

WSR 12-02-030
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed December 29, 2011, 9:21 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 12-01-121 (chapter 388-101 WAC) filed on December 21, 2011.

Katherine I. Vasquez
Rules Coordinator

WSR 12-02-031
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services)
[Filed December 29, 2011, 9:21 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-101-3000 Definitions, 388-101-3010 Certified community residential services and supports, 388-101-3040 Residential services contract, 388-101-3390 Physical and safety requirements, and 388-101-3810 Content of client records, and adding new sections to chapter 388-101 WAC, Certified community residential services and supports. The department may also consider amending other sections related to crisis stabilization, and health and safety as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71A.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending sections, and adding new rule sections to comply with 2SSB 5459 People with developmental disabilities—Services, regarding a crisis stabilization program.

The department is also considering amendments to rule sections for purposes of protecting client health and safety.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Gaskell, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3210, fax (360) 438-7903, e-mail gaskejw@dshs.wa.gov.

Draft section language will be posted on 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.

December 29, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 12-02-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Financial Services Administration)
[Filed December 30, 2011, 11:27 a.m.]

Subject of Possible Rule Making: The operations support and services division, background check central unit, is amending the following sections of chapter 388-06 WAC related to division of developmental disabilities long-term care fingerprint check requirements, WAC 388-06-0020, 388-06-0110, 388-06-0150, 388-06-0525, and 388-06-0540.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.39A RCW, Initiative 1163.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising sections of chapter 388-06 WAC to implement Initiative 1163 passed by the voters on November 8, 2011. Initiative 1163 changes the effective date for long-term care fingerprint requirements from January 1, 2014, to January 1, 2012, and delays fingerprint requirements for community residential service providers until January 1, 2016.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will work with the department of health and Washington state patrol in implementing the long-term care fingerprint check requirements. No other federal and state agencies are affected by these rule revisions.

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 Cindy LaRose-Eatwell, Operations Support and Services Division, Background Check Central Unit, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 725-8072, fax (360) 902-0292, e-mail laroscj@dshs.wa.gov.

December 20, 2011
Katherine I. Vasquez
Rules Coordinator

WSR 12-02-051
PREPROPOSAL STATEMENT OF INQUIRY
COMMUNITY COLLEGES
OF SPOKANE

[Filed December 30, 2011, 3:00 p.m.]

Subject of Possible Rule Making: Amend chapter 132Q-136 WAC, Use of district facilities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend and clarify the limitations of use of district facilities. Other policy changes that arise during this rule making may be incorporated. Other WAC sections may need to be updated as a result of this rule making.

Process for Developing New Rule: Community Colleges of Spokane (CCS) welcomes students, employees, and the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, CCS will file with the office of the code reviser a notice of proposed rule making with the formal text. A copy of the proposal will be posted on the CCS internet site (www.ccs.spokane.edu/about-ccs/rulemaking).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathleen Roberson, Executive Assistant to the CFO, Mailstop 1006, P.O. Box 6000, Spokane, WA 99217-6000, e-mail kroberson@ccs.spokane.edu.

December 30, 2011
 Kathleen Roberson
 Executive Assistant
 to the CFO

WSR 12-02-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed January 3, 2012, 11:54 a.m.]

Subject of Possible Rule Making: Chapter 170-295 WAC, Minimum licensing requirements for child care centers, and related chapters as appropriate. Revising rules regarding infant/toddler cribs that may be approved for use in department of early learning (DEL) licensed child care consistent with new federal regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.070, 43.215.200, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent United States Consumer Product Safety Commission (CPSC) rules require child care facilities nationwide to use only cribs that meet 2010 testing and design requirements of American Society for Testing and Materials standard F1169-10 for full-size cribs, or standard F406-10a for nonfull-size cribs. See Federal Register Volume 75, Number 248, pages 81765-81788. Child care facilities have until December 28, 2012, to replace cribs that do not meet the federal standards. The federal rules

generally cover cribs with rigid sides or slats, and would prohibit cribs with "drop-sides" that can be raised or lowered. The CPSC found that issues with crib design, drop-sides, structural strength, and/or improper assembly that have led to numerous infant and toddler injuries and deaths.

DEL plans to align child care center regulations with the CPSC rules. DEL rules requiring family home child care licensees to meet the CPSC crib standards were adopted in new chapter 170-296A WAC, filing number WSR 11-23-068.

This rule making meets the requirements under the office of financial management guidance on implementing Governor's Executive Order 10-06/11-03 suspending noncritical rule making but allowing rules to proceed that are "necessary to protect public health, safety and welfare ..."

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, DEL plans to coordinate rule making with or seek input on the draft rules from the following agencies:

- CPSC, which regulates infant/toddler durable product safety standards under section 104(b) of the United States Consumer Product Safety Improvement Act of 2008.
- State department of health, which monitors product health and safety, including child toy and equipment recalls.
- United States Department of Health and Human Services-Administration for Children and Families, which monitors child health and safety in Early Head Start and Migrant Head Start programs that serve infants and toddlers.
- State superintendent of public instruction, and local school districts which offer child care or teen parenting programs.
- State board of community and technical colleges, specifically colleges which offer child care services.

Process for Developing New Rule: As resources permit, DEL plans to circulate draft materials for informal input. At a future date, DEL will file proposed rules, schedule a public hearing or hearings, and accept written comments before adopting final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Anyone interested in these rules may send comments or join a mailing list to receive notices, draft and proposed materials by contacting the DEL rules coordinator by e-mail at Rules@del.wa.gov, by fax to (360) 725-4459, or by mail to P.O. Box 40970, Olympia, WA 98504-0970.

January 3, 2012
 Andy Fernando
 Rules Coordinator

WSR 12-02-060**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed January 3, 2012, 12:49 p.m.]

Subject of Possible Rule Making: All gambling licensees.

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: As required by chapter 10.97 RCW, create a rule regarding licensees accessing information in their gambling license file.

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 Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

January 3, 2012

Susan Arland
Rules Coordinator**WSR 12-02-061****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed January 3, 2012, 12:49 p.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National handbooks. The department is considering amending rules that adopt, in whole or in part, the National Institute of Standards and Technology (NIST) Handbook 130 (Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality). The department may amend or modify the existing NIST handbook rules to increase rule clarity and readability, to update the language and format of the rules, and to address current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 19.94, 19.112, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The NIST handbooks are national consensus codes that establish industry standards for weighing and measuring devices, metrology, engine fuel quality, and net contents of packaged goods.

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 pub-

lication 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 Jerry Buendel, Weights and Measures Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1856, fax (360) 902-2094, e-mail jbuendel@agr.wa.gov.

January 3, 2012

Mary A. Martin Toohey
Assistant Director**WSR 12-02-082****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed January 4, 2012, 11:13 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-106-0015, 388-106-0020, 388-106-0070, 388-106-0310 to consolidate the medically needy in-home (MNI) and medically needy residential (MNR) waivers into the COPEs waiver: As a result of this waiver consolidation, the department is repealing WAC 388-106-0400 through 388-106-0535 pertaining to the MNI and MNR waivers.

Other sections may be amended as necessary to accomplish this task.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is consolidating three waivers into one waiver to improve efficiency. This rule amendment is necessary to manage budget shortfalls, maintain fund solvency and for revenue generating activities.

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 Marilee Fosbre, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, e-mail Marilee.fosbre@dshs.wa.gov.

January 4, 2011 [2012]

Katherine I. Vasquez
Rules Coordinator