

WSR 07-12-008
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 24, 2007, 2:08 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and education staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board. Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

May 24, 2007
 Nasue Nishida
 Policy and Research Analyst

WSR 07-12-009
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 24, 2007, 2:09 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Approval standards for performance-based preparation programs for teachers, administrators, and education staff associates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210 and 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following, as deemed appropriate: Make technical adjustments, clarify and change existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 pub-

lication by contacting Nasue Nishida, Rules Coordinator, Policy and Research Analyst, Professional Educator Standards Board, P.O. Box 47236, Olympia, WA 98504-7236, (360) 725-6238, fax (360) 586-4548, nasue.nishida@k12.wa.us or pesb@k12.wa.us. Rule changes are conducted at regular board meetings of the professional educator standards board. Public comment may be provided via public testimony at PESB meetings and/or via written correspondence to the rules coordinator noted above.

May 24, 2007
 Nasue Nishida
 Policy and Research Analyst

WSR 07-12-014
PREPROPOSAL STATEMENT OF INQUIRY
STATE TOXICOLOGIST

[Filed May 25, 2007, 11:45 a.m.]

Subject of Possible Rule Making: Approval of portable breath test devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.506.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Devices used by law enforcement for evidential breath alcohol testing must be approved by the state toxicologist. The currently approved device, the Alconsensor III is going out of production and the Alconsensor FST has been selected to replace it. Chapter 448-15 WAC approving devices will be amended accordingly.

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 Dr. Barry Logan, Washington State Toxicologist, 2203 Airport Way South, Suite 360, Seattle, WA 98134, (206) 262-6000 or barry.logan@wsp.wa.gov.

May 25, 2007
 Barry K. Logan Ph.D.
 Washington State Toxicologist

WSR 07-12-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed May 30, 2007, 2:27 p.m.]

Subject of Possible Rule Making: WAC 388-406-0035
 How long does the department have to process my application?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment will help

clarify the section and update the WACs that should be referenced in regards to applications that are delayed.

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

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 Jenny Grayum, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4583, fax (360) 493-3493, e-mail grayuje@dshs.wa.gov.

May 30, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-12-031

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed May 30, 2007, 2:44 p.m.]

Subject of Possible Rule Making: Chapter 388-505 WAC, Family medical.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.055, 74.04.057, 74.08.090, 74.09.530; and 42 C.F.R. 441.151.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS plans to create a new WAC to address family-related institutional medical benefits. This change is necessary to:

- Comply with federal rules.
- Replace language regarding institutional benefits which will be removed from WAC 388-505-0210 Children's medical eligibility.
- Clarify program rules for children admitted to medical facilities and psychiatric inpatient treatment.

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 Carole McRae, Health and Recovery Services Administration, P.O. Box 45534, Olympia, WA

98504-5534, phone (360) 725-1250, fax (360) 664-0910, TTY 1-800-848-5429, e-mail mcraeca@dshs.wa.gov.

May 30, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-12-033

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

(Elections Division)

[Filed May 30, 2007, 3:09 p.m.]

Subject of Possible Rule Making: A variety of topics, including redistricting, candidates, voting equipment, polling places, and issues related to bills that passed in 2007.

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: Additional rules regarding a number of issues are needed for upcoming elections.

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 Tami Neilson, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4182.

May 30, 2007

Sam Reed
Secretary of State

WSR 07-12-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 30, 2007, 3:11 p.m.]

Subject of Possible Rule Making: Regulating vessel behavior to protect orcas in north Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There currently is no state rule regulating vessel behavior near orca whales in north Puget Sound. Orcas have been placed on the endangered species list and need protection from boaters who obstruct the whale's travel and harass the whales.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA and the San Juan County Council. The Washington department of fish and wildlife (WDFW) is working with both entities to enforce the county's local ordinance while drafting rules that adhere to NOAA's requirements.

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 Lori Preuss, WDFW Enforcement, 600

Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at preuslmp@dfw.wa.gov. Contact by July 1, 2007. Expected proposal filing on or after July 18, 2007.

