

WSR 09-15-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Board of Physical Therapy)
 [Filed July 1, 2009, 1:49 p.m.]

Subject of Possible Rule Making: Chapter 246-915 WAC, amending the chapter to consider the use of telehealth in the practice of physical therapy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023 and 18.74.025.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has authority to set the standard of care of the practice of physical therapy, which includes setting the conditions that may allow the use of telehealth. Technology is changing the way many health professionals practice health care. The board would like to evaluate the use telehealth in the practice of physical therapy. If the board determines telehealth is appropriate in the practice of physical therapy, rules may be necessary to establish requirements.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on the rules and rule-writing meetings, contact Kris Waidely, Department of Health, Board of Physical Therapy, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4847, fax (360) 236-2901, e-mail kris.waidely@doh.wa.gov.

June 30, 2009
 Kris Waidely
 Program Manager

WSR 09-15-008
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH
 [Filed July 1, 2009, 4:57 p.m.]

This serves as notice that the department of health and state board of health are withdrawing the CR-101 regarding revising rules for decontamination of illegal drug manufacturing or storage sites filed on December 5, 2007, and published as WSR 07-24-092. The original proposal was to establish certification requirements for independent third party sampling of clandestine drug labs (CDL) and for the conduct of background checks for all certified CDL staff. The proposal was also to consider revising the decontamination standards as appropriate.

The 2009 legislature eliminated funding for the department of health, CDL program. In addition, RCW 64.44.070 was amended to remove the legislative authority to adopt rules relative to independent third party sampling. As a result, no further rule making on this subject can be con-

ducted and the CR-101 must be withdrawn. Please contact Mark Soltman at (360) 236-3366 or mark.soltman@doh.wa.gov if you have any questions about this request.

Mary C. Selecky
 Secretary
 Department of Health
 Craig McLaughlin
 Executive Director
 State Board of Health

WSR 09-15-009
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
 [Filed July 2, 2009, 8:24 a.m.]

Subject of Possible Rule Making: Amending WAC 434-120-025 to include a definition of review and WAC 434-120-107 to remove the form.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.09.315, [19.09.]540.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New financial reporting requirements go into effect on January 1, 2010, and rules are required to clarify the meaning of terminology.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney general's office.

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. Public hearings to be noted on web site at www.secstate.wa.gov/charities; for more information contact Rebecca Sherrell, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234, phone(360) 664-0742, fax (360) 664-4250, charities@secstate.wa.gov.

July 1, 2009
 Steve Excell
 Assistant Secretary of State

WSR 09-15-010
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD
 [Filed July 2, 2009, 11:48 a.m.]

Subject of Possible Rule Making: Creation of rules, and possible technical corrections, in the state work study (SWS) program in response to changes to the SWS statute per SSB 5044, which includes limitations on nonresident student participation and priorities for student placements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.12.060, chapter 172, Laws of 2009, based on SSB 5044.

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

and clarify administrative and operational details based on the statute changes contained in SSB 5044 as passed in the 2009 legislative session.

Process for Developing New Rule: Collaborate with partners.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Submit written comments to Marlana Rae Robbins, Higher Education Coordinating Board, 917 Lakeridge Way S.W., P.O. Box 43430, Olympia, WA 98504-3430.

June 30, 2009

Jeffrey N. Powell
Assistant Director

WSR 09-15-012

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed July 2, 2009, 1:41 p.m.]

Subject of Possible Rule Making: The department will adopt rules to implement chapter 247, Laws of 2009 (SB 5804) concerning claimants who quit part-time work.

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: The rules are necessary to clarify the conditions under which an individual who quits a part-time job for reasons other than those enumerated in RCW 50.20.050(2) may be eligible for benefits.

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: Proposed rules will be shared with stakeholders identified in the rule-making process, input solicited from stakeholders, and all written comments considered in the development of the final rules.

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. Please include your name, organization (if any), mailing address, e-mail address, and telephone number.

June 30, 2009

Karen T. Lee
Commissioner

WSR 09-15-013

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed July 2, 2009, 1:42 p.m.]

Subject of Possible Rule Making: The department will adopt and amend rules on the general subject of unemployment insurance benefits in order to update, revise, and clarify policy. This includes, but is not limited to, rules related to job separations, job search requirements, reporting requirements, training, educational employees, deductions from benefits, and the definition of terms.

