

WSR 12-05-013**PREPROPOSAL STATEMENT OF INQUIRY
BELLEVUE COLLEGE**

[Filed February 6, 2012, 11:26 a.m.]

Subject of Possible Rule Making: WAC 132H-142-010 - 132H-142-080, first amendment activities for Community College District VIII.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is clarifying use of college properties for first amendment activities and update policy to reflect current practices.

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback, these are minor revisions to existing WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Bellevue College will hold information/feedback sessions on the proposed changes. Comments and suggestions may be submitted to Lisa Corcoran, Executive Assistant to the President, 3000 Landerholm Circle S.E., Bellevue, WA 98007-6484, phone (425) 564-2302, fax (425) 564-2261, e-mail lisa.corcoran@bellevuecollege.edu.

February 6, 2012

Lisa Corcoran
Executive Assistant
to the President

WSR 12-05-015**PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE**

[Filed February 7, 2012, 8:46 a.m.]

Subject of Possible Rule Making: Electronic authentication.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.34.030, 19.34.040, 19.34.111, and 19.34.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The standards referred to in this rule have changed.

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

Process for Developing New Rule: Periodic review of standards set in rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Floyd, P.O. Box 40234, Olympia, WA 98504, (360) 725-0310, pam.floyd@sos.wa.gov.

February 7, 2012

Steve Excell
Assistant Secretary of State

WSR 12-05-021**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed February 7, 2012, 11:25 a.m.]

Subject of Possible Rule Making: WAC 182-540-001 through 182-540-065, kidney disease program (state-funded); and other related sections as may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to these rules are necessary to restructure the kidney disease program. The restructuring would include, but not be limited to, changes to client eligibility and the application process, client and contractor accountability, and structured formal fair hearings and grievance process.

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: The health care authority (HCA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

February 7, 2012

Kevin M. Sullivan
Rules Coordinator

WSR 12-05-022**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed February 7, 2012, 11:43 a.m.]

Subject of Possible Rule Making: WAC 182-502-0010 When the department enrolls, 182-543-2000 DME and related supplies, prosthetics, orthotics, medical supplies and related services—Eligible providers and provider requirements, and possible other related WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, Affordable Care Act (ACA) - 76 Fed. Reg. 5862, 42 C.F.R. Parts 405, 424, 447, 455, 457, and 498.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with the ACA, these rule revisions are necessary to meet the screening requirements in the ACA for high-risk categorized provider types. These rule revisions require providers of durable medical equipment (DME), prosthetics, orthotics, supplies, and

related services (DMEPOS) to be medicare-enrolled providers in order to also receive payment under Washington state's medicaid program. This rule applies to newly enrolled DMEPOS providers and current DMEPOS providers upon revalidation of their enrollment (as required in C.F.R. 455.414). This requirement avoids a costly additional state screening requirement for DMEPOS providers, most of whom are already enrolled providers with medicare.

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: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule-making (CR-102) with the office of the code reviser. 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, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

February 7, 2012
Kevin M. Sullivan
Rules Coordinator

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To establish and consolidate most of the hearing rules related to medicaid funded services into a single chapter within the health care authority (HCA). This need is based on the change of the single state medicaid agency from the department of social and health services to the HCA. *This CR-101 was previously filed under WSR 11-19-004, filed September 7, 2011. The only change is the correction of the citation error WAC 182-526-112 should have been WAC 182-538-112.*

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

February 8, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-05-025

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed February 8, 2012, 12:02 p.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 11-19-004 on September 7, 2011.

Kevin M. Sullivan
Rules Coordinator

WSR 12-05-026

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed February 8, 2012, 12:06 p.m.]

Subject of Possible Rule Making: Chapter 182-526 WAC, Administrative hearings rules for medical services programs; WAC 182-538-112 Hearing process for enrollee appeals of managed care organization (MCO) actions; and possibly other related chapters and sections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15, Laws of 2011, 2E2SHB 1738, section 53; chapters 74.09, 34.05 RCW, 10-08 WAC.

WSR 12-05-032

PREPROPOSAL STATEMENT OF INQUIRY OLYMPIC COLLEGE

[Filed February 8, 2012, 3:56 p.m.]

