

WSR 09-14-001
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 17, 2009, 1:33 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval, legislative action in 2009 requires the professional educators standards board (PESB) to amend certain rules on the governance of teacher preparation and certification. Rules expected to be amended over the next two years. As [a] result of education reform legislation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PESB is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

June 17, 2009
 David Brenna
 Legislative and
 Policy Coordinator

WSR 09-14-002
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 17, 2009, 3:12 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval, legislative action in 2009 requires the professional educator standards board (PESB) to amend certain rules on the governance of teacher preparation and certification. Rules expected to be amended over the next two years. As [a] result of education reform legislation. This preproposal focuses on efforts [to] address preparation program standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PESB is responsible for

teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

June 17, 2009
 David Brenna
 Legislative and
 Policy Coordinator

WSR 09-14-003
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 17, 2009, 3:13 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval, legislative action in 2009 requires the professional educator standards board (PESB) to amend certain rules on the governance of teacher preparation and certification. Rules expected to be amended over the next two years. As [a] result of education reform legislation. This preproposal focuses on efforts [to] address preparation program standards and the impact on certification of teachers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PESB is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

June 17, 2009
 David Brenna
 Legislative and
 Policy Coordinator

WSR 09-14-007**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed June 22, 2009, 10:25 a.m.]

Subject of Possible Rule Making: Extended unemployment benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.20.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 50.22 RCW authorizes the payment of extended unemployment benefits. Currently, previously and, we anticipate, in future the federal government authorizes the payment of emergency unemployment benefits. These rules determine how the payment of extended benefits will be coordinated with the payment of emergency unemployment compensation under federal law.

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

Process for Developing New Rule: The agency will consult with stakeholders in the development of these regulations. Individuals interested in participating in this rule-making process should contact the department at the address listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov.

June 19, 2009

Paul Trause
Deputy Commissioner

WSR 09-14-011**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 22, 2009, 11:35 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 09-01-135 on December 22, 2008 (chapter 388-828 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-016**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)**

[Filed June 22, 2009, 2:42 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-832-0145 Who is eligible to receive respite care?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.040, 71A.12.161.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 388-832-0145, as directed by the legislature, to revise eligibility for respite services for individuals participating in the individual and family services program. 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.

June 22, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed June 22, 2009, 2:44 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0015 Need standards for cash assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 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: The department is proposing to amend WAC 388-478-0015 Need standards for cash assistance, in order to revise the basic need standards for cash assistance. The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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 Aurea Figueroa-Rogers, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4623, fax (360) 725-4905, e-mail figueal@dshs.wa.gov.

June 22, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-022
PREPROPOSAL STATEMENT OF INQUIRY
BOARD FOR VOLUNTEER
FIREFIGHTERS AND RESERVE OFFICERS

[Filed June 22, 2009, 4:28 p.m.]

Subject of Possible Rule Making: To amend chapter 491-02 WAC to adopt new actuarial tables for use in calculating joint survivor pensions, survivor pensions, and lump sum settlements for pensions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.24.290(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the state actuary has produced new tables based upon new mortality rates.

Process for Developing New Rule: Agency study; and calculations by the office of the state actuary.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Board for Volunteer Firefighters and Reserve Officers, P.O. Box 114, 605 East 11th Avenue, Suite #112, Olympia, WA 98507, phone (360) 753-7318, fax (360) 586-1987, e-mail bridgettes@bvff.wa.gov.

June 22, 2009
Brigette K. Smith
Executive Secretary

WSR 09-14-024
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 23, 2009, 12:44 p.m.]

The aging and disabilities administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 08-17-096 on August 20, 2008 (chapter 388-823 WAC).
- Preproposal statement of inquiry filed as WSR 09-01-136 on December 22, 2008 (chapter 388-825 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed June 24, 2009, 1:53 p.m.]