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: In order to making rules clearer and more comprehensive and to provide more consistent, predictable, and transparent standards, the department intends to review and update its rules which relate to eligibility for and payment of unemployment benefits, and to adopt new rules which both clarify and revise existing policy.

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: Proposed rules will be shared with stakeholders identified in the rule-making process, input solicited from stakeholders, and all written comments considered in the development of the final rules.

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. Please include your name, organization (if any), mailing address, e-mail address, and telephone number.

June 30, 2009

Karen T. Lee
Commissioner

WSR 09-15-027

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Filed July 7, 2009, 8:23 a.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of intent for R 2008-18 Safeguarding insurer securities, published by the code reviser in WSR 08-12-097.

We will contact individuals that provided comments during the CR-101 comment period as soon as we resume this rule making.

Mike Kreidler

WSR 09-15-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 7, 2009, 1:17 p.m.]

The department of licensing hereby withdraws proposed [preproposed] rule, chapter 308-57 WAC, Motor vehicle excise tax, filed with your office on December 1, 2008, as WSR 08-24-065.

Dale R. Brown
 Rules Coordinator
 Vehicle Services

WSR 09-15-037
PREPROPOSAL STATEMENT OF INQUIRY
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed July 8, 2009, 1:25 p.m.]

Subject of Possible Rule Making: Chapters 132X-10, 132X-30, 132X-50, and 132X-60 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140, 34.05.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 132X-10 WAC, to reflect updates to the state WAC numbering system and to update college title changes; chapter 132X-30 WAC, to simplify language and refer to existing procedures; chapter 132X-50 WAC, to update title change and internal reference; and chapter 132X-60 WAC, to update title and name changes, refer to existing college procedures, and identify and clarify college staff.

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

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. This topic will be included in the regular meeting of the college's board of trustees scheduled on November 4, 2009, for a public hearing and board adoption.

For questions, contact Diana Toledo, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98512-6292, phone (360) 596-5206, fax (360) 586-3570, e-mail dtoledo@spscc.ctc.edu.

July 8, 2009
 Gerald Pumphrey
 College President

WSR 09-15-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 8, 2009, 2:12 p.m.]

Subject of Possible Rule Making: Chapter 246-290 WAC, Group A public water systems, federal lead and copper rule short-term revisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The primacy agreement between the department of health and United States Environmental Protection Agency outlines a number of activities that the department must do in order to maintain primacy for Group A public water systems. One of those activities involves rule adoption so that state regulations are consistent with federal rules. The public health objective of the rule is to provide more effective protection by reducing exposure to lead in drinking water. The revisions clarify monitoring requirements, improve consumer awareness, and modify line replacement provisions as well as provide editorial changes to improve overall clarity and consistency with federal 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: The department will use a collaborative rule-making process and seek input from interested parties through the water supply advisory committee, the Washington Water Utility Council, local health partners, and other stakeholders. Outreach efforts will include providing information on our rule-making ListServ, e-mail, the quarterly newsletter Water Tap, and the office of drinking water's home page on the internet at http://www/doh.wa.gov/ehp/dw/our_main_pages/regula.htm.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Theresa Phillips, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504-7822, (360) 236-3147 or theresa.phillips@doh.wa.gov.

July 8, 2009
 Mary C. Selecky
 Secretary

WSR 09-15-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 10, 2009, 9:19 a.m.]

Subject of Possible Rule Making: Chapter 308-66 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.023 and 46.70.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: One amendment will help ensure that temporary subagency licenses will be issued timely. Another amendment would require that the location of a sale be reflected in documents of sale.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general, consumer protection.

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in development the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Mary Morris, Administrative Assistant 3, Dealer/Manufacturer Services, Mailstop 48204, P.O. Box 9039, Olympia, WA 98507, phone (360) 664-6464, fax (360) 586-6703, e-mail MMorris@dol.wa.gov.

June 25, 2009

Mykel D. Gable

Assistant Director

WSR 09-15-061

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed July 10, 2009, 11:51 a.m.]

Subject of Possible Rule Making: WAC 246-883-020 Identification of legend drugs for purposes of chapter 69.41 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 69.41.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of pharmacy will consider amendments to the rule to update the "Drug Topics Red Book" (Red Book) edition and purchase options, correct the address for the board of pharmacy (board), and remove outdated information. RCW 69.41.075 requires that the board identify by edition and date a commercial publication to be used to identify legend drugs. A rule amendment will ensure that pharmacists are using the most current resource when identifying drugs requiring a prescription as determined by the federal Food and Drug Administration.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Stakeholders will be notified of the rule inquiry via listserv and it will be posted on the board's web page. Stakeholders will be given an opportunity to submit written comments for consideration.

