

WSR 23-14-006
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 21, 2023, 5:17 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-418-0005 How will I know what changes to report?, 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?, 388-470-0045 How do my resources count toward the resource limits for cash assistance?, and 388-470-0070 How vehicles are counted toward the resource limit for cash assistance, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective February 1, 2024, planned amendments will expand resource exemptions for community services division cash programs and increase the cash resource limit from \$6,000 to \$12,000. These amendments are necessary to implement 2SHB 1447 (chapter 418, Laws of 2023).

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: 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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0068, email patrick.budde@dshs.wa.gov.

June 21, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-14-008
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL
[Filed June 22, 2023, 6:28 a.m.]

Subject of Possible Rule Making: WAC 204-21-120 Cornering lamps.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 46.37.005 and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A cornering lamp function provided by the original equipment manufacturer (OEM) is typically a function within the headlamp or using an existing lamp (such as a fog lamp). FMVSS 108 requires headlamps to be mounted not less than 22 inches, nor more than 54 inches, from the ground, measured from the center of the lamp. The cornering lamp mounting height limitation of 30 inches in the current Washington regulation does not accommodate for some SUVs or higher vehicles which have the headlamp mounted above 30 inches, yet still within the FMVSS limit of 54 inches. This prohibits the OEM the ability of offering a cornering lamp function within a headlamp or at the same height as a headlamp on higher vehicles that is compliant with federal rules and allowable in all other states.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National Highway Traffic Safety Administration.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent 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 Kimberly Mathis, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website wsp.wa.gov/rules-development/.

June 22, 2023
John R. Batiste
Chief

WSR 23-14-009

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 22, 2023, 10:24 a.m.]

Subject of Possible Rule Making: Elections, ballot review.

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: The office of the secretary of state intends to up-
date and clarify procedures related to standards for the verification
of signatures on ballot declarations.

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, website
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, website sos.wa.gov/elections.

June 22, 2023

Randy Bolerjack

Deputy Secretary of State

WSR 23-14-012

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 22, 2023, 3:22 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611 and 43.07.120.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Updating the filing fee for proposed measures and
implementation of a method of random assignment of initiative numbers
assigned to filed proposals.

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 elections@sos.wa.gov, website
sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA
98504, phone 360-725-5788, fax 360-664-4619, email
elections@sos.wa.gov, website sos.wa.gov/elections.

June 22, 2023

Randy Bolerjack

Deputy Secretary of State

WSR 23-14-014
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 23, 2023, 8:39 a.m.]

Subject of Possible Rule Making: WAC 182-503-0535 Washington apple health—Citizenship and immigration status and 182-507-0135 Immigration status requirement for refugee medical assistance (RMA); other related rules as appropriate.

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 health care authority (HCA) is amending WAC 182-503-0535 and 182-507-0135 to update the parole period for certain Afghan refugees to qualify for refugee medical assistance. This change is required by federal law. The agency filed an emergency rule under WSR 23-14-013 to give this change immediate effect. 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, and Office of Refugee Resettlement.

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, website www.hca.wa.gov/about-hca/rulemaking; or Giovanny Delgado, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1919, fax 360-586-9727, TRS 711, email Giovanny.delgado@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 23, 2023
Wendy Barcus
Rules Coordinator

WSR 23-14-025
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed June 26, 2023, 8:29 a.m.]

Subject of Possible Rule Making: Chapter 196-21 WAC, Land surveyors-in-training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To better define the requirements needed to take the fundamentals of land surveying exam as well as clarify language that is no longer effective or needs to be rewritten.

Process for Developing New Rule: Notice will be made to stakeholders and licensees via the board's contact lists; and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and 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 Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

June 26, 2023
Ken Fuller
Director

WSR 23-14-026
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 23-01—Filed June 26, 2023, 8:30 a.m.]

Subject of Possible Rule Making: In 2021, the Washington legislature passed the Climate Commitment Act (CCA), which established a cap-and-invest program to help Washington meet greenhouse gas (GHG) emission limits by 2050. To align with the requirements of the CCA, this rule making will adopt amendments to chapter 173-441 WAC, Reporting of emissions of greenhouse gases, and chapter 173-446 WAC, Climate Commitment Act program rule.

