

## WSR 23-07-007

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed March 1, 2023, 5:48 p.m.]

Subject of Possible Rule Making: WAC 246-935-060 Eligibility for examination as veterinary technician. The veterinary board of governors (board) is considering amending WAC 246-935-060 to clarify that a board-approved apprenticeship program is a pathway for veterinary technician licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030 and 18.92.128.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In March 2020, Cascade Veterinary Clinic (CVC) and SkillSource/North Central Workforce Development Board (SkillSource) reached out to the board about the shortage of veterinary technicians and the potential of a registered apprenticeship program as a pathway to licensure. Subsequently, CVC and SkillSource presented to the board its apprenticeship education and training program.

From June 2020 through May 2022, the board worked extensively on the development of the program with CVC/SkillSource and a wide variety of interested parties. Ultimately, the board expressed its support of the program to the proponents and the Washington state apprenticeship and training council (WSATC), which registers apprenticeship programs in Washington state. At WSATC's October 2022 meeting, they approved to register the program.

Through its work, the board found that current veterinary technician rule authorizes the board to approve this program under WAC 246-935-060(1): "Applicants must meet one of the following criteria to be eligible for the examination. (1) Completion of an approved postsecondary educational program for animal or veterinary technology." However, the board expressed interest in amending the rules to make it clear that a registered apprenticeship is a board-approved method for an applicant to become eligible for the veterinary technician national exam and licensure. At its December 2022 meeting, the board voted to open rule making for this purpose.

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 Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 711, email [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov), website <https://doh.wa.gov>.

Additional comments: Notices will be emailed through the program's GovDelivery interested parties list. To sign up, please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Under "Health Professions," select "Veterinary Board of Governors" and any other topics you wish. Interested parties will be invited to participate in meetings and rule drafting workshops. At the formal proposal stage of rule making, proposed rule language will be posted on the department of health's rules comments website to receive public comment for the public hearing.

March 1, 2023  
Jennifer Santiago  
Executive Director

**WSR 23-07-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 3, 2023, 8:58 a.m.]

Subject of Possible Rule Making: WAC 182-530-1050 Definitions, 182-530-7100 Reimbursement—Compounded prescriptions, 182-530-7250 Reimbursement—Miscellaneous, 182-530-7900 Drugs purchased under the Public Health Services (PHS) Act, 182-531-0050 Definitions, 182-531-1625 Outpatient hemophilia treatment requirements—Center of excellence, 182-532-001 Reproductive health services—Definitions, 182-532-140 Reproductive health services—Reimbursement and payment limitations, and 182-532-550 Family planning only programs—Payment limitations; 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 health care authority (HCA) is amending these rules to add clarity and provide more detail on program requirements for how fee-for-service drugs must be billed to HCA for providers that are subject to the 340B program requirements. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: HCA 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, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Natalia Oxford Wilson, Program Questions, P.O. Box 45518, Olympia, WA 98504-5518, phone 360-725-1861, fax 360-586-9727, TRS 711, email [natalia.oxfordwilson@hca.wa.gov](mailto:natalia.oxfordwilson@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 3, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-07-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LAKE WASHINGTON**  
**INSTITUTE OF TECHNOLOGY**

[Filed March 3, 2023, 10:22 a.m.]

Subject of Possible Rule Making: WAC 495D-121-320, 495D-121-330, 495D-121-605, and 495D-121-590.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB [2SHB] 1751 requires changes to current anti-hazing policy and process.

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 Dr. Ruby Hayden, 11605 132nd Avenue N.E., Kirkland, WA 98034, phone 425-739-8200, email ruby.hayden@lwtech.edu.

March 2, 2023

Elsa J. Gossett

Director of Planning and Operations

Office of the President

WSR 23-07-018

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed March 3, 2023, 12:24 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They  
Might Accomplish: It is necessary to update WAC to reflect legislative  
changes and to update and clarify procedures.

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 Fina Ormond, P.O. Box 40229, Olympia, WA 98504, phone  
360-902-4146, fax 360-664-4619, email [fina.ormond@sos.wa.gov](mailto:fina.ormond@sos.wa.gov), website  
[sos.wa.gov/elections](http://sos.wa.gov/elections); or Victoria Donahue, P.O. Box 40229, Olympia, WA  
98504, phone 360-725-5788, fax 360-664-4619, email  
[victoria.donahue@sos.wa.gov](mailto:victoria.donahue@sos.wa.gov), website [sos.wa.gov/elections](http://sos.wa.gov/elections).

March 2, 2023

Randy Bolerjack

Deputy Secretary of State

**WSR 23-07-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE**  
**SCHOOL DIRECTORS' ASSOCIATION**

[Filed March 7, 2023, 9:04 a.m.]