May 30, 2007
Lori Preuss
Rules Coordinator

WSR 07-12-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 30, 2007, 3:14 p.m.]

Subject of Possible Rule Making: WAC 220-56-145 Possession of gamefish, food fish or shellfish in unlawful condition—Possession aboard a vessel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC does not require people who are ashore and are done fishing for the day to retain proof that they have complied with number, species, size, weight, sex, or wild or hatchery origin restrictions on fish. This has led to ongoing violations of number, species, size, weight, sex, and wild or hatchery origin restrictions on species that are becoming increasingly depleted, such as halibut and ling cod.

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 Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail at preuslmp@dfw.wa.gov. Contact by July 1, 2007. Expected proposal filing on or after July 18, 2007.

May 30, 2007
Lori Preuss
Rules Coordinator

WSR 07-12-044
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 31, 2007, 1:42 p.m.]

Subject of Possible Rule Making: Chapter 392-121 WAC for skills centers FTE.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to rules are

required to update rules for 1.6 combined FTE split between the resident high school and the skills center.

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

Process for Developing New Rule: Solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendation 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 Mitch Thompson, (360) 725-6306, Mitch.Thompson@k12.wa.us.

May 22, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 07-12-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 4, 2007, 11:35 a.m.]

Subject of Possible Rule Making: WAC 388-444-0025 Food stamp employment and training—Payments for FS E&T related expenses.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Food stamp employment and training (FS E&T) participants may have some of their actual expenses needed to participate in the FS E&T program paid for by the department. This amendment will add language so that expenses will be allowed for dependent care costs for children through twelve years of age. The department is going through the permanent rule-making process to adopt the amendment made to this section by an emergency rule filed as WSR 07-08-096, effective April 3, 2007. Prior to April 3, 2007, the WAC stated that the dependent care costs were allowable expenses for each dependent six through twelve years of age.

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

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 Nick Espinosa, Program Manager, Division of Employment and Assistance Programs, P.O. Box

45470, Olympia, WA 98504-5470, phone (360) 725-4620,
fax (360) 493-3493, e-mail espincej@dshs.wa.gov.

June 4, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-12-060

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 4, 2007, 11:39 a.m.]

Subject of Possible Rule Making: WAC 388-478-0055
How much do I get from my state supplemental payments
(SSP)?

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

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: These rule changes are nec-
essary to increase the state supplemental payment by \$1.77
per month beginning July 1, 2007, for SSI clients who reside
in nursing facilities, residential habilitation centers, or state
hospitals and who receive a personal needs allowance, as
required by chapter 522, Laws of 2007, signed by Governor
Christine O. Gregoire on May 15, 2007.

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 pub-
lication by contacting Logan MacGregor, Program Manager,
Division of Employment and Assistance Programs, P.O. Box
45470, Olympia, WA 98504-5470, phone (360) 725-4605,
fax (360) 413-3493, e-mail macgrld@dshs.wa.gov.

June 4, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-12-061

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Health and Recovery Services Administration)

[Filed June 4, 2007, 12:16 p.m.]

Subject of Possible Rule Making: Health technology
clinical committee assessments.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 70.14.090 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: A new health and recovery

services administration WAC will be developed to support
the health technology assessment program established by the
2006 legislature. A specially-formed clinical committee
under the oversight of the health care authority (HCA) will
independently review health technologies and make recom-
mendations to participating state agencies that purchase
healthcare.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: DSHS will share rule development drafts with HCA
staff.

Process for Developing New Rule: The department
invites the interested public to review and provide input on
the draft language of this rule. Draft material and informa-
tion about how to participate may be obtained from the
department representative listed 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 pro-
posal will be sent to everyone on the mailing list and to any-
one who requests a copy.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Kevin Sullivan, HRSA Rules Coordi-
nator, P.O. Box 45504, Olympia, WA 98504-5504, phone
(360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429,
e-mail sullikm@dshs.wa.gov.

June 4, 2007

Stephanie E. Schiller
Rules Coordinator

WSR 07-12-062

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Health and Recovery Services Administration)

[Filed June 4, 2007, 12:17 p.m.]

