023, 8:01 a.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement school employees benefits board (SEBB) policy resolutions and make other technical amendments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-30 and 182-31 WAC that may require SEBB policy resolutions to support the SEBB program.

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: 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 Cade Walker, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Cade.Walker@hca.wa.gov, website www.hca.wa.gov/abouthca/rulemaking; or Stella Ng, P.O. Box 42720, Olympia, WA 98504-2720, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

WSR 23-04-083 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed January 31, 2023, 9:08 a.m.]

Subject of Possible Rule Making: Access to life-saving medication during emergencies in group care settings and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 13.34 and 74.13 RCW; RCW 74.15.030(2), 74.15.311(2), 74.13.032, 13.04.011, 74.13.020, 13.34.030, 74.13.031, 13.34.145, 74.15.311, 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of children, youth, and families needs to amend this rule in order to take enforcement action in the event a licensee doesn't follow this it [rule]; as this rule change could potentially save lives. Due to the rising number of cases of opioid overdoses in our state, including affected foster care children and youth, life-saving medication such as naloxone (Narcan) must be available as an effective way to swiftly reverse the effects of an overdose in group care facilities. In addition, requiring all other life-saving medication (e.g., rescue inhalers, EpiPens, insulin) to be accessible during emergencies will only increase the likelihood of saving lives in group care facilities during medical emergencies.

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 Ann Radcliffe, phone 253-341-2325, email ann.radcliffe@dcyf.wa.gov, website https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate.

January 31, 2023 Brenda Villarreal Rules Coordinator

WSR 23-04-096 PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)
[Filed January 31, 2023, 3:08 p.m.]

Subject of Possible Rule Making: Dental provider health equity continuing education requirements. The dental quality assurance commission (commission) is considering amending WAC 246-817-440 Dentist continuing education requirements and 246-817-445 Dental anesthesia assistant continuing education requirements, to adopt the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The commission will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.022, 43.70.040; ESSB 5229 (chapter 276, Laws of 2021) codified as RCW 43.70.613 and 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted health equity CE model rules on November 23, 2022, under WSR 22-23-167 establishing minimum standards. Any rules developed by the department must meet or exceed the minimum standards found in WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to ensure that health care professionals complete health equity training and that the content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities. The objective of requiring health equity training is to enable health care professionals to care effectively for patients from diverse cultures, groups, and communities, varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 711, email amber.freeberg@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission 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 GovDelivery, please visit www.doh.wa.gov and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click on "Dental List." You may

also check the box next to one or more of the other professions listed to received information related to that specific profession.

January 30, 2023 Lyle McClellan, DDS Chair

WSR 23-04-105 PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed February 1, 2023, 9:50 a.m.]

Subject of Possible Rule Making: The employment security department (department) is engaging in rule making regarding the declaration and ending of public health emergencies during a benefit week.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the department. RCW 50.20.010 defines benefit eligibility conditions for unemployment benefits.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, multiple factors for determining a claimant's eligibility for unemployment benefits are impacted by a declaration of a public health emergency. The department intends to adopt rules to clarify whether a claim is covered by a public health emergency declaration when the public health emergency is enacted or lifted during a benefit week.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website https://esd.wa.gov/newsroom/rulemaking/.

February 1, 2023

Dan Zeitlin
Employment Security Policy Director