Subject of Possible Rule Making: Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B50 [28B.50] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes will bring chapter 132-276 [132C-276] WAC up-to-date and consistent with current practices.

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

Process for Developing New Rule: Review by president's cabinet and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, Rules Coordinator, (360) 475-7502, or toliver@olympic.edu, to provide comments on this rule.

February 8, 2012
Thomas Oliver
Rules Coordinator

WSR 12-05-045
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Basic Health)

[Filed February 10, 2012, 2:46 p.m.]

Subject of Possible Rule Making: WAC 182-22-320
 How to appeal health care authority (HCA) decisions.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The HCA intends to reform,
 align, and clarify the Basic Health processes as a result of the
 federal requirements contained in the section 1115 federal
 waiver and to align rules and processes as a portion of the
 implementation of chapter 15, Laws of 2011 (2E2SHB 1738,
 section 53), for the transition of the single state medicaid
 agency to the Washington state health care authority.

Process for Developing New Rule: HCA welcomes the
 public to take part in developing the rules. Anyone interested
 should contact the staff person identified below. At a later
 date, HCA will file a notice of proposed rule making (CR-
 102) with the office of the code reviser. A copy of the pro-
 posal will be sent to everyone on the mailing list and to any-
 one 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 Rena Carlson, Administrative Regula-
 tions Analyst, Division of Health Services, P.O. Box 45502,
 Olympia, WA 98504-5502, phone (360) 725-0763, fax (360)
 586-9727, TTY 1-800-848-5429, e-mail rena.carlson@hca.
 wa.gov.

February 10, 2012
 Kevin M. Sullivan
 Rules Coordinator

WSR 12-05-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 14, 2012, 10:27 a.m.]

Subject of Possible Rule Making: Increasing the maxi-
 mum bid price for a commercial sea urchin license under the
 sea urchin license reduction program (WAC 220-95-100).
 Increasing the maximum bid price for a commercial sea
 cucumber license under the sea cucumber license reduction
 program (WAC 220-95-110).

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 77.04.020, 77.12.047, 77.70.150, and 77.70.-
 190.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: The commercial sea urchin
 and sea cucumber license reduction programs are scheduled
 to discontinue on December 31, 2013. In order to promote
 program participation (i.e. sale of licenses back to the state),
 industry representatives have recommended that the maxi-
 mum bid price for sea urchin and sea cucumber licenses be

adjusted upward. A surplus of funds currently exists in both
 license-buyback accounts.

Other Federal and State Agencies that Regulate this Sub-
 ject and the Process Coordinating the Rule with These Agen-
 cies: 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 pub-
 lication by contacting Richard Childers at (360) 301-2626 or
 by e-mail rich.childers@dfw.wa.gov.

Industry comment regarding maximum bid price was
 solicited in a November 2011 letter to the industry. As a
 means to meet the program goal of reducing the number of
 commercial permits to twenty sea urchin and twenty sea
 cucumber, industry members have recommended increasing
 the maximum bid price for both sea cucumber and sea urchin
 licenses.

Contact by April 10, 2012. Expected proposal filing on
 or after April 18, 2012.

February 14, 2012

Lori Preuss

Rules Coordinator

WSR 12-05-055
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Medicaid Program)

[Filed February 14, 2012, 2:23 p.m.]

Subject of Possible Rule Making: Amending WAC 182-
 550-1650 and any other possible related sections in chapter
 182-550 WAC.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 41.05.021 Patient Protection and Affordable
 Care Act of 2010 (Public Law 111-148).

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: To incorporate into rule
 reporting requirements and prohibition of payment for
 healthcare provider acquired conditions (HCAC) and other
 potentially preventable conditions (OPPC).

Other Federal and State Agencies that Regulate this Sub-
 ject and the Process Coordinating the Rule with These Agen-
 cies: Coordinating rule developing with the Centers for
 Medicare and Medicaid Services (CMS) and the department
 of health.

