

WSR 09-04-001
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 21, 2009, 1:02 p.m.]

Subject of Possible Rule Making: House-banked card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Recreational Gaming Association has submitted a petition for rule change regarding surveillance requirements for house-banked card rooms when verifying winning wagers and jackpot payouts.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] March 13 and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 15, 2009, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

January 21, 2009
 Susan Arland
 Rules Coordinator

WSR 09-04-002
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed January 21, 2009, 1:03 p.m.]

Subject of Possible Rule Making: House-banked card rooms.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Recreational Gaming Association has submitted a petition for rule change regarding keeping funds to payout prizes.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coor-

dinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] March 13 and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 15, 2009, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

January 21, 2009
 Susan Arland
 Rules Coordinator

WSR 09-04-039
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed January 30, 2009, 8:30 a.m.]

Subject of Possible Rule Making: The liquor control board has adopted rules regarding advertising. As part of the liquor control board's on-going rules review process, chapter 314-52 WAC is under review for clarity and conformity with current state law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.060, 66.28.010, 66.28.042, 66.28.043, 66.28.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's on-going rules review process, chapter 314-52 WAC is under review for clarity and conformity with current state law. Legislative changes in the 2006 and 2007 legislative sessions require that rules in this area be updated.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

January 28, 2009
 Lorraine Lee
 Chairman

WSR 09-04-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed January 30, 2009, 11:45 a.m.]

Subject of Possible Rule Making: A new chapter of rules implementing the limited income deferral program in chapter 84.37 RCW. Chapter 84.37 RCW was enacted in a 2007 special session of the legislature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.37.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The chapter allowing defer-

ral of property taxes and special assessments for homeowners with limited incomes, chapter 84.37 RCW, was enacted in a 2007 special session and no rules have been adopted since then to explain its administration. Rules will assist taxpayers, the department, and assessors by providing guidelines for the administration of the new deferral program.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of possible rule changes is available for viewing and printing on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx>. Written comments on and/or requests for copies of the rule may be directed to James A. Winterstein, Property Tax Division, P.O. Box 47471, Olympia, WA 98504-7471, e-mail JimWi@dor.wa.gov, phone (360) 570-5880, fax (360) 586-7602.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on March 10, 2009, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Martha Thomas no later than ten days before the meeting date, TTY 1-800-451-7985 or (360) 725-7497.

January 30, 2009

Alan R. Lynn
Rules Coordinator

WSR 09-04-068

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 2, 2009, 4:41 p.m.]

Subject of Possible Rule Making: Amending WAC 388-827-0115 What are the programmatic eligibility requirements for division of developmental disabilities (DDD)/state supplemental income payment (SSP)?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The DDD plans to amend the eligibility dates for converting state only residential allowances to SSP when there is an ongoing need for a residential allowance. Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 welcomes the public to participate in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

February 2, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-04-069

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed February 2, 2009, 4:47 p.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-533 WAC pertaining to maternity support services (MSS) and the infant case management (ICM) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, and 74.09.760 through 74.09.910.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments and possible repeal of some sections are needed due to shortfall in anticipated budget revenues.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health (DOH), the department is working together with DOH to amend/repeal these rules.

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 Kathy Sayre, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

February 2, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-04-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed February 2, 2009, 4:48 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-535-1245, chapter 388-535A WAC, and possible other dental-related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed due to shortfall in anticipated budget revenues.

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 Kathy Sayre, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

January 27, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-04-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed February 2, 2009, 4:50 p.m.]

Subject of Possible Rule Making: New section in chapter 388-550 WAC; amend possible other sections in chapter 388-550 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Incorporate into rule definitions for "never events," "present on admission," and "hospital-acquired conditions"; add language regarding the rules for denying and/or paying claims if these events occur.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is coordinating the rule development with Centers for Medicare and Medicaid Services (CMS) and department of health (DOH).

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 Kathy Sayre, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

February 2, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-04-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed February 2, 2009, 4:52 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-550-2565, 388-550-2900, 388-550-3000, 388-550-3010, 388-550-3020, 388-550-3460, 388-550-3470, 388-550-3600, 388-550-3700, 388-550-3900, 388-550-4300, 388-550-4500, 388-550-6000, 388-550-7000, 388-550-7050, 388-550-7100, 388-550-7200, 388-550-7600, 388-531-2000, 388-517-0320, and 388-502-0150; possible other sections.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to hospital-related and other provider-related WAC sections are needed due to shortfall in anticipated budget revenues.