Inquiries may be sent to Doreen Beebe, Board of Pharmacy, Program Manager, P.O. Box 47863, Olympia, WA 98504-7863, or by e-mail to Doreen.Beebe@doh.wa.gov.

July 10, 2009

Doreen E. Beebe
Program Manager

WSR 09-15-063

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 10, 2009, 2:15 p.m.]

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

- Preproposal statement of inquiry filed as WSR 09-14-066 on June 29, 2009 (chapter 388-76 WAC).
- Preproposal statement of inquiry filed as WSR 09-14-067 on June 29, 2009 (chapter 388-76 WAC).

Stephanie E. Schiller

Rules Coordinator

WSR 09-15-080

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 13, 2009, 12:39 p.m.]

The economic services administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 06-09-037 on April 13, 2006 (WAC 388-454-0006).
- Preproposal statement of inquiry filed as WSR 06-20-073 on September 29, 2006 (WAC 388-428-0010 and 388-454-0025).

Stephanie E. Schiller

Rules Coordinator

WSR 09-15-088

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed July 14, 2009, 9:37 a.m.]

Subject of Possible Rule Making: Chapter 260-16 WAC, Washington-bred horses, specifically how owners' bonus and breeder awards are to be calculated.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There may be confusion regarding when a Class 1 racing association must withhold a percentage of the gross receipts of parimutuel machines for owners' bonus (RCW 67.16.105) and breeder awards (RCW 67.16.175). It is the intent of the commission to adopt a new section which clarifies, for current and future licensees, how the owners' bonus and breeder awards amounts to be deposited with the commission must be calculated.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 13, 2009

R. J. Lopez
Executive Secretary

WSR 09-15-089

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 14, 2009, 9:38 a.m.]

Subject of Possible Rule Making: Title 260 WAC, Safety equipment for assistant starters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is beginning rule making in anticipation of a new model rule requiring all assistant starters to wear safety equipment.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 13, 2009

R. J. Lopez
Executive Secretary

WSR 09-15-090

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 14, 2009, 9:38 a.m.]

Subject of Possible Rule Making: Chapter 260-36 WAC, Licensing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is contemplating amending various sections in this chapter to address the following areas: (1) Ability to apply for a license during the period of suspension or revocation; (2) licensed veterinarians also being licensed as trainers; (3) continuing education requirements as a condition for a trainer's license; (4) denial of license to persons with a pending felony prosecution; and (5) industrial insurance premiums.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of labor and industries (industrial insurance premium issue only).

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 13, 2009

R. J. Lopez
Executive Secretary

WSR 09-15-091

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 14, 2009, 9:39 a.m.]

Subject of Possible Rule Making: Chapter 260-60 WAC, Claiming.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is beginning rule making in this chapter to consider addressing the "status" of claimed horses that do not finish the race.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way,

Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 13, 2009
R. J. Lopez
Executive Secretary

WSR 09-15-092

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 14, 2009, 9:39 a.m.]

Subject of Possible Rule Making: WAC 260-72-050
Use of personal communication devices on the grounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering rule making in WAC 260-72-050 to expand to areas of the grounds where the use of personal communication devices are to be prohibited.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 13, 2009
R. J. Lopez
Executive Secretary

WSR 09-15-093

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 14, 2009, 9:39 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is beginning rule making on a number of sections and chapters in Title 260 WAC. In anticipation to new and amended sections, the commission will need to amend chapter 260-84 WAC to address penalties for violations of these new and/or amended rules. In addition, there may be [be] a need to amend other specific penalties in this chapter to address issues which have arise[n] during the 2009 race year.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 13, 2009
R. J. Lopez
Executive Secretary

WSR 09-15-099

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 15, 2009, 9:14 a.m.]

Subject of Possible Rule Making: Chapter 260-70 WAC, specifically out-of-competition testing of horses on the grounds of licensed facilities, and mandatory periods of rest for horses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is beginning rule making in anticipation of a new model rule addressing out-of-competition testing of horses.

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 Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 15, 2009
R. J. Lopez
Executive Secretary

WSR 09-15-106

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 16, 2009, 7:12 a.m.]