Subject of Possible Rule Making: WAC 388-543-2900 Medical supplies and nondurable medical equipment (MSE)—Reimbursement methodology.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments are necessary to describe the payment methodology the department will use to meet the legislature's intent that the department continue to meet federal payment standards for durable medical equipment (DME) with a lower overall level of appropriation as required in the 2009-2011 final legislative budget.

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 Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, e-mail boediwl@dshs.wa.gov, phone (360) 725-1306, fax (360) 586-9272, TTY 1-800-848-5429.

June 24, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-042**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed June 24, 2009, 1:56 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-106-0125 How does CARE use criteria to place me in a classification group for in-home care?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, Washington state 2009-11 budget (ESHB 1244, section 206(5)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising WAC 388-106-0125 to amend the in-home classifications to allow for the reduction of in-home base hours for each of the seventeen classification groups, as directed by the Washington state 2009-11 operating budget (ESHB 1244).

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.

Process for Developing New Rule: DSHS welcomes the public to take part in developing these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else 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 Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 438-8633, TTY (360) 493-2637, e-mail sevruta@dshs.wa.gov.

June 24, 2009

Stephanie E. Schiller
Rules Coordinator**WSR 09-14-054****WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 26, 2009, 9:18 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-22-105 on November 5, 2008 (chapter 388-14A WAC).

Stephanie E. Schiller
Rules Coordinator**WSR 09-14-055****WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Special Commitment Center)

[Filed June 26, 2009, 11:22 a.m.]

The special commitment center requests the withdrawal of the preproposal statement of inquiry filed as WSR 04-10-092 on May 4, 2004 (chapter 388-885 WAC).

Stephanie E. Schiller
Rules Coordinator**WSR 09-14-062****PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF REVENUE**

[Filed June 29, 2009, 11:16 a.m.]

Subject of Possible Rule Making: Amending WAC 458-16-260 Nonprofit day care centers, libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.865 and 84.36.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department anticipates amending this rule to clarify what property owned or used by a nonprofit hospital qualifies for property tax exemption. The anticipated changes will provide a clear basis for determining when nonprofit hospital property is exempt. For many years the focus has been on whether the property was used for inpatient care. An amended rule will focus on property that is fully integrated into a licensed hospital unit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of health licenses hospitals in Washington. The proposed rule will thus tie into the decisions made by the department of health regarding the extent of a hospital license.

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 the anticipated changes is available upon request. 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 [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 Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 18, 2009, at 10:00 a.m.

June 29, 2009
 Gilbert W. Brewer
 Assistant Director
 Interpretations and
 Technical Advice Division

WSR 09-14-065
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 29, 2009, 11:51 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 07-12-030 on May 30, 2007 (WAC 388-406-0035).

Stephanie E. Schiller
 Rules Coordinator

WSR 09-14-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 29, 2009, 2:27 p.m.]

Subject of Possible Rule Making: The department is considering amending sections of chapter 388-76 WAC Adult family home minimum licensing requirements. The department is considering amending WAC 388-76-10020 License—Ability to provide care and services, 388-76-10030 License capacity, 388-76-10050 License—Relinquishment, 388-76-10115 Granting or denying a license—Generally, 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10180 Employment—Certain criminal history—Prohibited, 388-76-10195 Adult family home—Staff—Generally, 388-76-10205 Medicaid or state funded residents, 388-76-10210 Resident relocation due to closure, 388-76-10520 Resident rights—General notice, 388-76-10530 Resident rights—Notice of services, 388-76-10750 Safety and maintenance, 388-76-10820 Resident evacuation capabilities and location of resident bedrooms, 388-76-10840 Emergency food supply, 388-76-10870 Resident evacuation capability levels—Identification required, 388-76-10880 Emergency evacuation adult family home floor plan, 388-76-10920 Inspection and investigation reports—Provided by department, 388-76-10955 Remedies—Department must impose remedies, 388-76-10960 Remedies—Department may impose remedies, 388-76-10995 Notice, hearing rights, and effective dates relating to imposition of remedies, 388-76-11000 Resident protection program—

Investigation of reports, and other related rules as appropriate.

