

WSR 12-15-004**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 6, 2012, 2:59 p.m.]

Subject of Possible Rule Making: In order to implement SHB 2491, amend WAC 192-350-010, which relates to determining when predecessor-successor relationships exist for the purpose of calculating unemployment insurance (UI) tax rates, and WAC 192-350-060, to address consequences for failure to respond to requests for information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2491 was enacted in 2012 and establishes new criteria to be used in determining when a predecessor-successor relationship exists for the purpose of calculating tax rates. Amendments to WAC 192-350-010 will define statutory terminology which is central to the decision-making process that must take place for the department to implement the new law. Amendments to WAC 192-350-060 will establish consequences for failure to respond to requests for information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the UI program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of UI laws as long as conformity is maintained. The proposed rules will be shared with USDOL prior to adoption.

Process for Developing New Rule: Proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all written comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9799, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address and telephone number.

July 5, 2012
Paul Trause
Commissioner

WSR 12-15-009**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 9, 2012, 1:48 p.m.]

Subject of Possible Rule Making: Chapter 392-170 WAC, Special service program—Highly capable students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.185 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update state legislation

changes so that the Washington Administrative Code, chapter 392-170 WAC, will reflect the Revised Code of Washington, chapter 28A.185 RCW.

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 Gayle Pauley, Director, Title I, LAP, and Consolidated Program Review, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6100, fax (360) 586-3305.

July 9, 2012
Randy Dorn
State Superintendent
of Public Instruction

WSR 12-15-018**PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION**

[Filed July 10, 2012, 4:54 p.m.]

Subject of Possible Rule Making: The agency will conduct a limited review of the following chapters of administrative rules: Chapter 352-32 WAC, Public use of state park areas, WAC 352-32-030, 352-32-056, and 352-32-125.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks will conduct a limited review of the WACs pertaining to public use of state park areas. This review will be conducted to consider winter recreation program specific issues related to overnight camping, peace and quiet, fires and campfires. The review may also result in minor changes and corrections to rules in order to bring rules up-to-date with current terminology, and any necessary corrections of references to statutes contained in the rules.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-6651, e-mail pamela.mcconkey@parks.wa.gov.

July 10, 2012
Valeria Evans
Management Analyst

WSR 12-15-024**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed July 11, 2012, 10:08 a.m.]

Subject of Possible Rule Making: Chapter 246-980 WAC, Home care aides, amending rules to reflect changes in the law and adding new sections to establish a scope of practice, nurse delegation, exemptions from certification, and requirements for certification for home care aides, and amending WAC 246-10-501 to allow use of the brief adjudicative proceeding (BAP) for home care aide applicants disqualified under chapter 74.39A RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2314 (chapter 164, Laws of 2012); chapters 18.88B and 18.130 RCW; RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2314 (2012) changed the long-term care worker laws and requirements for home care aides. The home care aide rules need to be amended to reflect the changes in ESHB 2314 and other recent changes in the law, including establishing scope of practice, nurse delegation, exemptions from certifications, and requirements for certifications. This may include, but is not limited to, updating references to laws and dates, and making clarifications or adding requirements to ensure consistency with the law, the intent of the law, and consistency with DSHS rules. Changes may be needed for WAC 246-10-501 to allow use of the BAP process for home care aide applicants disqualified under chapter 74.39A RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services (DSHS) regulates the training of long-term care workers. The department will meet with DSHS home and community services (HCS) to coordinate efforts. To assure rules adopted by both departments are consistent, the department of health will consult HCS about possible changes and share draft rules.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra Pitzler, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4723, fax (360) 236-2901, e-mail kendra.pitzler@doh.wa.gov. All notices will be sent to the home care aide listserv. Interested parties can join the listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=HOMECAREAIDES&A=1>.

July 10, 2012
Mary C. Selecky
Secretary

WSR 12-15-027**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed July 11, 2012, 1:17 p.m.]

Subject of Possible Rule Making: Chapter 182-538 WAC, Managed care, other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 42 C.F.R. 438.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The healthy options and the former general assistance-unemployable managed care plans have both changed since the WAC was last updated due to federal regulation changes and legislative updates; the WAC must be updated to ensure compliance with new laws and federal regulation. During the course of this review, the health care authority (HCA) may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid (CMS) - through the Code of Federal Regulation; and state office of the insurance commissioner (OIC) - through regulations for financial and contractual requirements. The HCA works with both CMS and the OIC to ensure HCA rule does not conflict with other rules and policies.

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, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

July 11, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-15-045**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 12-02—Filed July 16, 2012, 11:56 a.m.]

Subject of Possible Rule Making: Ecology is initiating rule making for chapter 173-334 WAC, Children's safe products reporting rule, to amend the chemical of high concern to children (CHCC) list to include tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8). Ecology may also amend the CHCC list to add or remove other chemicals where new data and information is available to support the criteria in WAC 173-334-070. Manufacturers of children's products must notify the agency about the presence of CHCCs in their products. As part of this rule making, the

agency has no intention of doing a reevaluation of the entire reporting list of chemicals. If appropriate, ecology will also amend requirements related to the reporting deadlines for any chemicals that are added to list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The Children's Safe Products Act, chapter 70.240 RCW, the authority established in the law is sufficient to adopt changes (if any) to the current rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is initiating this rule making in a response to a petition for rule making to add tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8) to the CHCC list. The information in the petition provided evidence that this chemical meets the criteria in WAC 173-334-070 for inclusion in the CHCC list. Ecology is also going to consider if there are other chemicals that should also be added to the list at this time.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology will work directly with the state's department of health in evaluating if tris(1,3-dichloro-2-propyl)phosphate (TDCPP) (CAS # 13674-87-8), or any other chemicals, should be added or removed from the CHCC list. Additionally, we have reviewed and are in communication with other states having similar legislation, including California, Maine and Connecticut.