Subject of Possible Rule Making: WAC 430-01-060 Requests for public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state school director's association (WSSDA) is seeking to revise WAC 430-01-060 Requests for public records, in order to update based on statute and to further clarify provisions.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey C. Winters, P.O. Box 5248, Lacey, WA 98509, phone 360-878-5989, email k.winters@wssda.org, website www.wssda.org.

Tim Garchow  
Executive Director

WSR 23-07-049

PREPROPOSAL STATEMENT OF INQUIRY

PENINSULA COLLEGE

[Filed March 8, 2023, 4:03 p.m.]

Subject of Possible Rule Making: Chapter 132A-122 WAC, Withholding services for outstanding debts. This WAC needs to be updated to bring it into compliance with state law that prohibits withholding of official transcripts to collect debt.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB [2SHB] 2513 (2020); RCW 28B.10.293.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Students who owe debt to the college can receive copies of their college transcripts.

Process for Developing New Rule: Amending WAC to bring it into compliance with state law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trisha Haggerty, Rules Coordinator, Peninsula College, 1502 East Lauridsen, Port Angeles, WA 98382, phone 360-417-6201, email thaggerty@pencol.edu, website www.pencol.edu.

March 8, 2023  
Trisha Haggerty  
Rules Coordinator

**WSR 23-07-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed March 10, 2023, 11:27 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They  
Might Accomplish: Clarification and refinement of WAC dedicated to  
standardizing procedures for voter intent in ballot marking. Alignment  
of administrative rules with changes to state law.

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: 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 Fina Ormond, P.O. Box 40229, Olympia, WA 98504, phone  
360-902-4146, fax 360-664-4619, email [fina.ormond@sos.wa.gov](mailto:fina.ormond@sos.wa.gov), website  
[sos.wa.gov/elections](http://sos.wa.gov/elections); or Victoria Donahue, P.O. Box 40229, Olympia, WA  
98504, phone 360-725-5788, fax 360-664-4619, email  
[victoria.donahue@sos.wa.gov](mailto:victoria.donahue@sos.wa.gov), website [sos.wa.gov/elections](http://sos.wa.gov/elections).

March 10, 2023  
Randy Bolerjack  
Deputy Secretary of State

**WSR 23-07-064**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Massage)  
[Filed March 10, 2023, 12:57 p.m.]

Subject of Possible Rule Making: WAC 246-830-035 Licensing by endorsement for out-of-state applicants. The board of massage (board), in coordination with the department of health (department), is examining and may consider amending this section of the massage therapist rules related to licensing by endorsement for out-of-state applicants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025, 18.108.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board received two rule-making petitions. One petition is requesting that the board remove the requirement for two years of experience and 24 hours of continuing education in WAC 246-830-035 (1)(a)(ii). The second petition is requesting that the board clarify the language in WAC 246-830-035 (1)(a)(i) to ensure applicants understand that endorsement is tied to the state's licensure requirements, not the program that the applicant completed.

The board is considering amendments to WAC 246-830-035 that would reduce barriers for out-of-state applicants seeking a massage therapy license in Washington state.

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 Megan Maxey, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4945, fax 360-236-2901, TTY 711, email [megan.maxey@doh.wa.gov](mailto:megan.maxey@doh.wa.gov), website [www.doh.wa.gov/massage](http://www.doh.wa.gov/massage).

Additional comments: All notices will be sent to the public through the board's distribution list. Interested parties can join the distribution list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new> by selecting "Health Professions," and then selecting "Board of Massage" and any other lists you wish to join.

March 10, 2023  
Heidi Williams, LMT  
Board of Massage Chair  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-07-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed March 15, 2023, 10:09 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering amending WAC 314-17-015 and repealing, amending, and creating sections in Title 314 WAC or both as necessary to allow Class 13 MAST permit holders, in areas not restricted to minors, to open and pour beer and wine from bottles or cans away from the table.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 (liquor) and 66.20.330 (alcohol servers).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On January 4, 2023, WSLCB accepted a rule petition related to Class 13 permit holders and where they may open and pour beer and wine away from the customer's table. 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, in areas that are not minor restricted, Class 13 permit holders to open and pour beer and wine from bottles or cans away from the table.

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.

March 15, 2023  
David Postman  
Chair

**WSR 23-07-085  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR AND CANNABIS  
BOARD**

[Filed March 15, 2023, 10:17 a.m.]

Consistent with RCW 34.05.335 and WAC 1-21-060, the Washington state liquor and cannabis board is withdrawing its preproposal statement of inquiry (CR-101) filed as WSR 22-18-058 on August 31, 2022, regarding creating new rules, and amending or repealing existing rules regarding cannabis plant canopy, including WAC 314-55-075 and 314-55-010(31).