The department is considering new sections on notice, liability insurance, management agreements, department authority, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to consider making editorial and clarifying changes, and to make it consistent with current laws and standards.

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

Process for Developing New Rule: Negotiated rule making; and 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 Maureen Lally, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail Lallyma@dshs.wa.gov. Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

June 29, 2009
 Stephanie E. Schiller
 Rules Coordinator

WSR 09-14-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed June 29, 2009, 2:29 p.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-76 WAC, Adult family home minimum licensing requirements. The department is considering amending WAC 388-76-10000 Definitions, 388-76-10015 License—Required, 388-76-10040 License requirements—Qualified person must live-in or be on-site, 388-76-10055 Application—Generally, 388-76-10080 Application—Coprovider, 388-76-10110 Application—Change of location or address, 388-76-10185 Employment—Certain criminal history—Permitted, 388-76-10200 Adult family home—Staff—Availability—Contact information, 388-76-10225 Reporting requirement, 388-76-10240 Durable power of attorney for health care or financial decisions, 388-76-

10265 Tuberculosis—Testing—Required, 388-76-10270 Tuberculosis—Testing method—Required, 388-76-10340 Preliminary service plan, 388-76-10415 Food services, 388-76-10505 Specialty care—Admitting and retaining residents, 388-76-10540 Resident rights—Disclosure of fees and notice requirements—Deposits, 388-76-10690 Bedroom usable floor space—In adult family homes after the effective date of this chapter, 388-76-10845 Emergency drinking water supply, 388-76-10860 Fire drill plan and procedures for emergency evacuation—Required, 388-76-10920 Inspection and investigation reports—Provided by department, 388-76-10950 Remedies—History and actions by individuals, 388-76-10970 Remedies—Specific—Condition(s) on license, 388-76-10975 Remedies—Specific—Civil penalties, 388-76-10985 Remedies—May extend to multiple homes, 388-76-10990 Informal dispute resolution (IDR), 388-76-11000 Resident protection program—Investigation of reports, 388-76-11005 Resident protection program sections through WAC 388-76-11040, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify 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: Negotiated rule making; and 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 Maureen Lally, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail Lallyma@dshs.wa.gov. Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 29, 2009, 2:31 p.m.]

Subject of Possible Rule Making: The department is considering amending or adding new rules to chapter 388-

101 WAC, Certified community residential services and supports: WAC 388-101-3060 through 388-101-3090 Change of ownership; denial of certification application, 388-101-3160 Plan of correction, 388-101-3250 Background checks, 388-101-3520 Client related funds, 388-101-3540 Managing client funds, 388-101-4010 Community protection—Written individual plan, 388-101-4170 Mandating reporting policies and procedures, 388-101-4270 through 388-101-4340 regarding preliminary and final investigation findings, appeal and hearing rights and procedures, and other related rules as appropriate.

The department is also considering adding new sections to the chapter that will address the following topics: Public access to evaluation reports; tuberculosis standards; liability insurance; and use of medical devices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to make editorial and clarifying changes and to make them consistent with current law and standards.

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. Draft section language will be posted on the ADSA professional web page for review and comment prior to filing CR-102.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Gaskell, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3210, fax (360) 438-7903, e-mail gaskejw@dshs.wa.gov. Draft section language will be posted on the ADSA professional web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager above via phone, e-mail, or fax.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 29, 2009, 2:33 p.m.]