The Washington horse racing commission (WHRC) wishes to withdraw its preproposal statement of inquiry (CR-101) filed on July 14, 2009, as WSR 09-15-091.

Questions can be directed to WHRC staff at (360) 459-6462.

R. J. Lopez
Executive Secretary

WSR 09-15-108**PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY**

[Filed July 16, 2009, 8:54 a.m.]

Subject of Possible Rule Making: Chapter 516-12 WAC, Parking and traffic regulations, and chapter 516-14 WAC, Appeals from parking violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), 28B.10.560.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To review and amend Western's parking and traffic rules to provide better guidance for students, faculty, staff, and guests. Preproposal includes consideration of repealing chapter 516-14 WAC, Appeals from parking violations, and incorporating those rules into chapter 516-12 WAC, Parking and traffic regulations.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randy Stegmeier, Director of Public Safety, Western Washington University, 516 High Street, Mailstop 9130, Bellingham, WA 98225-9130, phone (360) 650-3555, fax (360) 650-3367; or Suzanne Baker, Rules Coordinator, Western Washington University, 516 High Street, Mailstop 9015, Bellingham, WA 98225-9015, phone (360) 650-3117, e-mail Suzanne.Baker@wwu.edu.

July 16, 2009
Suzanne M. Baker
Rules Coordinator

WSR 09-15-110**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed July 16, 2009, 10:02 a.m.]

Subject of Possible Rule Making: Uniform Real Property Electronic Recording Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 65.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislation directs the secretary of state to adopt rules to ensure harmonious practices of recording officers who conduct electronic recording or real property documents.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the secretary of state has involved the departments of revenue and licensing in the development of the proposed rules. Both departments will continue to receive notice of the rule-making process and avenues for participation.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Megan Moreno, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4141, fax (360) 586-5629, e-mail mmoreno@secstate.wa.gov. Notice of the public hearing will be provided in the CR-102 form.

July 16, 2009

Steve Excell

Assistant Secretary of State

WSR 09-15-111**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 16, 2009, 10:14 a.m.]

Subject of Possible Rule Making: Chapter 392-142 WAC, Replacement and depreciation allocation.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To complete the revision process required after the emergency WAC change of June 2009 and to make technical clarifications to the school bus reimbursement system.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Office of Superintendent of Public Instruction, Pupil Transportation, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6120, fax (360) 586-6124, e-mail allan.jones@k12.wa.us.

July 16, 2009

Randy I. Dorn

Superintendent of
Public Instruction

WSR 09-15-114**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)

[Filed July 17, 2009, 9:09 a.m.]

Subject of Possible Rule Making: Chapter 246-828 WAC, Hearing and speech, amending the chapter to add the requirements, including the fees, for the new speech and language pathology assistant profession and for general house-keeping changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.35.161 and ESSB 5601 (chapter 301, Laws of 2009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5601 (chapter 301, Laws of 2009) established a certification for speech-language pathology assistants. The legislation requires the board to develop rules to outline the procedures or tasks allowable under direct and indirect supervision. The legislation directs

the board to approve education programs and develop rules for the grandfathering 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: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the rule-making process by providing comments on proposed language and/or attending a rules workshop. Notices will be sent to interested parties through Listserv and e-mail. Send written comments to Janette Benham, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4857, fax (360) 236-2901, or e-mail janette.benham@doh.wa.gov.

July 15, 2009
Janette Benham
Program Manager

WSR 09-15-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 17, 2009, 9:09 a.m.]

Subject of Possible Rule Making: WAC 246-817-701(2) Administration of anesthetic agents for dental procedures and 246-817-722 Defibrillator.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.640 and 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The dental quality assurance commission (DQAC) is proposing rule making to consider whether the application of topical and local anesthetic should require twenty-four hour on-call availability by the dentist providing treatment. In addition, DQAC is considering amending the defibrillation capabilities requirement to address concerns and provide clarity for such things as, automated versus automatic defibrillator devices, the need if using topical and local anesthetic only, and requirements when sharing lobbies or connecting suites.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4893, fax (360) 236-2901. Interested stakeholders may sign up for the dental commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will e-mailed to the dental commission's interested parties list (listserv), Washington State Dental Association, Washington

State Dental Hygienists' Association, and Washington State Dental Assistants Association.

July 10, 2009

Jennifer Santiago, Program Manager
Dental Quality Assurance Commission

WSR 09-15-117

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 17, 2009, 10:27 a.m.]