Process for Developing New Rule: The health care
 authority (HCA) welcomes the public to take part in develop-
 ing the rules. Anyone interested should contact the staff per-
 son identified below. At a later date, HCA will file a notice
 of proposed rule-making (CR-102) with the office of the code
 reviser. 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 Wendy L. Boedigheimer, Rules Pro-
 gram Manager, P.O. Box 45504, Olympia, WA 98504-5504,

phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

February 14, 2012
Kevin M. Sullivan
Rules Coordinator

ject. Please send comments to the individual identified above.

February 15, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-05-057

**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2012-03—Filed February 15, 2012, 9:32 a.m.]

Subject of Possible Rule Making: Prescription drug and pharmacy services coverage benefit standards for health benefit plans offered in the individual and group markets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.02.062, 48.44.020(2), 48.46.-200, 48.02.160 and potentially, under RCW 48.30.010. A rule aligning the state's requirements with the federal standards related to contraceptive coverage is also authorized, and the part of the subject of this rule making, pursuant to P.L. 111-148 (2010) as amended.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Prescription drug coverage is offered in individual and small group health plans. Complaints received by the commissioner indicate clarifying rules may be required regarding the benefit design and the scope of the benefit to ensure that covered persons are not de facto denied prescription coverage necessary to treat a medical condition or mental health condition that is otherwise covered under the health benefit plan and for which premium is collected by the carrier. In addition, the federal government by regulation implementing the P.L. 111-148 [111-148] (2010) as amended requires health carriers to offer contraceptive coverage effective August 1, 2012, and imposes additional requirements related to prescription benefits. Conforming to the federal standard in Title 284 WAC may assist in avoiding confusion about whether the prescription coverage offered through health benefit plans in Washington should include these types of drugs in their pharmacy benefit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal United States Department of Health and Human Services (HHS) and its subagencies also regulate this subject. Coordination with HHS includes monitoring their issued bulletins and guidance related to prescription drug coverages for individual and group health plans.

Process for Developing New Rule: Submit written comments by April 4, 2012.

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, P.O. Box 20574, Olympia, WA 98504, phone (360) 725-7170, e-mail megj@oic.wa.gov. There are no meetings currently scheduled on the sub-

WSR 12-05-058

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed February 15, 2012, 9:32 a.m.]

Subject of Possible Rule Making: Title 260 WAC. 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 Washington horse racing commission is contemplating rule making to allow for greater flexibility in licensing syndicates and stables with large ownership bases.

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 Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

February 15, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-05-060

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed February 15, 2012, 10:18 a.m.]

This is a request to withdraw the CR-101 on WAC 180-18-040. The CR-101 was filed with the code reviser on December 2, 2011, under WSR 11-24-038.

Ben Rarick
Executive Director

WSR 12-05-065

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed February 15, 2012, 2:32 p.m.]

Subject of Possible Rule Making: Licensed card rooms. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from two licensees requesting amendments to card game rules including, but not limited to, bonus features and progressive jackpots.

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.

[Meetings on] April 12 or 13, 2012, at the Comfort Inn Conference Center, 1620 74th Avenue S.W., Tumwater, WA 98501, visit www.wsgc.wa.gov on April 1 to confirm meeting location and start time; on May 10 or 11, 2012, at a location to be determined, Spokane, Washington, visit www.wsgc.wa.gov on May 1 to confirm meeting location and start time; and on July 12 or 13, 2012, at the DoubleTree Guest Suites - Southcenter, 16500 Southcenter Parkway, Seattle, WA 98662, visit www.wsgc.wa.gov on July 1 to confirm meeting location and start time.

February 15, 2012
Susan Arland
Rules Coordinator

WSR 12-05-084

PREPROPOSAL STATEMENT OF INQUIRY FOREST PRACTICES BOARD

[Filed February 17, 2012, 9:02 a.m.]

Subject of Possible Rule Making: Conversion-related forest practices rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In recent years the legislature has made changes to chapter 76.09 RCW (Forest Practices Act) related to conversions of forest lands to nonforestry uses. The forest practices board is considering rule making to amend the forest practices rules (Title 222 WAC) accordingly. The board will also consider nonsubstantive rule edits to clarify certain processes described in the forest practices rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of natural resources, local governments, and the department of ecology have regulatory jurisdiction on forest lands. The board will coordinate with these entities while drafting rules.