Subject of Possible Rule Making: WAC 388-501-0060,
Healthcare coverage—Scope of covered categories of service
and 388-501-0065 Healthcare coverage—Description of cov-
ered categories of service.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 74.04.050, 74.04.055, 74.08.090, and 74.09.-
700.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The department is amending
these rules to correct errors made in developing the scope of
covered services chart in new WAC 388-501-0060 and 388-
501-0065. Under the service category, "adult day health," the
designation in the medically needy (MN) column should be
"N" for noncovered. The same is true for "substance abuse
services" in the medical care services (MCS) column.
Instead of "C" indicating the service is covered, it should
show "N" for noncovered. Also, under service category,
"mental health services," the designation in the MCS column
should be "N."

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 invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed 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 Kevin Sullivan, HRSA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 4, 2007, 1:13 p.m.]

Subject of Possible Rule Making: WAC 388-513-1350 Defining the resource standard and determining resource eligibility for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-513-1350 as follows:

- Increasing the spousal resource maximum from \$41,943 to \$45,104 effective July 1, 2007.
- Making changes to the language, clarifying the rules and updating the spousal resource standard.
- Clarifying the reduction of excess resources by medical expenditures.
- Clarifying the reference to a sponsored immigrant receiving long-term care - how to treat resources of a sponsor.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone

(360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 4, 2007, 1:14 p.m.]

Subject of Possible Rule Making: WAC 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-513-1380 as follows:

- Changing the community spouse income and family allocation to \$1,712 effective July 1, 2007, due to a federal standard change.
- Changing the community spouse excess shelter standard to \$514 effective July 1, 2007, due to a federal standard change.
- Increasing the personal needs allowance (PNA) for nongeneral assistance clients in medical institutions due to a state legislative budget increase of 3.3%.
- Making changes to the language and clarifying the rules.
- Clarifying that an unanticipated lump sum is not considered income in the month of receipt.
- Clarifying excess resources are reduced in an amount equal to necessary medical care recognized by state law.
- Clarifying the computation for the community spouse allowance.
- Clarifying the medical institution income exemption (MIIE) is allowed for residents of medical institutions only.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 4, 2007, 1:16 p.m.]

Subject of Possible Rule Making: WAC 388-515-1510 Division of developmental disabilities (DDD) waivers and outward bound residential alternatives (OBRA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-515-1510 as follows:

- Changing the personal needs allowance allowed in an alternate living facility (ALF) from \$38.84 to \$40.12. This change is due to the Washington state 2007-09 operating budget (SHB 1128).
- Clarifying the change in the room and board amount, which is based on the federal benefit rate (FBR) minus \$60.78, effective July 1, 2007.
- Rewriting this section, making changes to language, and clarifying the rules to determine eligibility.
- Clarifying clients deemed eligible for SSI do not participate in the cost of personal care, but may pay room and board.
- Clarifying DDD waiver medicaid clients are subject to income and resource eligibility rules in WAC 388-513-1315, 388-513-1320, 388-513-1325, 388-513-1330, 388-513-1340, 388-513-1350, 388-513-1363, and 388-513-1364.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Sevruck, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, e-mail sevruta@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 4, 2007, 1:23 p.m.]

Subject of Possible Rule Making: WAC 388-106-0225 How do I pay for MPC (medicaid personal care)?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-106-0225 as follows:

- Increasing the personal needs allowance (PNA) 3.3% due to the Washington state 2007-09 operating budget (SHB 1128).
- Clarifying allowances for a GA-X client residing in an alternate living facility (ALF) that has earned income.
- Clarifying a SSI related client determined medicaid eligible under WAC 388-513-1305 pays available income to an alternate living facility after allowing a PNA of \$60.78.
- Clarifying language and updating rules.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristi Knudsen, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3213, fax (360) 407-7582, e-mail knudskl@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 4, 2007, 1:28 p.m.]