The purpose of these updates is to identify and establish compliance obligations for entities importing electricity to Washington state from centralized electricity markets. Supporting changes to the reporting of emissions of GHGs rule (chapter 173-441 WAC) will ensure that appropriate data are available.

The centralized electricity markets to be addressed in the rule making include the energy imbalance market, the extended day ahead market, and the markets+ initiative underway by the Southwest Power Pool. The rule may also address other issues related to reporting of GHG emissions for entities importing electricity to Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: GHG emissions cap and invest program, program coverage, RCW 70A.65.080 (1)(c); GHG emissions cap and invest program, Adoption of rules, RCW 70A.65.220; Washington Clean Air Act, Classification of air contaminant sources—Registration—Fee—Registration program defined—Adoption of rules requiring persons to report emissions of greenhouse gases, RCW 70A.15.2200(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is required by RCW 70A.65.080 (1)(c). Specifically, this rule making will address electricity imported into the state from centralized electricity markets as covered emissions in the cap-and-invest program. Additionally, this rule making will allow centralized electricity market operators to put the necessary data infrastructure in place to track importing entities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Pursuant to RCW 70A.65.080 (1)(c), ecology is required to conduct this rule making in consultation with the department of commerce and the utilities and transportation commission. The Federal Energy Regulatory Commission (FERC) also has a regulatory role in these markets, but interaction with FERC on this topic is handled through the market operator organization (e.g., the California Integrated System Operator) and not through the state.

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 Gopika Patwa, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, Washington relay service or TTY call 711 or 877-833-6341, email gopika.patwa@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-441-446>.

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.

June 26, 2023
Kathy Taylor
Air Quality Program Manager

WSR 23-14-027
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed June 26, 2023, 8:46 a.m.]

Subject of Possible Rule Making: Chapter 196-16 WAC, Registered professional land surveyors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To better define the requirements to become licensed as a professional land surveyor, including language implementing RCW 18.43.110, and clarify language that is no longer effective or needs to be rewritten.

Process for Developing New Rule: Notice will be made to stakeholders and active licensees via the board's contact lists and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and 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 Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

June 26, 2023
Ken Fuller
Director

WSR 23-14-031
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed June 26, 2023, 12:07 p.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Registered professional engineers and land surveyor fees, and chapter 196-30 WAC, Fees for on-site wastewater treatment system designers and inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035, 18.210.050, 18.210.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments describe the type of requested information when applying for initial and renewal applications for professional engineers, land surveyors, and on-site wastewater designers and inspectors as a requirement for obtaining a license and license renewal.

Process for Developing New Rule: Notice will be made to stakeholders and licensees and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and 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 Shanan Gillespie, P.O. Box 9025, phone 360-664-1570, TTY 711, email jshanan.gillespie@brpels.wa.gov [shanan.gillespie@brpels.wa.gov], website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity/>.

June 26, 2023
Ken Fuller
Director

WSR 23-14-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 26, 2023, 3:25 p.m.]

Subject of Possible Rule Making: WAC 388-845-1105, 388-845-1505, and 388-845-3062, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to align with amendments to home and community-based service waivers as approved by the Centers for Medicare and Medicaid Services. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

June 23, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-14-036

PREPROPOSAL STATEMENT OF INQUIRY
CHARTER SCHOOL COMMISSION

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

Subject of Possible Rule Making: Addition of complaint process consistent with ESB [ESHB] 1744.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.710.070, 28A.710.100, 28A.710.170, 28A.710.190, 28A.710.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESB [ESHB] 1744 requires adoption of new rules or revisions to existing rules regarding complaint process implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the state board of education and the office of superintendent of public instruction regulate areas that may be impacted by these rules. The charter school commission (commission) will solicit input from these agencies.