Subject of Possible Rule Making: The department is considering amending or adding new rules to chapter 388-78A WAC: WAC 388-78A-2060 Preadmission assessment, 388-78A-2080 Qualified assessor, 388-78A-2380 Restricted

egress, 388-78A-2300 Food and nutrition services, 388-78A-2440 Resident register, 388-78A-2470 Criminal history disclosure and background checks, 388-78A-2480 TB tests, 388-78A-2520 Administrator qualifications, 388-78A-2540 Administrator training, 388-78A-2590 Management agreements, 388-78A-2700 Safety measures and disaster preparedness, 388-78A-2710 Disclosure of services, 388-78A-2720 Timing of disclosure, 388-78A-2920 Area for nursing supplies and equipment, 388-78A-2930 Communication system, 388-78A-2990 Heating-cooling—Temperature, 388-78A-3010 Resident room—Room furnishings—Storage, 388-78A-3030 Toilet rooms and bathrooms, 388-78A-3040 Laundry, 388-78A-3050 Day rooms, 388-78A-3090 Maintenance and housekeeping, 388-78A-3150 Statement of deficiencies, 388-78A-3160 Authorized enforcement remedies, 388-78A-3170 Circumstances resulting in enforcement remedies, 388-78A-3190 Denial, suspension, revocation, or nonrenewal of license statutorily required, 388-78A-3400 Investigation of reports, 388-78A-3480 Disclosure of investigative and finding information, and other related rules as appropriate.

The department is considering sections on the following topics: Notice of findings, medicaid issues related to RCW 18.20.440 and SSB 6009, liability insurance, new construction requirements, dates that may be outdated or unnecessary, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW, Boarding homes.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to consider making editorial and clarifying changes and to make these rules consistent with current law and standards.

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 Judy Johnson, Residential Care Service, Aging and Disability Services Administration, Department of Social and Health Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-70-3 [438-7903], TTY 1-877-905-0454, e-mail johnsjm1@dshs.wa.gov.

Draft section language will be posted on ADSA Professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-070

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 29, 2009, 2:35 p.m.]

Subject of Possible Rule Making: The department is considering amending the following rules in chapter 388-97 WAC, Nursing homes: WAC 388-97-0001 Definitions, 388-97-0100 Utilization review, 388-97-0280 Advance directives, 388-97-0580 Roommates/room, 388-97-0720 Notification of preliminary finding, 388-97-1400 through 388-97-1600 Tuberculosis—Testing method required through care of residents with active tuberculosis, 388-97-1800 Criminal history disclosure and background inquiries, 388-97-1820 Disqualification from nursing home employment, 388-97-1900 Dialysis services, 388-97-2060 New construction compliance, 388-97-2280 Call systems on resident care units, 388-97-3820 Stairways, ramps, and corridors in new construction, 388-97-4200 Department review of initial nursing home license applications, 388-97-4220 Reasons for denial, suspension, modification, revocation of, or refusal to renew a nursing home license, 388-97-4320 Relocation of residents, 388-97-4340 License relinquishment, and 388-97-4440 Notice and appeal rights, and other related rules as appropriate.

The department is considering a new section on liability insurance and other related rules as appropriate. Also will be removing incorrect statutory authority reference in the footnote in all sections of the chapter 388-97 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.51 and 74.42 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of amending these rules is to consider making editorial and clarifying changes, and to make it consistent with current laws and standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

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 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.

Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment

directly to the program manager listed above via phone, e-mail or fax.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 29, 2009, 2:37 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-76-10025 License annual fee and 388-76-10070 Application—Fee required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recently enacted 2SHB 1935 increased the application processing and yearly licensing fees for adult family home applicants and providers. These new fees must be implemented by the effective date of July 26, 2009. The legislation also included a provision for providers who successfully completed the University of Washington School of Nursing certified geriatric program and testing.

Process for Developing New Rule: Negotiated rule making; and 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 Maureen Lally, Program Manager, DSHS, Residential Care Services, Aging and Disability Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, TTY (877) 905-0454, e-mail Lallyma@dshs.wa.gov.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 29, 2009, 2:52 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-406-0055 When do my benefits start? and any other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.060, 74.04.050, 74.08.090, 74.04.055, and 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will propose amendments to WAC 388-406-0055 and any other related WACs in order to comply with the statutory changes made to RCW 74.08.060 by the enactment of SSB 6024 (chapter 198, Laws of 2009). The governor signed the law on April 23, 2009, which goes into effect on November 1, 2009.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will be coordinating and reviewing proposed drafts with the health and recovery services administration (HRSA).