Process for Developing New Rule: The board will request input from interested stakeholders during rule development.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia

Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 4th Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

February 15, 2012
B. Moran
Chair

WSR 12-05-086

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed February 17, 2012, 12:57 p.m.]

Subject of Possible Rule Making: The department is amending and adopting new rules in chapter 388-71 WAC, Home and community services and programs and chapter 388-112 WAC, Residential long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 43.20A.710, 74.08.090, 70.128.040, chapter 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the new language in chapters 388-71 and 388-112 WAC is to implement and clarify the training requirements and the criminal history background check requirements as directed in chapter 74.39A RCW and to revise the implementation effective dates as directed by Initiative 1163. Chapter 74.39A WAC requires training for long-term care workers which includes seventy-five hours of entry-level training and also requires federal and state criminal history background checks for all long-term care workers. This law increases the basic training hour requirements for long-term care workers from thirty-two hours to seventy-five hours and increases their continuing education hour requirement from ten to twelve hours annually. Initiative 1163, enacted by the people in November 2011, requires implementation of these rules effective beginning January 7, 2012 (unless otherwise specified). Emergency rules were filed to implement the effective dates.

Two additional changes were made based on two other law changes:

- A change was made to WAC 388-112-0075(3) to comply with section 206(16) of ESHB 1277 which requires that an adult family home has a qualified caregiver that is on-site whenever a resident is in the adult family home.
- A change was made to WAC 388-71-0517 to implement another state law RCW 74.39A.326 which was enacted in 2009 as SHB 2361.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of health and Washington state patrol will be included in the rule development process and will have the opportunity to review and comment on the WACs before they are finalized.

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 Lorrie Mahar, Home and Community Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2549, fax (360) 725-2646, e-mail lorrie.mahar@dshs.wa.gov.

To get information on the time and locations of stakeholder meetings and/or more information on the rule development for the implementation of I-1163, please visit the aging and disability services administration web [site] at www.adsa.dshs.wa.gov/1163.

February 7, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-05-087

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 17, 2012, 12:59 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-310-0200, and other related rules to reengage suspended WorkFirst (WF) participants in required WF activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, chapter 74.08 and 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department suspended parent and/or other relatives personally providing care for one child under the age of two, or two or more children under the age of six, from WorkFirst participation from July 1, 2011, through June 30, 2012, as mandated by ESSB 5921, Laws of 2011. This rule may be necessary to reengage suspended participants in WorkFirst activities effective July 1, 2012, as required by state law.

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, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone

(360) 725-4589, fax (360) 725-4905, e-mail kozakla@dshs.wa.gov.

February 16, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-05-088

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services)

[Filed February 17, 2012, 1:00 p.m.]

Subject of Possible Rule Making: The department is considering amending or repealing the following sections and possibly adding new sections in chapter 388-76 WAC, Adult family home minimum licensing requirements: WAC 388-76-10120 License—Must be denied, 388-76-10160 Background check—General, 388-76-01061 Background check Washington state—Who is required to have, 388-76-10162 Background check—National fingerprint checks—Who is required to have, 388-76-10163 Background check—Process, 388-76-10164 Background check—Results, 388-76-10165 Background check—Valid for two years, 388-76-10170 Background check—Confidentiality—Use restricted—Retention, 388-76-10174 Background check—Disclosure of information—Sharing of background information by health care facilities, 388-76-10175 Background check employment—Conditional hire—Pending results, 388-76-10180 Background check—Employment—Disqualifying information, 388-76-10200 Adult family home—Staff—Availability—Contact information, 388-76-10955 Remedies—Department must impose remedies, and other related sections.

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 department is amending these rules to comply with and be consistent with Initiative 1163 and ESHB 1277 as codified in chapter 70.128 RCW. In addition to implementing Initiative 1163 and ESHB 1277, the department is going to clarify the provision related to disqualifying crimes related to drugs.

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 Mike Tornquist, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-3204, fax (360) 438-7903, e-mail tornqmj@dshs.wa.gov. Draft section language will be posted on aging and disability services administration professional internet web page for review and comment prior to fil-

ing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

February 13, 2012
Katherine I. Vasquez
Rules Coordinator

(360) 725-4895, fax (360) 725-4904, e-mail stjohhc@dshs.wa.gov.