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 Kathy Sayre, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

February 2, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-04-073**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed February 2, 2009, 4:55 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-546-5000 through 388-546-5400, non-emergency transportation services; and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to amend rules regarding nonemergency transportation for clients to and from their medically necessary covered medical services. Changes include:

- Update cross references to federal and state rule;
- Rearrange and rename subsections;
- Add and amend nonemergency transportation definitions;
- Correct typographical errors;
- Clarify and amend language for: Rules about noncompliant clients; continuity of care rules; rules about local provider of type; covered and noncovered services; selection and mode of client transportation; prior authorization requirements and limitations for meals and lodging; and prior authorization requirements for transportation;
- Update client requirements for transportation and/or reimbursement;
- Apply local provider-of-type rules to managed care enrollees; and
- Modify rules due to changes of federal and state funding.

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 Jonell O. Blatt, Rules Program Manager, Health and Recovery Services Administration, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1571, fax (360) 586-9727, TTY 1-800-848-5429, e-mail blattj@dshs.wa.gov.

February 2, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-04-075**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 3, 2009, 8:42 a.m.]

Subject of Possible Rule Making: Pull-tab games.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bonanza Press is requesting a rule change to allow for a new style of pull-tab game with a cumulative prize pool.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] March 13 and April 10, 2009, at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000; and on May 15, 2009, at the Red Lion Hotel, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701.

February 3, 2009
Susan Arland
Rules Coordinator

WSR 09-04-078**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

[Filed February 3, 2009, 10:37 a.m.]

Subject of Possible Rule Making: Board of boiler rules—Substantive (chapter 296-104 WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules. The changes will allow the department to set times, date and location of board meetings with board approval, as the department has access to meeting room calendars, keep the requirements for rules interpretation but moves the procedure to the boiler web site, establish rules for applying for Washington state specials and extension of inspection frequency, amend the rule to conform with the adopted API-510 and the NBIC, eliminate confusion of the term "agent," remove conflict between rules and adopted code, remove installation

standards from construction codes, and remove International Building Code (IBC) requirement from the boiler rules.

Process for Developing New Rule: The board of boiler rules will review and approve all rule changes. Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, yous235@lni.wa.gov.

February 3, 2009
Steven E. Bacon, Chair
Board of Boiler Rules

WSR 09-04-080
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 3, 2009, 11:34 a.m.]

Subject of Possible Rule Making: Create chapter 392-124 WAC, Finance—National guard youth challenge apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will outline the apportionment process for national guard youth challenge program, provide rules for determining eligibility, the methodology for applying for funding, and a set of definitions for terms used in the national guard youth challenge program.

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 Mitch Thompson, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, main (360) 725-6306, fax (360) 664-3683.

February 2, 2009
Randy I. Dorn
Superintendent of
Public Instruction

WSR 09-04-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed February 3, 2009, 1:04 p.m.]

Subject of Possible Rule Making: Chapter 170-290 WAC, currently working connections child care (WCCC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, section 501, chapter 265, Laws of 2006.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) intends to make changes throughout this WAC chapter, which was moved from department of social and health services (DSHS) chapter 388-290 WAC to DEL chapter 170-290 WAC in 2008. More than one rule proposal may be filed to complete this process. Among the revisions being considered are:

- Increasing child care copayments for the WCCC program in accordance with the governor's budget-related policy directives;
- Replacing obsolete references to DSHS rules, names and programs with the current DEL information;
- Combining WCCC rules with the seasonal child care subsidy program rules into chapter 170-290 WAC and repealing all sections of chapter 170-292 WAC;
- Assuring that the rules are consistent with the applicable law, federal requirements, and the child care collective bargaining agreement;
- Reviewing other policy options in rule to increase program effectiveness and efficiency, or as directed by the legislature or the governor; and
- Making other changes to make the rules clearer. Chapter 170-290 WAC may also be reorganized and renamed in this process.

This notice replaces a preproposal notice of inquiry filed as WSR 07-22-065.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL plans to coordinate adoption of the rule with DSHS and the federal Department of Health and Human Services (DHHS) as appropriate. DSHS currently implements the WCCC program based on the rules and policies adopted by DEL. DEL follows federal laws and DHHS child care development fund rules in implementing DEL child care subsidy programs.