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 Melissa Mathson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4563, fax (360) 725-4905, e-mail Mathsmc@dshs.wa.gov.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 29, 2009, 2:53 p.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC to implement statutory changes contained in SSB 5166 (chapter 408, Laws of 2009) regarding the division of child support (DCS) license suspension program, which is effective July 26, 2009. DCS may need to adopt emergency rules in order to meet the statute's effective date, but we will continue with the regular rule-making process in order to adopt final rules as soon as possible.

NOTE: At this time DCS is withdrawing the CR-101 filed as WSR 08-22-105, which was filed before the legislative session and does not include notice of the changes required by SSB 5166.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5166 (chapter 408, Laws of 2009), RCW 34.-05.060, 43.20A.550, 74.04.055, 74.04.057, 74.20A.310, 74.20A.320(10), 74.20A.350(14).

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

adopted SSB 5166 (chapter 408, Laws of 2009) regarding license suspension for noncompliance with child support orders. DCS must adopt rules to implement this legislation.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS economic services administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

June 29, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-074

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed June 29, 2009, 2:55 p.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC to implement statutory changes contained in E2SSB 5688 (chapter 521, Laws of 2009) regarding the rights and responsibilities of registered domestic partners. Certain sections of this bill affect the division of child support (DCS) and have an effective date of July 26, 2009. The effective date may be delayed due to a referendum effort.

E2SSB 5688 makes changes to various chapters of the RCW which may affect DCS and/or the establishment, modification and enforcement of child support obligations: Section 65 amends chapter 26.09 RCW; section 66 amends chapter 26.18 RCW; section 67 amends chapter 26.26 RCW; section 179 amends chapter 74.20 RCW; section 180 amends chapter 74.20A RCW; there may be other sections of the bill identified later in the rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5688 (chapter 521, Laws of 2009); RCW 34.05.020, 34.05.220, 74.08.090, 74.20.040, 74.20A.055(9), 74.20A.056(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS must adopt rules to

implement this legislation, which provides that for all purposes under state law, state registered domestic partners shall be treated the same as married spouses. The bill provides that with the exception of chapter 26.04 RCW, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement this act, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

Section 2 of the bill adds a new section to chapter 34.05 RCW which provides that all state agencies must, to the extent possible, amend their rules to reflect the bill's intent.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS economic services administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

June 29, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-075

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

(Division of Child Support)

[Filed June 29, 2009, 2:57 p.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC to implement statutory changes contained in SHB 1845 (chapter 476, Laws of 2009) regarding medical support obligations in child support

orders, which has an effective date of October 1, 2009. It is possible that the division of child support (DCS) may need to adopt emergency rules in order to meet the statute's effective date, but we will continue with the regular rule-making process in order to adopt final rules as soon as possible.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1845 (chapter 476, Laws of 2009), RCW 26.18.170(14), 26.23.050(8), 26.23.110(13), 34.05.020, 34.05.220, 74.04.055, 74.04.057, 74.08.090, 74.20.040, 74.20A.310, 74.20A.055(9), 74.20A.056(11).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to federal regulations contained in 45 C.F.R. Parts 302, 303, 304, 305, and 308, effective July 21, 2008, the Washington legislature adopted SHB 1845 (chapter 476, Laws of 2009) regarding medical support obligations in child support orders. DCS must adopt rules to implement this legislation, which changes the way that medical support obligations are established and enforced.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS economic services administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

June 29, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-14-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed June 29, 2009, 3:13 p.m.]