David Postman  
Chair

WSR 23-07-088

**PREPROPOSAL STATEMENT OF INQUIRY  
BELLINGHAM TECHNICAL COLLEGE**

[Filed March 15, 2023, 2:56 p.m.]

Subject of Possible Rule Making: General revisions and updates to language to chapters 495B-108, 495B-116, 495B-121, 495B-140, 495B-168, 495B-276, 495B-280, 495B-310, and 495B-325 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, employees and visitors clear direction on college processes.

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 Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, website www.btc.edu.

March 15, 2023  
Ronda Laughlin  
Executive Assistant  
Rules Coordinator

**WSR 23-07-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 17, 2023, 10:51 a.m.]

Subject of Possible Rule Making: WAC 182-509-0320 MAGI income—Noncountable income and 182-512-0860 SSI-related medical—Income exclusions under federal statute or other state laws; 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 health care authority (HCA) is amending WAC 182-509-0320 and 182-512-0860 to include the working families' tax credit under RCW 82.08.0206 as income that HCA excludes when determining eligibility for modified adjusted gross income (MAGI)-based Washington apple health and Washington apple health SSI-related medical programs. During this review, HCA 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: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Process for Developing New Rule: HCA 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, HCA 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](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Paige Lewis, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0757, fax 360-586-9727, TRS 711, email [paige.lewis@hca.wa.gov](mailto:paige.lewis@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 17, 2023  
Wendy Barcus  
Rules Coordinator

**WSR 23-07-100  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed March 18, 2023, 12:04 p.m.]

This memo serves as notice that the dental quality assurance commission (commission) is withdrawing the CR-101 for WAC 246-817-905 Exclusions. The commission was considering adding residential habilitation centers to the list of exclusions for the opioid prescribing rules. This CR-101 was filed September 22, 2022, and published under WSR 22-20-011.

The commission is withdrawing this CR-101 and plans to file a new CR-101 to include exclusions for nursing homes and long-term care hospitals in addition to residential habilitation centers. This change will mirror rule language for the Washington state medical commission, encouraging cross-profession cohesion and improving patient safety.

Individuals requiring information on this rule should contact Amber Freeberg, program manager, at 360-236-4893.

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 23-07-101**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed March 18, 2023, 2:13 p.m.]

Subject of Possible Rule Making: Chapter 246-780 WAC, Farmers' market nutrition program. The department of health (department) is considering amendments to include requirements for the use of electronic benefit payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.700 and 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department administers the special supplemental nutrition program for women, infants, and children (WIC) farmers' market nutrition program (FMNP) that allows WIC participants to purchase unprocessed fresh fruits, vegetables, and cut herbs directly from growers in farmers' markets using their FMNP benefits. FMNP is transitioning to the use of electronic benefit payments (e-FMNP). The department is in the process of updating vendor contracts to reflect the use of e-FMNP. The department is considering amending chapter 246-780 WAC to align the rules with the contract language and reflect the practice of using e-FMNP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture administers the WIC-associated FMNP, which was established by congress in 1992. The department will ensure that any rules adopted to implement the use of e-benefits will align with federal rules.

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 Karen Mullen, P.O. Box 47380, Olympia, WA 98504-7380, phone 360-515-8279, email karen.mullen@doh.wa.gov; or Ashley Noble, P.O. Box 47380, Olympia, WA 98504-7380, phone 360-236-3776, email Ashley.noble@doh1.wa.gov [Ashley.noble@doh.wa.gov].

Additional comments: To receive notifications regarding this rule making, please contact either Karen Mullen or Ashley Noble to be added to the department's interested parties list.

March 17, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

WSR 23-07-105  
PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION

[Filed March 20, 2023, 11:03 a.m.]

Subject of Possible Rule Making: The gambling commission is considering allowing house-banked card room licensees to connect more than one progressive jackpot on different card games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, licensees at house-banked card rooms are allowed to connect one progressive jackpot on different games. If adopted, an amended rule would allow the connection of more than one progressive jackpot on different card games, providing more options to players interested in placing wagers on progressive jackpots.

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa C. McLean, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3454, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

March 20, 2023

Lisa C. McLean

Legislative and Policy Manager

## WSR 23-07-109

PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY

[Filed March 20, 2023, 11:33 a.m.]

Subject of Possible Rule Making: Chapter 182-558 WAC, Premium payment program (PPP); 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 intends to amend this chapter to update eligibility requirements for clients enrolled in a qualified health plan. The agency also plans to revise the overpayments and administrative hearings sections to clarify when and how the agency can recover overpayments from PPP clients. During the course of this review, the health care authority may identify additional related changes that are required in order to improve clarity or update policy.