Process for Developing New Rule: To the extent possible, DEL plans to circulate draft rules for informal input before filing a formal proposal. When the formal proposal is filed, DEL will hold a public hearing or hearings and take written comments on the proposed rules before adopting the permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting DEL by e-mail at Rules@del.wa.gov, by phone at (360) 725-4397, or by writing to the DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970. Information about this rule process will also be posted on the DEL web site at <http://www.del.wa.gov>.

February 3, 2009
Karen Tvedt
Interim Director

WSR 09-04-087

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)**

[Filed February 3, 2009, 2:55 p.m.]

Subject of Possible Rule Making: The department is amending and adopting new rules in chapter 388-71 WAC, Home and community services and programs; chapter 388-106 WAC, Long-term care services; chapter 388-112 WAC, Residential long-term care services; chapter 388-825 WAC, Division of developmental disabilities service rules; chapter 388-829A WAC, Alternative living; chapter 388-829C WAC, Companion homes; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 43.20A.710, 74.08.090, 70.128-040, chapter 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules and adding new sections to implement Initiative Measure No. 1029 (I-1029) and E2SHB 2284, chapter 361, Laws of 2007 (chapter 74.39A RCW). The proposed rules will implement federal background checks and training and certification requirements.

Other policy changes on these subjects may be incorporated into this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health, home care quality authority, and Washington state patrol will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. 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 Barbara Hanneman, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2540, fax (360) 725-2646, e-mail hannebj@dshs.wa.gov. To get information on the time and locations of stakeholder meetings and/or more information on the rule development for the implementation of I-1029, please visit the aging and disability services administration web at <http://www.aasa.dshs.wa.gov/professional/training/1029/>.

February 2, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-04-088

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)**

[Filed February 3, 2009, 2:57 p.m.]

Subject of Possible Rule Making: The department is considering amending or adding new rules to the following licensing or certification chapters:

Adult family home minimum licensing requirements chapter: WAC 388-76-1000 Definitions, 388-76-10135 Qualifications—Caregiver, 388-76-10155 Unsupervised access to vulnerable adults—Prohibited, 388-76-10160 Criminal history background check—Required, 388-76-10174 Background checks—Disclosure of information sharing of criminal background information by health care facilities, 388-76-10175 Employment conditional—Pending results, and 388-76-10195 Adult family home—Staff—Generally.

Boarding home licensing rules chapter: WAC 388-78A-2020 Definitions, 388-78A-2450 Staff, 388-78A-2470 Criminal history disclosure and background checks, 388-78A-2490 Specialized training for developmental disabilities, 388-78A-2500 Specialized training for mental illness, 388-78A-2510 Specialized training for dementia, 388-78A-2600 Policies and procedures, 388-78A-3170 Circumstances resulting in enforcement remedies.

Certified community residential services and supports chapter: WAC 388-101-3000 Definitions, 388-101-3200 Staffing requirements, 388-101-3230 Group home, 388-101-3240 Policies and procedures, 388-101-3250 Background checks, 388-101-3260 Staff training, 388-101-3270 Staff training before working alone with clients, 388-101-3280 Staff training, within four weeks of employment, 388-101-3290 Staff training within six months of employment, 388-101-3300 Staff training to be current, and 388-101-4000 Community protection—Staff training.

Other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040, 18.20.090, 71A.12.080, Initiative Measure No. 1029 (I-1029).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules and adding new sections to implement I-1029.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health, home care quality authority, and Washington state patrol will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

Process for Developing New Rule: Negotiated rule making. DSHS welcomes the public to take part in developing the rules. 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 Barbara Hanneman, Lead for WAC Coordination, Home & Community Services, P.O. Box

45600, Olympia, WA 98504-5600, phone (360) 725-2540, fax (360) 725-2646, e-mail hannebj@dshs.wa.gov; or Lisa Yanagida, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2589, fax (360) 438-7903, e-mail yanagln2@dshs.wa.gov.

Stakeholder meetings with home and community services division will be held on March 9, 2009, in Everett; March 11, 2009 in Lacey; March 18, 2009, in Yakima; and March 19, 2009, in Spokane. To get information on the time and locations of these stakeholder meetings and/or more information on the rule development for the implementation of I-1029, please visit the aging and disability services administration web at <http://www.aasa.dshs.wa.gov/professional/training/1029/>.