Subject of Possible Rule Making: WAC 220-150-050 Ballast water management treatment requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.120.030(3), and 77.120.040 (5)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since 2000, the legislature (section 4, chapter 108, Laws of 2000) has anticipated that Washington department of fish and wildlife (WDFW) will adopt discharge performance standards for the effective treatment of ballast water. E2SSB 5923 (section 10, chapter 350, Laws of 2007) amended the statute to emphasize the need to create standards to "ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species." A state discharge performance standard is required, since federal agencies continue to delay implementation of a national standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard (USCG) and the United States Environmental Protection Agency (EPA): WDFW, as practical and appropriate, is tasked with adopting discharge performance standards compatible with standards set by USCG and consistent with EPA's Clean Water Act. To do this, WDFW will consult with its ballast water work group, which is made up of other state and federal agencies, affected industries, tribal governments, environmental groups, academia, technical interests, and interested members of the public.

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 Allen Pleus, Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360)902-2724, e-mail Allen.Pleus@dfw.wa.gov. Expected proposal filing on or after September 23, 2009.

June 29, 2009
Lori Preuss
Rules Coordinator

WSR 09-14-079

PREPROPOSAL STATEMENT OF INQUIRY SENTENCING GUIDELINES COMMISSION

[Filed June 30, 2009, 7:22 a.m.]

Subject of Possible Rule Making: Update WAC 437-20-010 to reflect the passage of ESSB 5288, chapter 375, Laws of 2009.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.94A.850 (commission's rule-making authority under chapter 34.05 RCW).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Previously, the commission was given authority to set and recommend community custody ranges. Passage of ESSB 5288 (chapter 375, Laws of 2000 [2009]) has replaced the commission's authority to set community custody ranges.

Process for Developing New Rule: Agency initiated rule pursuant to ESSB 5288 (chapter 375, Laws of 2009).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Jones, Rules Coordinator, Sentencing Guidelines Commission, P.O. Box 40927, Olym-

pia, WA 98504-0927, phone (360) 407-1050, fax (360) 407-1043.

June 29, 2009
Jean Soliz-Conklin
Executive Director

WSR 09-14-080
PREPROPOSAL STATEMENT OF INQUIRY
SENTENCING GUIDELINES COMMISSION

[Filed June 30, 2009, 7:23 a.m.]

Subject of Possible Rule Making: Updating and simplifying agency's public disclosure process, currently located within chapter 437-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.94A.850, commission's rule-making authority under chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules refer to nonexistent statutes, new rules will revise, update and simplify the agency's public disclosure process.

Process for Developing New Rule: Agency initiated rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Jones, Rules Coordinator, Sentencing Guidelines Commission, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 407-1050, fax (360) 407-1043.

June 29, 2009
Jean Soliz-Conklin
Executive Director

WSR 09-14-081
PREPROPOSAL STATEMENT OF INQUIRY
SENTENCING GUIDELINES COMMISSION

[Filed June 30, 2009, 7:23 a.m.]

Subject of Possible Rule Making: Repealing chapter 437-10 WAC, Bylaws, from the administrative code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.94A.850, commission's rule-making authority under chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will allow the agency to adapt to and respond more quickly to changes.

Process for Developing New Rule: Agency initiated rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Jones, Rules Coordinator, Sentencing Guidelines Commission, P.O. Box 40927, Olympia, WA 98504-0927, phone (360) 407-1050, fax (360) 407-1043.

June 29, 2009
Jean Soliz-Conklin
Executive Director

WSR 09-14-082

PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-06—Filed June 30, 2009, 7:31 a.m.]

Subject of Possible Rule Making: Standards for determining insurer's financial condition.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.31.435, 48.44.050, and 48.46.-200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Accreditation standards require that a state's laws contain the NAIC's "Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition" or a substantially similar provision. This provision authorizes the commissioner to order a company that may be in hazardous condition to take necessary corrective action, provide additional reporting, or cease certain practices. The NAIC has recently amended the model. The purpose of this rule making is to amend the existing regulatory standards to bring them in line with the NAIC model.