Subject of Possible Rule Making: WAC 260-36-220 Industrial insurance premiums—Additional premiums for stalls and horses started, 260-36-230 Short duration industrial insurance coverage, and 260-28-235 Trainer—Duty to provide employees financial relief from injury.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the applicable sections regarding industrial insurance premiums in order to clarify and eliminate existing rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Possibly the Washington department of labor and industries (L&I), which sets the annual premiums for each risk class. Commission has regular contacts and [in] L&I and will include them in the rule-making process.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert J. Lopez, Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

July 17, 2009

R. J. Lopez
Executive Secretary

WSR 09-15-133

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-08—Filed July 20, 2009, 3:48 p.m.]

Subject of Possible Rule Making: Implementing federal Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) requirements for medicare supplement plans, and the National Association of Insurance Commissioner (NAIC) minimum standards (for medicare supplement plans) model regulation language. The commissioner proposes amending chapter 284-66 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a) and 48.66.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The MIPPA changes the medicare supplement plan requirements; the commissioner proposes updating Washington's administrative code so that our regulations are consistent with MIPPA. The NAIC Model Act addresses plans that will be available as of June 1, 2010. By revising our code to incorporate the NAIC Model Act provisions, the commissioner enables carriers to file and sell these plans by June 1, 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS); the commissioner recently responded to inquiries from the NAIC about our plans to update Washington's medicare supplement rules. NAIC in turn aggregated the same information from all states and forwarded it to CMS.

Process for Developing New Rule: Agency study; and model regulation use and reference to federal regulation.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meg L. Jones, Policy and Rules Manager, P.O. Box 40258, Olympia, WA 98504, phone (360) 725-7170, fax (360) 586-3109, e-mail megj@oic.wa.gov. Please provide comments on this proposal by August 26, 2009.

July 20, 2009
Mike Kreidler
Insurance Commissioner

WSR 09-15-140

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 21, 2009, 9:08 a.m.]

Subject of Possible Rule Making: WAC 220-69-230 Description of Washington state nontreaty fish receiving tickets, and related rules and 220-69-250 Required information on nontreaty fish receiving tickets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal groundfish and salmon regulations allow trollers incidental allowances of Pacific halibut and groundfish that are expressed as a ratio of individual groundfish or halibut possessed or landed to the number of chinook retained. To enforce this incidental allowance, the department must therefore require that Pacific halibut and groundfish be reported in individual numbers on the troll fish receiving ticket. Current regulations only require halibut and groundfish to be reported in original total or original dressed weight.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Pacific Fisheries Management Council (PFMC) and the National Marine Fisheries Service (NMFS). This rule proposal will help the department better track incidental

allowances and thus enforce PFMC's and NMFS's groundfish and salmon regulations.

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 Rules Coordinator, 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 September 23, 2009.

July 21, 2009

Lori Preuss
Rules Coordinator

WSR 09-15-142

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 21, 2009, 9:23 a.m.]

Subject of Possible Rule Making: WAC 220-20-005 Oregon-Washington license reciprocity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1778, which was passed during the 2009 legislature, amends several of the department's statutes to change "salmon" to "foodfish" with regard to guide and charter licenses. This proposal will change the term "salmon" to "foodfish" in WAC 220-20-005 to make the rule consistent with the new statutes.

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 Rules Coordinator, 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 September 23, 2009.

July 21, 2009

Lori Preuss
Rules Coordinator

WSR 09-15-147

**PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD**

[Filed July 21, 2009, 9:43 a.m.]

Subject of Possible Rule Making: Creation of rules and technical corrections associated with 2009 legislation affecting state need grant program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.92.150 State need grant, chapter 172, Laws of 2009, based on SSSB [2SHB] 1355 and SSSB [2SHB] 2021.

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

and clarify administrative and operational details based on the statutory changes contained in SSSB [2SHB] 1355 opportunity internship and SSHB [2SHB] 2021 revitalizing student financial aid as passed in the 2009 legislative session. Possible other technical corrections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Possible coordination with workforce training and education coordinating board for opportunity internship program as it relates to state need grant.

Process for Developing New Rule: Collaborate with partners.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by submitting written comments to Julie Japhet, Higher Education Coordinating Board, 917 Lakeridge Way S.W., P.O. Box 43430, Olympia, WA 98504-3430.

July 20, 2009

Julie Japhet
Assistant Director

WSR 09-15-154

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 21, 2009, 11:39 a.m.]