February 2, 2009
Stephanie E. Schiller
DSHS Rules Coordinator

WSR 09-04-092

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Aging and Disability Services Administration)

[Filed February 4, 2009, 8:28 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-825 WAC, Division of developmental disabilities service rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department intends to repeal rules relating to the family support program which have been replaced by chapter 388-832 WAC, Individual and family services program.

The department also intends to make revisions to this chapter to clarify language and update sections for consistency with other WAC chapters.

Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department coordinates its rules with and receives approval from the federal Centers for Medicare and Medicaid Services for the administration of waivers under Section 1915(c) of the Social Security Act.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310,

Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

February 4, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-04-093

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Aging and Disability Services Administration)

[Filed February 4, 2009, 8:30 a.m.]

Subject of Possible Rule Making: Chapter 388-845 WAC, Division of developmental disabilities home and community based services waivers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments define the procedures for administering the home and community based services waivers. The department intends to update sections regarding eligibility to receive respite care, where respite care may be provided and the qualified providers of respite care as specified in the waivers approved by the federal Centers for Medicare and Medicaid Services under Section 1915(c) of the Social Security Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department coordinates its rules with and receives approval from the federal Centers for Medicare and Medicaid Services for the administration of waivers under Section 1915(c) of the Social Security Act.

Process for Developing New Rule: The department welcomes public participation in the development of these rules. At a later date, the department will publish proposed rules for public comment, and a public hearing will be held before the rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

February 4, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-04-094

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 09-01—Filed February 4, 2009, 10:10 a.m.]

Subject of Possible Rule Making: Chapter 173-400 WAC, General regulations for air pollution sources; specifically WAC 173-400-030, 173-400-035, 173-400-040, 173-

400-050, 173-400-070, 173-400-075, 173-400-081, 173-400-091, 173-400-099, 173-400-102, 173-400-104, 173-400-105, 173-400-107, 173-400-110, 173-400-112, 173-400-113, 173-400-115, 173-400-117, 173-400-120, 173-400-131, 173-400-136, 173-400-161, 173-400-171, 173-400-560, 173-400-700 through 173-400-750, and creating several sections between WAC 173-400-800 and 173-400-890.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington Clean Air Act, RCW 70.94.151, 70.94.152, 70.94.155, 70.94.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making has three focal points: Development of nonattainment area new source review (NSR) rules, correcting state implementation plan deficiencies, and nonpolicy general housekeeping issues. The first two focal points are required to retain delegated federal programs. The purpose of the last point is to update the rule without making significant policy changes. These updates include incorporating recent updates from related WACs, updating incorporations by reference of federal emissions standards and other federal rules, reviewing the use of defined words to insure that their use is consistent throughout the rule, and to update definitions to match current state and federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will maintain an active dialog with the United States Environmental Protection Agency to ensure our proposals are constant [consistent] with federal requirements. We are also working with the seven local air agencies to promote rule consistency.

Process for Developing New Rule: The proposed rule will be drafted internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held. The proposed amendments will be posted on the agency web site, <http://www.ecy.wa.gov/laws-rules/currentactivity.htm> and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Todd, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-7528, Ttod461@ecy.wa.gov; or Linda Whitcher, Air Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6875, Liwh461@ecy.wa.gov.

February 4, 2009
Stu Clark
Program Manager

ment to include Canadian Veterinary Medical Association approved programs.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Veterinary technicians who seek credentialing through education must complete an American Veterinary Medical Association (AVMA) approved program of two or more years. The AVMA has recognized the Canadian Veterinary Medical Association (CVMA) process for accreditation of Canadian veterinary technologist or technician programs. The AVMA recommends that boards recognize graduates of Canadian programs approved by the CVMA. Recognition of Canadian programs may provide easier mobility for graduates of those programs seeking licensure in Washington state. Current regulations do not recognize Canadian accreditation. Requirements for registration, including education, may need to be established in rule.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Judy Haenke, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4828, fax (360) 586-4359, or e-mail to judy.haenke@doh.wa.gov. Interested persons can participate in the development of new rules by providing comments on proposed language which will be sent to interested person through Listserv and by regular mail.

January 29, 2009
Bart Eggen
Executive Manager

WSR 09-04-098

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed February 4, 2009, 10:57 a.m.]

Subject of Possible Rule Making: WAC 246-935-060
Eligibility for examination as veterinary technician amend-