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

Process for Developing New Rule: Submit written comments by August 17, 2009, to Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

June 30, 2009
Mike Kreidler
Insurance Commissioner

WSR 09-14-096

WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed June 30, 2009, 9:39 a.m.]

The Washington state patrol hereby withdraws the pre-proposed rule for fire standard compliant (reduced ignition propensity) cigarettes, filed with your office on March 27, 2009, WSR 09-08-064.

Melissa Van Gorkom
Rules Coordinator

WSR 09-14-097
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 30, 2009, 10:01 a.m.]

The aging and disability services administration requests the withdrawal of the following preproposal statements of inquiry.

- Preproposal statement of inquiry filed as WSR 09-01-130 on December 22, 2008 (chapter 388-845 WAC).
- Preproposal statement of inquiry filed as WSR 09-01-134 on December 22, 2008 (chapter 388-832 WAC).
- Preproposal statement of inquiry filed as WSR 09-01-139 on December 22, 2008 (chapter 388-515 WAC).
- Preproposal statement of inquiry filed as WSR 09-01-153 on December 22, 2008 (WAC 388-105-0005 and 388-105-0045).

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-099
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed June 30, 2009, 10:47 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 09-04-093 on February 4, 2009 (chapter 388-845 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 09-14-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed June 30, 2009, 11:50 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:

- As a result of HB 1366, extend the inspection frequencies for internal inspection of low pressure heating boilers.
- Amend the definitions of low pressure heating boiler and hot water heaters. The department has policies that have been approved and enforced as rules but need to be formally added to the rules.
- Amend the shop inspection requirements to allow the program to discontinue services when the shop inspection program cannot support the activity.
- Outline requirements for rental pressure vessel similar to rental boilers.
- Increase the three hourly inspection rates, which don't cover the operating expenses for the program. The hourly rate will be adjusted to cover the department's operating costs.

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.

June 30, 2009

Steven E. Bacon, Chair
Board of Boiler Rules

WSR 09-14-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed June 30, 2009, 12:24 p.m.]

Subject of Possible Rule Making: Enacting and amending rules regarding use of public areas of the capitol campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.125 and 46.08.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The objective of this rule making is to clarify policy regarding how GA will consider appropriate time, place and manner criteria in evaluating and approving requests for use of the public areas of the capitol campus.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol provides law enforcement for the state capitol grounds and will be consulted throughout the preparation of the new rules.

Process for Developing New Rule: GA will develop the draft rules with the assistance of the office of the attorney general. The public is encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A public comment period is anticipated during August 2009. Interested parties may contact Jack Zeigler, Rules Coordinator, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, voice (360) 902-0970, e-mail jzeigle@ga.wa.gov.

June 17, 2009
Linda V. Bremer
Director

WSR 09-14-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 30, 2009, 2:47 p.m.]

Subject of Possible Rule Making: Wholesale fish dealers.

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: Existing penalties for wholesale fish dealers who intentionally fail to submit fish tickets and/or who commit other violations relating to accounting of commercial harvests are such that the fish dealers have little incentive to abide by department laws and rules. By strengthening these penalties and/or changing WDFW's system for imposing penalties, the department expects to see improved compliance by wholesale fish dealers, which in turn will improve WDFW's ability to manage the state's fish and shellfish resources.

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, e-mail Lori.preuss@dfw.wa.gov. Expected proposal filing on or after August 19, 2009.

June 30, 2009
Lori Preuss
Rules Coordinator

WSR 09-14-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)

[Filed June 30, 2009, 3:45 p.m.]