Subject of Possible Rule Making: WAC 388-515-1505 Financial eligibility requirements for long-term care services under COPEs, New Freedom, PACE, MMIP, and WMIP.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending WAC 388-515-1505 as follows:

- Increasing the personal needs allowance (PNA) 3.3% for clients residing in alternate living facilities. This change is due to the Washington state 2007-09 operating budget (SHB 1128).
- Making changes to the language, clarifying rules, and updating WAC references.
- Clarifying the community spouse allowance computation.
- Clarifying excess nonexcluded resources above the standard are reduced in an amount equal to neces-

sary medical care and not incurred by a transfer penalty.

- Clarifying the allowances for a GA-X client receiving earned income in an alternate living facility (ALF) on the HCS waiver.
- Clarifying and adding hospice service eligibility for clients not in a medical institution with gross income at or below the special income level (SIL – 300% of the federal benefit rate) and not eligible for another CN or MN medicaid program.
- Clarifying that clients deemed "SSI eligible" do not participate in the cost of personal care, but may pay up to the room and board amount of the federal benefit rate (FBR) minus \$60.78 if residing in an alternate living facility (ALF).

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-068

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 4, 2007, 1:29 p.m.]

Subject of Possible Rule Making: WAC 388-513-1320 Determining institutional status for long-term care (LTC) services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 74.09.575.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- DSHS is clarifying institutional status for person(s) under the age of eighteen receiving inpatient mental health treatment.
- DSHS is clarifying institutional status for person(s) age eighteen through twenty in a psychiatric facility.
- DSHS is correcting WAC references and clarifying language to match federal rules regarding institutional status.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

June 4, 2007
Stephanie E. Schiller
Rules Coordinator

WSR 07-12-077

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 5, 2007, 10:19 a.m.]

Subject of Possible Rule Making: Security guard training changes due to the passing of HB 1988 in the 2007 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.170 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The number of hours and timing of the training requirements changed. The new rule will clarify the 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: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Haglund, Department of Licensing, Public Protection Services, P.O. Box 9649, Olympia, WA 98507, e-mail security@dol.wa.gov, (360) 664-6658.

June 5, 2007
Mary Haglund
Program Manager

WSR 07-12-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 5, 2007, 10:50 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance and chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and chapter 77, Laws of 2007 (SSB 5443).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will assist in the implementation of chapter 77, Laws of 2007 (SSB 5443). The proposed rule making will:

- Define bona fide workplace safety and accident prevention program and first aid, and

- Establish the penalty structure for employers when there is a finding of claim suppression.

Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression.

In addition, the rule making may address additional issues identified in the rule development process.

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.

Process for Developing New Rule: Labor and industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the workers' compensation advisory committee. Public hearings will be held throughout the state after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Labor and Industries, Valerie Grimm, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-5005, fax (360) 902-4960, e-mail COLB235@LNI.WA.GOV.

June 5, 2007
Judy Schurke
Director

WSR 07-12-099

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 6, 2007, 11:35 a.m.]

Subject of Possible Rule Making: WAC 392-121-264 Finance—General apportionment—Certificated instructional staff (Definition—Certificated years of experience).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions will update guidance on recognizing, for state funding purposes, up to two years experience for educational staff associates (ESAs) for service in nonschool positions. ESAs are certificated instructional staff that are occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists. These revisions will implement E2SHB 1432, as passed during the 2007 legislative session.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed 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 Ross Bunda, (360) 725-6308.

May 17, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 07-12-100

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 6, 2007, 11:35 a.m.]

Subject of Possible Rule Making: WAC 392-140-970 through 392-140-974, Finance—Special allocations—Salary bonus for teachers who attain certification by the national board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions will update guidance on the administration of the salary bonus for teachers and other certificated instructional staff that have attained certification by the national board for professional teaching standards. These revisions will implement 2SHB 2262, as passed during the 2007 legislative session, and provisions in the 2007-09 state operating budget, SHB 1128, section 513(41).

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed 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 Ross Bunda, (360) 725-6308.

May 17, 2007
Dr. Terry Bergeson
Superintendent of
Public Instruction