

WSR 11-05-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Disability Services Administration)

[Filed February 8, 2011, 12:11 p.m.]

Subject of Possible Rule Making: Chapter 388-106 WAC, Long-term care services.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is adopting new rules in chapter 388-106 WAC regarding addition of a new service to the state plan. This new service is called chronic care management (CCM). CCM provides chronic care management to high-cost and high-risk medicaid only clients who meet eligibility criteria and voluntarily agree to participate.

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 [the] 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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

February 8, 2011
 Katherine I. Vasquez
 Rules Coordinator

WSR 11-05-039
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed February 8, 2011, 5:02 p.m.]

Subject of Possible Rule Making: The Washington state parks and recreation commission (commission) is considering amending chapter 352-37 WAC following a legislatively authorized pilot program related to small-scale mineral prospecting in the Seashore Conservation Area.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.070, 79A.05.165, 79A.05.305, 79A.05.600, 79A.05.610, 79A.05.615, 79A.05.-620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2008, SSB 6343 established a pilot program to examine the impacts of small scale mineral prospecting on coastal areas. During the pilot, no major impacts were identified, and the commission is open to

continuing to allow this recreational activity in the Seashore Conservation Area. However, RCW 79A.05.165 presently prohibits the removal of natural objects from any park or parkway, unless specifically allowed by the commission by rule. The pilot program set up a short-term exemption to this statute for the beach mining pilot project. To continue the activity, the commission needs to specifically allow it by rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under the hydraulic code (chapter 77.55 RCW), the Washington department of fish and wildlife (WDFW) issues permits for activities that occur below the ordinary high water line, including mineral prospecting. The commission and WDFW worked closely to implement SSB 6343. The agencies will continue to work together to ensure that the regulations governing mineral prospecting in the Seashore Conservation Area are well coordinated.

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 Lisa Lantz, Resource Steward, Washington State Parks, Southwest Region Headquarters, 1111 Israel Road S.W., Olympia, WA 98504, phone (360) 725-9777, fax (360) 586-4272, e-mail lisa.lantz@parks.wa.gov.

February 8, 2011

Valeria Evans
 Management Analyst

WSR 11-05-040
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed February 9, 2011, 8:42 a.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar

of meetings is announced on the web site at www.PESB.wa.gov.

February 9, 2011
David Brenna
Legislative and
Policy Coordinator

WSR 11-05-041
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed February 9, 2011, 9:17 a.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements, certification requirements for continuing education and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification related to maintaining licesure [licensure].

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site at www.PESB.wa.gov.

February 9, 2011
David Brenna
Senior Policy Analyst

WSR 11-05-045
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed February 10, 2011, 9:56 a.m.]

Subject of Possible Rule Making: Possible amendments to WAC 390-20-120 Forms for report of legislative activity by public agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to the form are necessary to accommodate the launch of an electronic filing application. Electronic filing will improve the public's access to public agency lobbying data and make it easier and quicker for public agencies to report lobbying activity.

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 commission is expected to discuss draft language at its March 24, 2011, meeting. A formal rule-making hearing for permanent adoption will likely be scheduled for May 26, 2011.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2737 or 1-877-601-2828 (toll-free in Washington state), lori.anderson@pdc.wa.gov.

February 9, 2010 [2011]
Lori Anderson
Communications and
Training Officer

WSR 11-05-066
PREPROPOSAL STATEMENT OF INQUIRY
TACOMA COMMUNITY COLLEGE

[Filed February 14, 2011, 9:16 a.m.]

Subject of Possible Rule Making: Repeal chapter 132V-120 WAC, Code of student rights and responsibilities and adopt chapter 132V-121 WAC, Code of student conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To create and maintain an environment that balances freedom of expression with freedom from threats to safety, both physical and emotional. Each member of the Tacoma Community College community is obligated to act in a manner that promotes the college's mission of meaningful and relevant learning, equity and student success. The code of student conduct establishes rules governing academic and social conduct of students, including due process rights.