February 14, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-05-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)
(Community Services Division)

[Filed February 17, 2012, 1:06 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-446-0020 What penalties will I receive if I break a food assistance rule on purpose? and related rules regarding fraud. These amendments will adopt penalties for Washington food assistance programs consistent with federal penalties for intentional program violations for the supplemental nutrition assistance program (SNAP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, 74.04.770, 74.12.260, 74.08.580, 9.91.142, 7 C.F.R. 273.16.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments proposed under this filing are needed to incorporate federal regulations regarding the allowable use of SNAP benefits. The amendments will provide penalty information to comply with C.F.R. 273.16 for first, second and third convictions of crimes that are an intentional program violation for food assistance benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for the federal SNAP administered as the Washington Basic Food program. DSHS adopts rules for cash assistance conforming to Federal regulations under Title 45 C.F.R., Title IV-A of the Social Security Act, Title 74 RCW and the approved TANF state plan.

Process for Developing New Rule: Negotiated rule making, 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 Holly St. John, Community Services Division, P.O. Box 45470, Olympia, WA 98504-4904, phone

WSR 12-05-095
PREPROPOSAL STATEMENT OF INQUIRY
MILITARY DEPARTMENT

(Emergency Management Division)

[Filed February 17, 2012, 3:15 p.m.]

Subject of Possible Rule Making: Revisions to chapter 118-09 WAC, Criteria for allocation of emergency management assistance funds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current funding methodology and criteria is dated and emergency management agencies within the state agree a revision is needed.

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 collaborative stakeholder meetings will be held to discuss changes to the WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Funding methodology and criteria will be discussed at stakeholder meetings and public hearing(s) will be held for further input. A list of interested parties will be maintained by the EMPG program manager and notification of meetings and hearings will be sent to that list in addition to interested EMPG participants. To be added to the list of interested parties or for more information, please contact Charma Anderson, (253) 512-7064, c.anderson@emd.wa.gov or Olivia Hollowwa, (253) 512-7149, o.hollowwa@emd.wa.gov.

February 17, 2012

Robert L. Ezelle
E911/Homeland Security
Unit Manager

WSR 12-05-096
PREPROPOSAL STATEMENT OF INQUIRY
HIGHLINE COMMUNITY COLLEGE

[Filed February 20, 2012, 9:57 a.m.]

Subject of Possible Rule Making: Chapters 132I-116 WAC, Parking and traffic regulations; chapter 132I-120 WAC, Student rights and responsibilities; chapter 132I-122 WAC, Withholding services for outstanding debts; chapter 132I-124 WAC, General conduct; chapter 132I-130 WAC, Tuition and fee schedule; chapter 132I-134 WAC, Designation of rules coordinator; chapter 132I-140 WAC, Use of facilities; chapter 132I-160 WAC, Admissions and registra-

tion procedures; chapter 1321-276 WAC, Access to public records; and chapter 1321-300 WAC, Grievance procedures—Title IX—Handicapped.

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: Update the code to reflect changes in practices, organization, and technology that affect the operation of the college; clarify the policies for the use of college facilities for first amendment activities and as well as the complaint resolution processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Title IX of the Education Amendments of 1972; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; RCW 49.60.030.

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 Victoria England, phone (206) 592-3281, fax (206) 870-3754, vengland@highline.edu, 2400 South 240th Street, P.O. Box 98000, Mailstop 99-281, Des Moines, WA 98198-9800.

February 17, 2012

Larry T. Yok
Vice-President
for Administration

WSR 12-05-097

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed February 21, 2012, 8:20 a.m.]

Subject of Possible Rule Making: Removing references to filing of corporate documents by fax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 23B.01.200, 24.03.007, 25.10.171, 25.15.007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Documents received by fax are of poor quality, difficult to read, and must often be rejected due to illegibility, causing a delay in filing. Given that many more options exist today, such as e-mail, on-line submission, and overnight mail, the fax machine will be phased out of use.