Process for Developing New Rule: Per ESHB 1744, chapter 28A.710 RCW, section 11 was added. The commission shall adopt or revise rules as necessary to implement this section.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Charmaine McCladdie, 1068 Washington Street S.E., phone 360-725-5511, email charterschoolinfo@k12.wa.us, website www.charterschool.wa.gov.

June 26, 2023
Charmaine McCladdie
Executive Assistant
Rules Coordinator

WSR 23-14-038
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 26, 2023, 3:36 p.m.]

Subject of Possible Rule Making: WAC 388-825-335, 388-825-615, 388-825-620, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.837, 71A.12.030, and 74.39A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to comply with federal background check requirements and align rules with recent amendments to state law passed under SB 5252. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

June 23, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-14-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed June 26, 2023, 4:47 p.m.]

Subject of Possible Rule Making: WAC 388-823-0600, 388-823-0610, 388-823-1005, 388-823-1010, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to implement HB 1407 (2023) and potentially revise the expirations and reviews process. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

June 23, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-14-051

PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 27, 2023, 1:46 p.m.]

Subject of Possible Rule Making: This rule making will consider the benefits of allowing conditional payments to be eligible for waivers, expanding the opportunity for certain claimants to apply for waivers, and permanently adopting United States Department of Labor (USDOL) approved blanket waivers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.20.190, 50.24.020, 50.12.010, and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will consider permanently adopting the employment security department's (department) overpayment waiver emergency rules in order to ensure the overpayment waiver project can be completed. This will also provide an opportunity to consider any new USDOL-approved waivers.

The current overpayment waiver emergency rules are valid through July 24, 2023. These rules need to be extended so that applications received after July 24, 2023, can be processed using the rules. This rule making begins the process of considering permanent adoption of those rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 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: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephanie Frazee, P.O. Box 9046, phone 425-465-0313, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

June 27, 2023

Joy Adams

Employment Systems Policy Director

WSR 23-14-063
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 28, 2023, 12:35 p.m.]

Subject of Possible Rule Making: New rules to be added under Title 182 WAC; 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 developing rules under ESSB 5187, section 211(83), 68th legislature, 2023 regular session. This legislation directs the agency to implement a program with coverage comparable the categorically needy medicaid program for certain adults age 19 and older who: (a) Have an immigration status making them ineligible for medicaid or federal subsidies through the health benefit exchange; and (b) are not eligible for another full scope federally funded medical assistance program. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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, website www.hca.wa.gov/about-hca/rulemaking; or Annette Schuffenhauer, Program Questions, P.O. Box 45502, Olympia, WA 98504-2716, phone 360-725-1254, fax 360-586-9727, TRS 711, email annette.schuffenhauer@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 28, 2023
Wendy Barcus
Rules Coordinator

WSR 23-14-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 28, 2023, 3:26 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-474-0012 What is a state supplemental payment and who can get it?, 388-478-0055 How much do I get from my state supplemental payments (SSP)?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 74.08A.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will update the SSP standard rate for individuals who are receiving care in a medical institution or residential setting. This rate is based off the Washington state institutional personal needs allowance (PNA) standard which will increase due to the passage of HB 1128 (chapter 201, Laws of 2023), effective July 1, 2023.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Fryer, P.O. Box 45470, Olympia, WA 98504-5470, phone 253-720-5306, fax 360-725-4905, email gary.fryer@dshs.wa.gov.

June 26, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-14-071

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed June 28, 2023, 4:29 p.m.]

Subject of Possible Rule Making: Chapter 468-550 WAC, Safety oversight of rail fixed guideway system rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.104.015, 81.104.115, 81.112.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule change is to align WAC with the Bipartisan Infrastructure Law amended 49 U.S.C. 5329 to require state safety oversight agencies (SSOAs) to conduct risk-based inspections of the rail fixed guideway public transportation systems that SSOAs oversee. Specifically, SSOAs need the "authority" to enter the facilities of rail transit agencies to conduct inspections.