Subject of Possible Rule Making: WAC 246-919-430 (physicians) general requirements and WAC 246-918-XXX (physician assistants) creating a new section for general renewal requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050 and 18.71.430, physicians and physician assistants.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The medical quality assurance commission is considering amending the physician rules and creating a new section in the physician assistant rules to obtain additional information at the time of renewal. This additional information will assist the commission to better protect the public by developing rules or policies for continuing education and standard of care as well as identifying medical specialties, board certification, access to care and medical trends.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Kitten, Program Manager Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-2757, julie.kitten@doh.wa.gov. The commission will use a collaborative rule-making process that will include public meetings, and sharing drafts with interested parties. Notifications about the rule development will be sent through List-Servs.

June 30, 2009
Maryella E. Jansen
Executive Director

WSR 09-14-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed July 1, 2009, 9:05 a.m.]

Subject of Possible Rule Making: Chapter 16-623 WAC, Commission Merchant Act—Licensing fees, proof of payment, cargo manifests and registration of acreage commitments. The department is considering increasing the fees for licenses issued under chapter 20.01 RCW, which authorizes the commission merchants program. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 20.01.020 and 20.01.040, chapter 34.05 RCW, and chapter 564, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2009 legislative session, the Washington state legislature authorized (as required by Initiative 960) the Washington state department of agriculture to increase the commission merchant licensing fees as necessary to meet the actual costs of conducting business (see chapter 564, Laws of 2009).

The commission merchants program enforces the Commission Merchants Act; licenses commission merchants, dealers, brokers, agents, and cash buyers; and investigates complaints. The program's revenue is largely derived from license fees. An increase in licensing fees would be necessary to cover the costs of operating the 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: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Kirk Robinson, Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail krobinson@agr.wa.gov.

July 1, 2009

Mary A. Martin Toohey
Assistant Director

WSR 09-14-121

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 1, 2009, 9:10 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is considering increasing laboratory diagnostic and postentry inspection fees, including hourly fees for these services. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.021 and 17.24.131, chapter 34.05 RCW, and chapter 564, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2009 legislative session, the Washington state legislature authorized (as required by Initiative 960) the Washington state department of agriculture to increase the plant pest inspection and testing fees as necessary to meet the actual costs of conducting business (see chapter 564, Laws of 2009).

This rule establishes the fees-for-service charged by the plant services program and pest program for activities authorized in chapter 17.24 RCW. This increase in fees would enable the programs to cover the costs associated with these activities.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the

public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

July 1, 2009

Mary A. Martin Toohey
Assistant Director

WSR 09-14-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 1, 2009, 9:16 a.m.]

Subject of Possible Rule Making: Chapter 16-401 WAC, Nursery inspection fees, the department is considering increasing the nursery dealer licensing fees and requested inspection fees. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.13.260, 15.13.280, 15.13.370 and 15.14-015, chapter 34.05 RCW, and chapter 564, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2009 legislative session, the Washington state legislature authorized (as required by Initiative 960) the Washington state department of agriculture to increase the nursery dealer licensing and plant pest inspection and testing fees as necessary to meet the actual costs of conducting business (see chapter 564, Laws of 2009).

This rule establishes the fees charged by the plant services program for activities authorized in chapters 15.13 and 15.14 RCW. The program's revenue is almost solely derived from inspection, testing, and license fees. An increase in fees would enable the program to cover the costs associated with performing these activities.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary A. Martin Toohey, Assistant

Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail mtoohey@agr.wa.gov; or Tom Wessels, Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

July 1, 2009
Mary A. Martin Toohey
Assistant Director

WSR 09-14-135
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed July 1, 2009, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 196-12 WAC, Professional engineers.

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: Language will be amended and/or repealed to better reflect the board's current practices.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George A. Twiss, Executive Director, P.O. Box 9025, Olympia, WA 98507-9025, phone (360) 664-1575, fax (360) 664-2551, e-mail engineers@dol.wa.gov. Comments may be submitted through regular mail, phone, fax or e-mail.

July 1, 2009
George A. Twiss
Executive Director