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 Patrick Reed, Corporations Division, P.O. Box 40234, Olympia, WA 98504, (360) 725-0352; or

Pamela Floyd, Corporations Division, P.O. Box 40234, Olympia, WA 98504, (360) 72-0310 [725-0310].

February 21, 2012

Steve Excell
Assistant Secretary of State

WSR 12-05-106

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed February 21, 2012, 3:13 p.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is reviewing the apple maggot and plum curculio provisions of its agricultural quarantine rule and may propose to modify conditions and boundaries established in the rule. In addition, the department may amend the existing language to increase its clarity and readability and update the language to conform to current industry and regulatory standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.041 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apple maggot is an invasive insect pest native to eastern North America. Its hosts include apples, crabapple, and native hawthorn. In its larval development stage it can cause extensive damage to fruit. It is economically significant to the Washington apple crop not only due to its ability to cause physical crop damage, but also because fruit from apple maggot free areas or locations has greater market access for international shipments.

Data collected in recent apple maggot surveys provides evidence that the state's apple maggot population has altered its range. Changes to the existing rule may better prevent or minimize possible movement of apple maggot and/or plum curculio from infested areas into uninfested areas, conform with the most recent scientific data, secure access to international and interstate markets, and protect the commercial tree fruit industry from an economically significant pest by quarantine modification.

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, including the Washington state department of agriculture apple maggot working group. 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 Dr. Brad White, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA

98504-2560, phone (360) 902-2071, fax (360) 902-2094, e-mail bwhite@agr.wa.gov.

February 21, 2012
Mary A. Martin Toohey
Assistant Director

WSR 12-05-107

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

[Filed February 21, 2012, 5:11 p.m.]

Subject of Possible Rule Making: Determination of the average greenhouse gas emission rate from new, commercially available combined cycle combustion turbines. This determination is to be made every five years after July 22, 2007.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.80.050 Commercially available turbines—Rate of greenhouse gas emissions—Reports—Rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Intent is to establish the average greenhouse gas emission rate from new, commercially available combined cycle combustion turbines which is referenced in RCW 80.80.040 Greenhouse gas emission performance standard—Rules. This section establishes the state greenhouse gas emission performance standard for utility baseload electric generation which becomes the lower of:

- (a) One thousand one hundred pounds per megawatt-hour; or
- (b) The average greenhouse gas emission rate as determined under RCW 80.80.050.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of ecology, and the Washington state utilities and transportation commission.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. See contact information below. Commerce will host stakeholder meetings seeking input. Likely participants include affected state electric utilities, utility organizations, independent power producers, power marketers, state agencies noted above, and public interest groups. Persons interested in providing input may attend meetings, or provide information via e-mail or other printed submission. Contact Carolee Sharp, P.O. Box 42525, Olympia, WA 98504-2525, carolee.sharp@commerce.wa.gov, (360) 725-3118, fax (360) 586-0049.

February 21, 2012
Nick Demerice
Rules Coordinator

WSR 12-05-113

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Children's Administration)
[Filed February 22, 2012, 9:28 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-61A WAC, Shelters for victims of domestic violence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.123.030(1) and 70.123.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to chapter 388-61A WAC are intended to update the section on crib safety to be compliant with new rules adopted by the federal Consumer Product Safety Commission in December 2010, and to make clarifying edits to rules adopted in November 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will consult with the department of health, the attorney general's office, and other individuals and organizations having experience and knowledge of the problems affecting victims of domestic violence in the review and revision of these rules.

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 Susan Hannibal, DSHS Program Manager, DSHS/Children's Administration, 4045 Delridge Way S.W., Room 200, Seattle, WA 98106, phone (206) 923-4910, fax (206) 923-4899, e-mail hsus300@dshs.wa.gov.

February 22, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-05-114

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services)
[Filed February 22, 2012, 9:49 a.m.]