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

Process for Developing New Rule: Federal law change with the Bipartisan Infrastructure Law. Washington state is adopting rules to be in compliance with federal code.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Molly Hughes, 310 Maple Park Avenue S.E., P.O. Box 47300, phone 360-742-8458, fax 360-705-6820, TTY 711, email hughesm@wsdot.wa.gov, website Rail Safety Oversight Program Standard | Manuals | WSDOT (wa.gov) [contact agency for link]; or Steven Meyeroff, 310 Maple Park Avenue S.E., P.O. Box 47300, phone 520-820-5389, fax 360-705-6820, TTY 711, email meyerros@wsdot.wa.gov, website Rail Safety Oversight Program Standard | Manuals | WSDOT (wa.gov) [contact agency for link].

June 28 2023
Sam Wilson, Director
Business Support Services

WSR 23-14-092
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 30, 2023, 9:31 a.m.]

Subject of Possible Rule Making: WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs, 182-504-0035 Washington apple health—Renewals, and 182-505-0210 Eligibility for children; 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 legislature directed the agency to pursue an 1115 medicaid waiver to extend continuous eligibility for Washington apple health covered children ages zero through five. Section 211(71), chapter 334, Laws of 2021 (ESSB 5092). The legislature provided funds for the agency to extend continuous eligibility for Washington apple health to children ages zero through five with income at or below 215 percent of the federal poverty level, with implementation conditioned on federal government approval. Section 211(36), chapter 475, Laws of 2023 (ESSB 5187). The agency received federal government approval of an 1115 medicaid waiver application to provide continuous enrollment in medicaid through age five for children with household income below 215 percent of the federal poverty level at the time of application. The agency is amending rules to implement this continuous enrollment. The agency filed an emergency rule under WSR 23-14-090 to give this change immediate effect. 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: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, 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 Shaunie Long, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1343, fax 360-586-9727, TRS 711, email Shaunie.long@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 30, 2023
Wendy Barcus
Rules Coordinator

WSR 23-14-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed June 30, 2023, 3:01 p.m.]

Subject of Possible Rule Making: WAC 110-15-0249 Nonstandard hours bonus.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of children, youth, and families is amending this rule to increase the nonstandard hours bonus, per the governor's 2023 budget.

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: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daniel O'Neill, 1110 Jefferson Street S.E., P.O. Box 40970, Olympia, WA 98501, phone 360-338-5557.

June 30, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-14-106
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 3, 2023, 8:51 a.m.]

Subject of Possible Rule Making: WAC 182-501-0200 Third-party resources; 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 develop rules to align with Sec. 1902 (a) (25) (I) of the Consolidated Appropriations Act of 2022 (CAA, 2022; P.L. 117-103). The rules will bar liable third-party payers from refusing to pay for a service or item furnished to a medic-aid-eligible person if the service or item did not receive prior authorization under the third-party payer's rules. 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.

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 360-725-1406, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Kasandra Wilson, Program Questions, P.O. Box 45564, Olympia, WA 98504-5564, phone 360-725-1351, fax 360-586-9727, TRS 711, email kasandra.wilson@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 3, 2023
Wendy Barcus
Rules Coordinator

WSR 23-14-113
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 5, 2023, 9:10 a.m.]

Subject of Possible Rule Making: Establishing licensing standards for the new behavioral health support specialist (BHSS) profession in Title 246 WAC. The department of health (department) is considering establishing rules for the new BHSS profession created by SSB 5189 (chapter 270, Laws of 2023). The department will consider establishing requirements for application, education, curriculum, experience, continuing education, and fees. In collaboration with partners, the University of Washington, and other interested parties, the department may also consider any other rules appropriate to establish and regulate the BHSS profession.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5189 (chapter 270, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2023 legislative session, the legislature passed SSB 5189 to create the new BHSS profession, establish its scope of practice, and direct the department to collaborate with the University of Washington on rules implementing the new profession by January 1, 2025. SSB 5189 also authorizes the secretary of health to adopt any rules necessary to implement the new profession, fees, forms and procedures, certifications, examinations, continuing education, and appeal procedures. In addition to fulfilling the intent of SSB 5189, creating rules for this profession will allow the department to consistently uphold standards that protect patient safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will collaborate with the University of Washington as required by SSB 5189.