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

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 Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Michaela Snook, Program Questions, P.O. Box 45518, Olympia, WA 98504-5518, phone 360-725-1486, fax 360-586-9727, TRS 711, email [Michaela.snook@hca.wa.gov](mailto:Michaela.snook@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 20, 2023  
Wendy Barcus  
Rules Coordinator

WSR 23-07-113

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed March 21, 2023, 9:38 a.m.]

Subject of Possible Rule Making: WAC 308-56A-140, 308-56A-420, and 308-56A-425.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to current rules are required to enact and memorialize the statutory changes resulting from HB [SHB] 1790, passed in 2022. These rule updates will align rule with statute and provide greater clarity on the requirements and procedures for issuing temporary license plates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will consult with our enforcement partners in the law enforcement community, including the Washington state patrol.

Process for Developing New Rule: Internal review and required for statutory alignment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Price, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-0120, fax 360-570-7827, email gprice@dol.wa.gov, website <http://www.dol.wa.gov>.

March 21, 2023

Ellis Starrett

Rules and Policy Manager

**WSR 23-07-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed March 21, 2023, 9:55 a.m.]

Subject of Possible Rule Making: Benefit indexing.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 41.32.840, 41.35.620, 41.40.790, and 41.26.530.

Reasons Why Rules on this Subject may be Needed and What They  
Might Accomplish: To provide additional clarification and guidance re-  
garding benefit indexing for public employees' retirement system Plan  
3, school employees' retirement system Plan 3, teachers' retirement  
system Plan 3, and law enforcement officers' and firefighters' Plan 2.

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, phone 360-664-7291, TTY 711, email  
drs.rules@drs.wa.gov, website [www.drs.wa.gov/sitemap/rules](http://www.drs.wa.gov/sitemap/rules).

March 21, 2023  
Bianca Stoner  
Rules Coordinator

WSR 23-07-122

PREPROPOSAL STATEMENT OF INQUIRY

RENTON TECHNICAL COLLEGE

[Filed March 21, 2023, 12:41 p.m.]

Subject of Possible Rule Making: Rule changes to student conduct code and hearing procedures in chapter 495E-100 WAC to make minor updates and to implement requirements laid out in HB [2SHB] 1751 (also known as "Sam's Law") and support existing efforts to protect students from dangers of hazing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SHB 1751; RCW 28B.50.140, 288.10.900 [28B.10.900], 28B.10.904, 28B.10.906.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To incorporate the requirements from HB [2SHB] 1751, hazing prevention legislation, into the student conduct code and hearing procedures. The updated rules incorporate new prohibited student conduct, statement of jurisdiction, definitions, and hazing-prohibited sanctions. Additional minor conduct code changes may also be necessary.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessica Gilmore English, 3000 N.E. 4th Street, Renton, WA 98056, phone 425-235-2463, email [jgilmoreenglish@rtc.edu](mailto:jgilmoreenglish@rtc.edu).

March 21, 2023

Jacob Jackson

Vice President of Administration and Finance

**WSR 23-07-128**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed March 21, 2023, 2:43 p.m.]

Subject of Possible Rule Making: Chapter 246-916 WAC, Athletic trainers. The department of health (department) is considering creating a new definition rules section for licensed athletic trainers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.250.020 and 18.250.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department and the athletic training advisory committee are considering the addition of a new definition section to the athletic training rules. Having definitions listed in rule is necessary to implement, and based on our authority in RCW 18.250.020, the department is considering rules to clarify expectations for licensed athletic trainers. The department is considering definitions for medical diagnosis, clinical diagnosis, and any other definition that might be needed. This is necessary because the current laws restrict athletic trainers from performing medical diagnosis (RCW 18.250.010 (4)(b)(v)); however, the laws do not provide a definition for medical diagnosis. The goal of these rules is to clarify the difference between medical diagnosis and clinical diagnosis for these health care providers. Clarifying terminology in rule helps clarify practice standards while ensuring patient safety.

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 Bruce Bronoske, Jr., P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4843, fax 360-236-2901, TTY 711, email [bruce.bronoske@doh.wa.gov](mailto:bruce.bronoske@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://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 "Athletic Training." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

March 21, 2023  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-07-139**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 22, 2023, 10:36 a.m.]

Subject of Possible Rule Making: Voluntary use of personal protective equipment (PPE).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering permanent rule making to allow the voluntary use of PPE when workers feel the need to protective themselves from noise, dust, or possible infectious or contagious diseases. The voluntary use of PPE must not introduce hazards to the work environment and facial coverings must not interfere with an employer's security requirements.

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

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carmyn Shute, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-870-4525, fax 360-902-5619, email Carmyn.Shute@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

March 21, 2023  
Joel Sacks  
Director