Subject of Possible Rule Making: The department is considering amending or repealing the following sections, and possibly adding new sections in chapter 388-78A WAC, Boarding home licensing rules: WAC 388-78A-2461 Background check—General, 388-78A-2462 Background check—Washington state—Who is required to have, 388-78A-2463 Background check—National fingerprint checks—Who is required to have, 388-78A-2464 Background check—Process, 388-78A-2465 Background check—Results, 388-78A-2466 Background check—Valid

for two years, 388-78A-2467 Background check—Sharing by health care facilities, 388-78A-2468 Background check—Conditional hire—Pending result, 388-78A-2469 Background check—Disclosure statement, 388-78A-2470 Background check—Employment disqualifying information, 388-78A-2471 Background check—Confidentiality—Use restricted—Retention, 388-78A-2740 Licensee qualifications, 388-78A-2750 Application process, and 388-78A-2775 Change in licensee/change in ownership—Application and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to comply with and be consistent with Initiative 1163. In addition to implementing Initiative 1163, the department is going to clarify provisions related to disqualifying drug crimes.

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 Judy Johnson, Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail johnsjm1@dshs.wa.gov. Draft section language will be posted on ADSA professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail or fax.

February 22, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-05-117

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed February 22, 2012, 10:33 a.m.]

Subject of Possible Rule Making: WAC 182-519-0050 Monthly income and countable resource standards for medically needy (MN), 388-519-0100 Eligibility for the medically needy program, and possibly other related WAC sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The web link cited in WAC 182-519-0050 which connects the reader to the medically needy income level (MNIL) standards is obsolete. The agency plans to replace the web link with a chart of the MNIL and reference to the annually updated federal benefit rate.

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in develop-

ing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. 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, Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Kevin.Sullivan@hca.wa.gov.

February 22, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-05-119

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed February 22, 2012, 11:14 a.m.]

Subject of Possible Rule Making: WAC 131-28-026 Tuition charges for certain ungraded courses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.15.069.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To do one or more of the following as deemed appropriate: Make technical adjustments, clarifying existing provisions, repeal unnecessary wording, repeal provisions unsupported by rule-making authority, or provide greater flexibility or discretion to persons or entities subject to the rules.

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 Kathy Goebel, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, phone (360) 704-4359, fax (360) 704-4418, e-mail kgoebel@sbctc.edu.

February 22, 2012
Beth Gordon
Executive Assistant
Agency Rules Coordinator

WSR 12-05-121

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed February 22, 2012, 11:37 a.m.]

Subject of Possible Rule Making: Revisions to the following WACs are needed to implement Initiative 1183: Chapter 314-05 WAC, Special occasion licenses; chapter 314-11 WAC, General requirements for licensees; chapter 314-13 WAC, Retail licensees purchasing beer, wine and spirits; chapter 314-24 WAC, Domestic wineries and domes-

tic wine distributors; chapter 314-27 WAC, Interstate commercial common passenger carriers; chapter 314-38 WAC, Permits; chapter 314-42 WAC, Liquor control board operations; chapter 314-44 WAC, Licensed agents; chapter 314-45 WAC, Serving and donating of liquor by suppliers at trade conventions of licensees; and chapter 314-64 WAC, Liquor samples. The following WACs need to be repealed: Chapter 314-37 WAC, Nonstate liquor stores and chapter 314-76 WAC, Special orders.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and 66.24.310. Section 215 of I-1183 repeals certain RCWs. Chapter 314-42 WAC needs to be revised to address areas where the applicable law has been repealed.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current rules need to be revised to implement Initiative 1183 that passed on November 8, 2011.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

February 22, 2012

Sharon Foster

Chairman

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162. Contact by April 9, 2012. Expected proposal filing on or after April 18, 2012.

February 22, 2012

Lori Preuss

Rules Coordinator

WSR 12-05-122

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF FISH AND WILDLIFE

[Filed February 22, 2012, 11:41 a.m.]

Subject of Possible Rule Making: Wildlife conflict rules, spring black bear regulations, auction and raffle permits, game reserves, and waterfowl closures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 77.36 RCW and RCW 77.12.047, 77.12.-150, and 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To conserve and manage wildlife populations, provide recreational opportunity consistent with wildlife conservation needs, and address human/wildlife conflicts regarding property damage.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS), and coordination is managed through the Pacific Flyway. Wolves are also subject to USFWS regulation in the western two-thirds of Washington as part of the Endangered Species Act. State regulations are designed to fit within the parameters of the USFWS's regulation guidelines.

Process for Developing New Rule: Agency study.

