

WSR 11-02-032**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed December 29, 2010, 1:42 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-513 WAC, Client not in own home—Institutional medical and chapter 388-515 WAC, Alternative living—Institutional medical.

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; Section 6014 of the Deficit Reduction Act of 2005 (DRA); section 209(1), chapter 37, Laws of 2010 (ESSB 6444).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is amending chapters 388-513 and 388-515 WAC as follows:

- Add language regarding long-term care partnerships approved by the Washington state insurance commissioner based on projected 2011 implementation based on DRA;
- Increase to the excess home equity limit from \$500,000 to \$506,000 effective January 1, 2011, due to federal standard change.
- Update links and references based on program changes made by economic services administration and medicaid purchasing administration as ordered by the governor to achieve the 6.3% expenditure reduction.
- Correction of language allowing the federal poverty level as a personal needs allowance for a married individual receiving a home and community based waiver, living at home but apart from the community spouse;
- Updating references and changing language for readability and clarity.

Other policy changes on these subjects 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.

December 29, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 11-02-058**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed January 4, 2011, 11:24 a.m.]

Subject of Possible Rule Making: The university is updating the standards of conduct for students, chapter 504-26 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update and clarify the standards of conduct for students WACs including, but not limited to, student conduct hearings, appeals, sanctions, students studying abroad, and distribution of records.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ralph Jenks, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2005, fax (509) 335-3969, e-mail jenks@wsu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

January 4, 2010 [2011]
Ralph T. Jenks, Director
Office of Procedures,
Records, and Forms and the
University Rules Coordinator

WSR 11-02-068**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed January 5, 2011, 7:46 a.m.]

Subject of Possible Rule Making: The department may propose to amend WAC 388-478-0020 Payment standards for TANF, SFA and RCA, 388-478-0035 Maximum earned income limits for TANF, SFA and RCA, 388-436-0050 Determining financial need and benefit amount for CEAP, and any other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.08.090, chapters 74.08A and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to reduce payment standards and maximum earned income limits by fifteen percent in response to a reduced appropriation as part of HB 3225 passed by the legislature in the special session of December 11, 2010. These reductions are necessary to achieve a balanced WorkFirst budget for the current fiscal year and the 2011-13 biennium which will help to prevent deeper cuts later.

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) 725-4904, e-mail Aurea.Figueroa-Rogers@dshs.wa.gov.

January 3, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-02-069

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

[Filed January 5, 2011, 7:49 a.m.]

Subject of Possible Rule Making: The department plans to amend chapter 388-492 WAC, Washington state combined application project (WASHCAP) and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.04.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WASHCAP is due for renewal by November 30, 2011. This rule making anticipates possible changes to project rules under chapter 388-492 WAC. Also, as required by the demonstration project waiver with the United States Department of Agriculture Food and Nutrition Service (FNS), the department will review the cost neutrality between WASHCAP and the supplemental nutrition assistance program (SNAP) administered as the Washington Basic Food program or Basic Food. Based on the findings of this evaluation, the department may amend WAC 388-492-0040, 388-492-0070 and other related rules to ensure that WASHCAP benefits are cost neutral to SNAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FNS enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver while ensuring cost neutrality of the program.

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

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

lication by contacting Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

January 3, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-02-070

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

[Filed January 5, 2011, 7:50 a.m.]

Subject of Possible Rule Making: The community services division (CSD) is proposing to amend WAC 388-410-0035 Alien and alien sponsor cash, and food assistance overpayments and related rules to comply with recent changes to federal regulations as published in the Federal Register, December 15, 2010 (Vol. 75, No. 240), supplemental nutrition assistance program (SNAP): Clarifications and corrections to recipient claim establishment and collection standards.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 15, 2010, the USDA Food and Nutrition Service published the final regulation, "Supplemental Nutrition Assistance Program (SNAP): Supplemental Nutrition Assistance Program (SNAP): Clarifications and Corrections to Recipient Claim Establishment and Collection Standards["] to correct and clarify provisions of final rules on recipient claims published at 65 F.R. 41752 on July 6, 2000. The department is proposing to amend its rules to comply with federal SNAP recipient claim establishment and collection regulations and implement the changes to Washington Administrative Code as required.

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 Robert L. Thibodeau, Program Manager - Basic Food, Community Services Division, P.O. Box

45440, Olympia, WA 98504-5440, phone (360) 725-4634,
fax (360) 725-4905.

January 3, 2010 [2011]
Katherine I. Vasquez
Rule[s] Coordinator

WSR 11-02-077

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE**

[Filed January 5, 2011, 8:57 a.m.]

Subject of Possible Rule Making: WAC 458-20-155 Information and computer services, 458-20-15501 Computer hardware, computer software, information service, and computer services, 458-20-15502 Computer software, and 458-20-15503 Taxation of digital products and digital codes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 535, Laws of 2009 (ESHB 2075), made major changes to the taxation of certain products and services provided or furnished electronically (commonly referred to as "digital products"). This legislation specifically imposed sales and use tax on digital products such as: Digital goods, including digital audio works, digital audio-visual works, and digital books; digital automated services; digital codes used to obtain digital goods or digital automated services; and remote-access software. The legislation also provided a number of sales and use tax exemptions.

Chapter 111, Laws of 2010 (SHB 2620), clarified ambiguities and corrected unintended consequences related to the 2009 legislation.

The department anticipates rule making to explain the impacts of the 2009 and 2010 legislation, and to address other tax issues related to computer hardware, computer software, and computer services. The department is considering a repeal of Rule 155, an amendment to Rule 15501, and adoption of two new rules (Rules 15502 and 15503) to provide updated tax reporting guidance in this area.

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 or at the public meeting. Oral comments will be accepted at the public meeting. The department anticipates making available a preliminary draft of possible rule changes on our web site at <http://dor.wa.gov/content/FindALawOrRule/RuleMaking/agenda.aspx> by January 21, 2011. Written comments on the rule may be directed to Dylan Waits, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail dylanw@dor.wa.gov, phone (360) 534-1570.

Public Meeting Location: Cascade Building, Room #C-214 (upstairs), Washington State Criminal Justice Training Commission, 19010 1st Avenue South, Burien, WA 98148, on February 17, 2011, at 10:00 a.m.

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

January 5, 2011
Alan R. Lynn
Rules Coordinator

WSR 11-02-080

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed January 5, 2011, 10:14 a.m.]

This serves as notice that the department is withdrawing the CR-101 for chapter 246-853 WAC which was filed February 22, 2010, and published in WSR 10-06-023. The original intent of the preproposal was to establish requirements for a retired active status license for osteopathic physicians and surgeons.

At their September 17, 2010, business meeting, the board of osteopathic medicine and surgery made the decision to withdraw the CR-101 because the need for a retired active status is minimal and they feel the active license is sufficient.

Individuals requiring further information should contact Erin Obenland, program manager for the board of osteopathic medicine and surgery, at (360) 236-4945.

Mary C. Selecky
Secretary