Subject of Possible Rule Making: Licensed manufacturers, distributors, and their licensed representatives.

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 petitioner is requesting that the limit on the number of manufacturers and distributors that can be represented by a licensed representative be eliminated.

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] August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000; and on October 9, 2009, at the Clarion Hotel, 1507 North First Street, Yakima, WA 98901, (509) 248-7850.

July 21, 2009

Susan Arland
Rules Coordinator

WSR 09-15-155

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 21, 2009, 11:44 a.m.]

Subject of Possible Rule Making: Modification of chapter 392-162 WAC, Learning assistance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.165.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Incorporate changes to chapter 28A.165 RCW made during the 2009 session.

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

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gayle Pauley, Director, Title I, Part A/LAP, CPR, Gayle.Pauley@k12.wa.us, (360) 725-6100.

July 21, 2009

Randy I. Dorn
State Superintendent
of Public Instruction

WSR 09-15-156

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 21, 2009, 12:02 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 388-76-10000 Definitions, 388-76-10015 License—Required, 388-76-10020 License—Ability to provide care and services, 388-76-10030 License capacity, 388-76-10050 License—Relinquishment, 388-76-10055 Application—Generally, 388-76-10080 Application—Coprovider, 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, 388-76-10225 Reporting requirement, 388-76-10265 Tuberculosis—Testing—Required, 388-76-10270 Tuberculosis—Testing method—Required, 388-76-10340 Preliminary service plan, 388-76-10420 Meals and snacks, 388-76-10455 Medication—Administration, 388-76-10490 Medication disposal—Written policy—Required, 388-76-10520 Resident rights—General notice, 388-76-10530 Resident rights—Notice of services, 388-76-10540 Resident rights—Disclosure of fees and notice requirements—Deposits, 388-76-10655 Physical restraints, 388-76-10673 Abuse and neglect reporting—Mandated reporting to department—

Required, 388-76-10685 Bedrooms, 388-76-10750 Safety and maintenance, 388-76-10820 Resident evacuation capabilities and location of resident bedrooms, 388-76-10840 Emergency food supply, 388-76-10845 Emergency drinking water 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, 388-10990 Informal dispute resolution (IDR), 388-76-10995 Notice, hearing rights, and effective dates relating to imposition of remedies, 388-76-11005 Resident protection program sections through WAC 388-76-11040, 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.

The department is considering repealing WAC 388-76-10190 Adult family home—Compliance with regulations—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: The purpose of amending these rules is to consider making editorial and clarifying changes, and to make them 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.

July 21, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-15-162
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed July 21, 2009, 12:16 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-832-0160 Are there limits to the respite care I receive?, 388-832-0305 Who are qualified providers for parent/sibling education?, 388-832-345 Are there limitations on one-time awards?, and 388-832-0460 How will DDD notify me of their decisions?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.040, 71A.12.0161.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules clarify limits on respite care, identify who are qualified providers for parent/sibling education and specifies how the division of developmental disabilities will notify clients of decisions regarding the individual and family services program.

Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and 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: 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 Meredith Kelly, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, e-mail kellymj@dshs.wa.gov.

July 15, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-15-163
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Juvenile Rehabilitation Administration)

[Filed July 21, 2009, 12:18 p.m.]

Subject of Possible Rule Making: The department is seeking to amend chapter 388-710 WAC, Consolidated juvenile services program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 564, Laws of 2009 (budget bill ESHB 1244).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is anticipating amending chapter 388-710 WAC to implement changes associated with the development of a new funding formula for the state funded juvenile court consolidated juvenile services programs as well as the development of a "block grant" funding mechanism.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Juvenile Rehabilitation Administration will coordinate with the Washington Association of Juvenile Court Administrators, office of financial management, administrative office of the courts, and the Washington State Institute for Public Policy during the rule-making process.

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 Jeff Patnode, Program Manager, Office Building 2, 1115 Washington Street, Mailstop 45720, phone (360) 902-8406, fax (360) 902-8108, TTY 1-800-566-0609, e-mail patnoja@dshs.wa.gov.

July 21, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-15-164
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed July 21, 2009, 12:20 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-549-1100 Rural health clinics—Definitions, 388-549-1400 Rural health clinics—Reimbursement and limitations, and 388-549-1500 Rural health clinics—Change in scope of service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 42 U.S.C. 1396a(bb).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule amendments are necessary to describe the reimbursement methodology the department will use for rural health clinics (RHC), as authorized by 42 U.S.C. 1396a(bb).