Additionally, SSB 5189 directs the health care authority and office of the insurance commissioner to ensure that the services of the BHSS profession are covered by the state medicaid plan and other insurance carriers. The department will coordinate with both agencies throughout rule making.

There are also multiple professions that may supervise or interact with a BHSS, potentially including physicians under the Washington medical commission and the board of osteopathic medicine and surgery, psychologists under the examining board of psychology, and other professions. The department will invite potentially impacted professions to learn about the new BHSS credential and participate in rule making.

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, 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 behavioral health support specialist 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 "Behavioral Health Support Specialist." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

July 5, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-14-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed July 5, 2023, 9:28 a.m.]

Subject of Possible Rule Making: Create a new chapter under chapter 308-101 WAC to define business rules, guidelines, and the process for conducting administrative reviews of the petitioner's commercial driver's licenses (CDL) disqualifications based on an adverse decision on the admin per se/implicit consent hearing, per RCW 46.20.308.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220 Rules for agency procedure—Indexes of opinions and statements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule changes will provide due process to CDL-endorsed petitioners based on the admin per se/implicit consent administrative hearing's decision impacting personal driving privileges by confirming that sanctions against driving privileges don't exceed statutory guidelines. It also provides a separate opportunity for due process of the CDL disqualification under RCW 46.20.245 and 49 U.S.C. § 383.51, as recommended by the assistant attorney general's review of current 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: 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 Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov [rulescoordinator@dol.wa.gov], website dol.wa.gov/about/rules; or Marguerite Friedlander, P.O. Box 9031, Olympia, WA 98507-9031, phone 360-664-1523, fax 360-570-4950, email mfriedlandl@dol.wa.gov, hearings@dol.wa.gov.

July 5, 2023
Ellis Starrett
Rules and Policy Manager

WSR 23-14-115

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 5, 2023, 9:28 a.m.]

Subject of Possible Rule Making: WAC 308-100-005 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 46.014.110 [46.01.110] Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Amending current definitions related to commercial
driver's license (CDL) holders to decrease regulatory barriers to ob-
taining a CDL. This will increase Washington's capacity to train CDL
holders, improve agency efficiency, and increase agency oversight ca-
pabilities.

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 Kelsey Stone, 1125 Washington Street S.E., Olympia, WA
98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website
dol.wa.gov/about/rulemaking-activity; or Dan Cooke, 1125 Washington
Street S.E., Olympia, WA 98504, phone 360-902-3826, email
dcooke@dol.wa.gov.

July 5, 2023
Ellis Starrett
Rules and Policy Manager

WSR 23-14-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
[Filed July 5, 2023, 9:29 a.m.]

Subject of Possible Rule Making: WAC 308-56A-275 Certification of signature and 308-93-470 Certification of signatures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.10.110 [46.01.110] Rule-making authority and 88.02.320 Department—Powers and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 308-56A-275 and 308-93-470 to clarify the certification process and eliminate outdated references to "operator numbers" to simplify compliance.

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; and internal review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules; or Stacy Allen, phone 360-902-0122, email stallen@dol.wa.gov.

July 5, 2023
Ellis Starrett
Rules and Policy Manager

WSR 23-14-117

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 5, 2023, 9:31 a.m.]

Subject of Possible Rule Making: WAC 308-56A-210 (3) (a) Ownership in doubt, bonded title or three-year registration without title.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.12.635 Disclosure of names and addresses of individual vehicle and vessel owners—Vehicle and vessel information—Address confidentiality program participants, and 46.12.680 Ownership in doubt—Procedure.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending WAC 308-56A-210 (3) (a) will remove the requirement for the department of licensing to provide the names and addresses of current vehicle owners of record, which is a violation of RCW 46.12.635.

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; and internal review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules; or Sina Talalemotu, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-4004, email stalalemot@dol.wa.gov.

July 5, 2023
Ellis Starrett
Rules and Policy Manager