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. Elimination of the current WAC and adoption of the new WAC have been studied by various groups on campus that include students, faculty, staff and administrators. Inquiries should be addressed to Dolores M. Haugen, Director, K-12 Programs and Student Conduct, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-6090, fax (253) 566-6034, dhaugen@tacomacc.edu.

February 10, 2011
Mary A. Chikwinya
Vice-President for
Student Services

WSR 11-05-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 15, 2011, 8:16 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit, and recordkeeping, rates and rating system and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.16.035, and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries in accordance with their degree of hazard (RCW 51.16.035) and adopt rules governing the administration of this rule (RCW 51.04.020). The department has been asked to review the appropriateness of our current practices for reporting sport team coaches.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local or federal agency regulates this issue.

Process for Developing New Rule: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Interested parties 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. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by commenting to Richard Bredeson, P.O. Box 44140, Olympia, WA 98504-4140, e-mail bred235@lni.wa.gov, phone (360) 902-4985, fax (360) 902-4988.

February 15, 2011
 Judy Schurke
 Director

WSR 11-05-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medicaid Purchasing Administration)

[Filed February 15, 2011, 11:11 a.m.]

Subject of Possible Rule Making: WAC 388-501-0180 through 388-501-0184.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.057, 74.08.090, and 74.09.510.

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

- Amend WACs to comply with Section 6505 of the Affordable Care Act of 2010, which prohibits state medicaid agencies from making payments to institutions or entities located outside of the United States for healthcare services furnished to medical assistance clients out-of-country. Clarify that payment to providers who have furnished such services may be made to financial institutions or entities located within the United States.
- Correct subsections (3) and (4) of WAC 388-501-0184 to read as follows: "For those medical assistance clients identified in subsection (2) of this section,"

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordination with the Centers for Medicare and Medicaid Services (CMS) is accomplished through the state plan amendment (SPA) process.

Process for Developing New Rule: Inform providers and other stakeholders of the change(s) in federal law. These policy changes are final. The department has to implement them or risk loss of federal matching funds. Implementation requires the department to submit an SPA and make necessary changes to WAC. 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 Jason Crabbe, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1346, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@dshs.wa.gov.

February 11, 2011
 Katherine I. Vasquez
 Rules Coordinator

WSR 11-05-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medicaid Purchasing Administration)

[Filed February 15, 2011, 11:12 a.m.]

Subject of Possible Rule Making: WAC 388-505-0220 Family medical eligibility.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is not a policy change. Currently, the rule cross references to WAC 388-478-0020 because the income standards for both family medical programs and the TANF grant program is the same. However, beginning February 1, 2011, the TANF income standard is being reduced so the family medical programs income stan-

dard must be called out in WAC 388-478-0065, which in turn requires WAC 388-505-0220 to be amended.

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 Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

February 10, 2011
Katherine I. Vasquez
Rules Coordinator

The reduction is necessary to achieve a balanced Work-First budget for the current fiscal year and the 2011-13 biennium.

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 Leslie Kozak, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4589, fax 360-725-4904, e-mail Leslie.Kozak@dshs.wa.gov.

February 15, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 11-05-084

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 15, 2011, 11:17 a.m.]

Subject of Possible Rule Making: The department may propose to amend WAC 388-408-0020 When am I not allowed to be in a TANF or SFA assistance unit?, 388-408-0025 When can I choose who is in my TANF or SFA assistance unit?, 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance?, 388-436-0002 If my family has an emergency, can I get help from DSHS to get or keep our housing or utilities?, 388-436-0020 CEAP assistance unit composition, 388-436-0040 Excluded income and resources for CEAP, 388-450-0025 What is unearned income?, 388-470-0045 How do my resources count toward the resource limits for cash assistance and family medical programs?, and any other related rules.

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 include federal supplemental security income (SSI) recipients as part of the temporary assistance for needy families (TANF), or state family assistance (SFA), assistance unit and count their SSI income when determining the family's eligibility for cash assistance.

These changes are necessary in response to a growing WorkFirst budget shortfall, driven by increased demand for services by families affected by the economic recession as described [in] "WorkFirst reductions" announcement dated December 17, 2010.