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

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, Health and Recovery Services Administration, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

July 21, 2009
Stephanie E. Schiller
Rules Coordinator

WSR 09-15-168
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 21, 2009, 1:16 p.m.]

Subject of Possible Rule Making: New chapter 308-59 WAC, Transportation benefit district administration, to include but not limited to, new WAC 308-59-505 Assessing transportation benefit district fees and 308-59-510 Vehicle fee—Transportation benefit district—Exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 82.80.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required [to] comply with laws concerning transportation benefit districts.

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 of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 Dale R. Brown, Management Analyst, Vehicle Services, Mailstop 48205, P.O. Box 2956, Olympia, WA 98507-2957, or by phone (360) 902-4020, fax (360) 902-7821 or 902-7822, TTY (360) 664-8885, e-mail DBROWN@dol.wa.gov.

July 21, 2009
Mykel D. Gable
Assistant Director
Driver and Vehicle Services

WSR 09-15-170
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed July 21, 2009, 1:42 p.m.]

Subject of Possible Rule Making: WAC 363-116-078 Training program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to move a pilot trainee more efficiently through a training program, the board finds it necessary to adjust certain timelines set forth in this section of the Washington Administrative Code which deal with the training program initial evaluations and local knowledge exams.

The objective of this adjustment is to provide more flexibility in the administration and completion of certain segments of a pilot training 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: The board will begin considering written and oral comments from persons who may be interested in amending the rule as described above. Stakeholder comments are welcome. These comments are currently being accepted and will be discussed beginning at the August 13, 2009, regular session board meeting. An emergency rule is currently in effect. A public hearing will be scheduled in November to consider a permanent new rule pursuant to formal notice and rule-making procedures.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov. Participation is welcome from trainees and all other stakeholders.

July 21, 2009
 Peggy Larson
 Administrator

WSR 09-15-175
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed July 21, 2009, 4:08 p.m.]

Subject of Possible Rule Making: Guidelines for implementation of three federal bond programs: Qualified energy conservation bonds, recovery zone economic development bonds, and recovery zone facility bonds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.86.160 and 39.86.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish definitions, procedures and standards for state and local government planning and compliance with the new bonding programs. Defin-

ing the process for allocation of bond capacity, applications, extensions and carry forward procedures, fee schedules, and bonding criteria.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Internal Revenue Service.

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 Elizabeth Green-Taylor, P.O. Box 42525, Olympia, WA 98504-2525, Liz.green-taylor@commerce.wa.gov, (360) 725-5021, fax (360) 725-5021. Commerce will work in conjunction with a stakeholder group seeking input. Likely participants include affected local governments, bonding industry representatives, and others interested in using the bonding program. Persons interested in providing input may attend the meetings; provide information via e-mail or other printed submission.

July 22 [21], 2009
 Marie Sullivan
 Rules Coordinator

WSR 09-15-179
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed July 22, 2009, 7:51 a.m.]

Subject of Possible Rule Making: Christmas tree licensing and assessment. The department is proposing to adopt annual licensing and assessment fees for Christmas tree growers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.13.311 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2007 legislative session, at the request of the Christmas tree industry, the Washington state legislature adopted amendments to chapter 15.13 RCW (see chapter 335, Laws of 2007) relative to Christmas tree grower licensure. This legislation authorizes the department to adopt rules for annual license fees that may include a base fee and per acre assessment and fee collection methods. During the 2009 legislative session, the legislature authorized (as required by Initiative 960) the Washington state department of agriculture (WSDA) to establish Christmas tree grower licensing fees (see chapter 564, Laws of 2009).

The intent of the 2007 legislation is to establish a fee-funded program to enhance lines of communication, create a mechanism for the industry to advise WSDA, and furnish pest and certification services to the Christmas tree industry.

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 22, 2009

Mary A. Martin Toohey
Assistant Director

WSR 09-15-184

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed July 22, 2009, 8:43 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-513-1315 Eligibility for long-term care (institutional, waiver, and hospice) services.

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: Reference to the alien emergency medical program for nursing facilities will be removed, and a reference to the new WAC section regarding noncitizens and the state funded nursing facility program will be added.

Other policy changes on this subject may be incorporated into this rule making. 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 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 Lori Rolley, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2271, fax (360) 407-7582, e-mail rollej@dshs.wa.gov.

July 22, 2009

Stephanie E. Schiller
Rules Coordinator

WSR 09-15-186

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed July 22, 2009, 9:37 a.m.]

Subject of Possible Rule Making: Chapter 246-102 WAC, Cancer registry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.54.230, 70.54.240, 70.54.250, 70.54.260, 70.54.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Cancer Registries Amendment Act in 42 U.S.C. 280(e) requires that states receiving federal funds establish regulations to meet reporting requirements. The department must update the current rules in order to stay in compliance with the current federal regulations and standards and to maintain funding. The purpose of the rule making is to update, clarify and describe activities and responsibilities of the state cancer registry and reporting responsibilities for health care professionals and reporting entities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Disease Control and Prevention National Program of Cancer Registries (NPCR) via: Public Law 102-515 and 107-260. NPCR issues program standards that state registries are expected to comply with.

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 providing comments via the Department of Health web site or by contacting Kathryn (Katie) Golub, Program Manager, Washington State Cancer Registry, Washington State Department of Health, P.O. Box 47855, Tumwater, WA 98504-7855, phone (360) 236-3624, fax (360) 586-2714, e-mail Kathryn.Golub@doh.wa.gov.

July 22, 2009

Mary C. Selecky
Secretary

WSR 09-15-188

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed July 22, 2009, 9:45 a.m.]

Subject of Possible Rule Making: Chapter 246-274 WAC, creating a new chapter for reuse of greywater, and subsections addressing greywater reuse outside the building for subsurface dispersal and irrigation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.46.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has determined that rules are necessary and has directed the department of health to adopt rules for greywater reuse by December 31, 2010. The purpose is to establish an efficient, effective and consistent statewide framework for the nonpotable use of greywater. Reuse of greywater outside the building for subsurface irrigation can reduce the use of potable water and

promote water conservation. Greywater includes flows from showers, washing machines and dishwashers, but not toilets or urinals. It may still contain bacteria, viruses and chemicals that can pose health risks. Protecting public health and the environment requires adequate regulation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state building code council is developing rules for greywater reuse inside the building. The department is following the council's rule making and will invite a representative from the council to join the rule advisory committee. The department will also invite representatives from local health jurisdictions to participate on the rule advisory committee. The United States Environmental Protection Agency is developing a draft guidance document for greywater reuse. The department is tracking their progress. The department will coordinate adoption of this rule with the department of ecology consistent with RCW 90.46.015.

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. The department of health is forming a rule advisory committee made up of interested parties. The committee meetings will be open to the public. The department will also establish and maintain an electronic notification system that will allow interested parties to follow the process and provide input.

July 22, 2009
Mary C. Selecky
Secretary

WSR 09-15-189

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 22, 2009, 9:48 a.m.]

Subject of Possible Rule Making: Chapter 246-826 WAC, amending the chapter to expand the scope of practice for health care assistants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.135 RCW as amended by chapter 43, Laws of 2009 (SHB 1414).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1414 broadens the health care assistant's scope of practice to include administering certain over-the-counter and prescribed medications by oral, topical, rectal, otic, ophthalmic, or inhaled routes pursuant to a written order of a supervising health care practitioner. These rules need to be amended to reflect the change in the scope of practice and to include the legislative expiration date of July 1, 2013.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Erin Obenland, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2406, e-mail erin.obenland@doh.wa.gov. Interested persons can participate in the rule process through meetings and by submitting written comments. Interested parties are encouraged to join our ListServ which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=HEALTH-CARE-ASSISTANTS>.

July 22, 2009
Mary C. Selecky
Secretary

WSR 09-15-199

PREPROPOSAL STATEMENT OF INQUIRY ARTS COMMISSION

[Filed July 22, 2009, 11:39 a.m.]

Subject of Possible Rule Making: Amendments to Title 30 WAC for the purpose of clarifying and updating throughout.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.46.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments will clarify the commission's purpose, organization, procedures, and processes, align the WAC with current commission guidelines and policies and adjust language throughout to make the rules more accessible and understandable.

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. In accordance with RCW 34.05.325, the arts commission will provide the public with opportunities for oral comment; additionally, interested parties may write to the Arts Commission, P.O. Box 42675, Olympia, WA 98504-2675, phone (360) 753-3860, e-mail Info@arts.wa.gov.

July 22, 2009
Kris Tucker
Executive Director