Process for Developing New Rule: The public and interested parties will have the opportunity to comment on the proposed rule amendments. Ecology will hold at least one public hearing and will post updates to the CSPA listserv.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rule Coordinator, John Williams, Department of Ecology, Headquarters, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6940, e-mail JOWI461@ecy.wa.gov. We intend to involve the public and interested parties throughout the process using the internet, the CSPA listserv (currently this has several hundred followers), direct mailing to trade organizations, the WACTrack e-mail list, as well as all the methods required under the Administrative Procedure Act.

July 16, 2012
Laurie G. Davies
Waste 2 Resources
Program Manager

WSR 12-15-055

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 17, 2012, 10:32 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 (WHRC) is contemplating amending the

way that labor and industries premiums are calculated and collected.

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, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

July 17, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-15-075

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Financial Services Administration)

[Filed July 18, 2012, 9:36 a.m.]

Subject of Possible Rule Making: The department is revising and reorganizing chapter 388-06 WAC; repealing WAC 388-06-0500 through 388-06-0720, and creating two new chapters, chapter 388-06A WAC relating to department background check requirements, including the one hundred twenty-day provisional hire; and chapter 388-06B WAC relating to DSHS employee background check requirements. Revisions to WAC 388-06-0010 through 388-06-0260 and other related rules may be made as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.43.832, 74.39A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising and reorganizing chapter 388-06 WAC and creating two new chapters to comply with RCW 43.43.832(4) and to provide clarity for the affected individuals and organizations. Chapter 388-06 WAC will be revised to contain children's administration and division of developmental disabilities programmatic background check requirements only. Existing department-wide and DSHS employee background check requirements will be repealed in chapter 388-06 WAC and included in two new chapters. Chapter 388-06A WAC will be created to contain general department-wide background check requirements, including one hundred twenty day provisional hire and the DSHS secretary's lists of crimes and negative actions. Chapter 388-06B WAC will be created to contain the DSHS employee background check requirements. This rule making is intended to adopt current department practice and standards into rule and does not create new background check requirements.

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

Process for Developing New Rule: 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, DSHS Background Check Central Unit, P.O. Box 45025, Olympia, WA 98504-5025, phone (360) 902-8072, fax (360) 902-7555, e-mail cindy.larose@dshs.wa.gov.

July 16, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-15-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Special Commitment Center)

[Filed July 18, 2012, 9:38 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-880-110 Escort procedures, and related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.09.800 and 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rules require updating to reflect current practices and to align WAC language with the requirements RCW 71.09.200 related to matters associated with the transporting and escorting of sexually violent predators from the total confinement facility to and from community locations.

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 and special commitment center (SCC) 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 Mark Davis, Administrative Services Chief, DSHS, SCC, Mailstop W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 583-5938, fax (253) 589-7368, e-mail Davismf@dshs.wa.gov.

July 17, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-15-080

PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed July 18, 2012, 10:27 a.m.]

Subject of Possible Rule Making: WAC 246-100-207 (1)(a), Human immunodeficiency virus (HIV) testing. Amending the rule to clarify that consent of an individual for an HIV test may be obtained either verbally or in writing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.24.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rule uses the term "informed consent" to mean that the individual has been informed and has consented to, verbally or in writing, a test for HIV. "Informed consent" is a legal term of art and links "consent" to a form that is "signed." Using the two terms together may legally mean that the individual's consent must be obtained in writing. This conflicts with other language in the rule and the intent of the rule. The rule needs to be amended to eliminate confusing language in the rule, and to clarify that the consent may be obtain[ed] either verbally or in writing.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may receive notices of rule-making activities by contacting Maria Courogen, Department of Health, P.O. Box 47844, Olympia, WA 98504-7844, phone (360) 236-3458, fax (360) 586-5440, e-mail maria.courogen@doh.wa.gov, or Tara Wolff, State Board of Health, P.O. Box 7990, Olympia, WA 98504-7990, phone (360) 236-4101, fax (360) 271-6497, e-mail Ann.wolff@doh.wa.gov [tara.wolff@doh.wa.gov].

July 18, 2012
Michelle A. Davis
Executive Director

WSR 12-15-081

PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed July 18, 2012, 10:55 a.m.]

Subject of Possible Rule Making: Creating a new section in chapter 314-03 WAC to address internet sales and delivery of spirits by spirits retail licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Initiative 1183 changed the state of Washington from a controlled liquor system to a privatized liquor system. Rules need to be written to reflect internet sales and delivery of spirits, formalize associated public safety regulations, and to provide clear direction to spirits retail liquor licensees in these areas.

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.

July 18, 2012
Sharon Foster
Chairman

WSR 12-15-086

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed July 18, 2012, 11:06 a.m.]

Subject of Possible Rule Making: Chapter 314-19 WAC, Beer and wine tax reporting and payment requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5259 was passed in the 2012 legislative session. The bill allows small wineries to report annually instead of monthly. Current rules need to be revised and/or new rules drafted for this allowance.

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.

July 18, 2012
Sharon Foster
Chairman

WSR 12-15-088

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-21—Filed July 18, 2012, 11:41 a.m.]

Subject of Possible Rule Making: Commissioner's data call for education district health benefit plan reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 5, chapter 3, Laws of 2012 2nd sp. sess.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 28A.400.275 requires the insurance commissioner to receive health benefits information from school districts or their health benefit providers.

The commissioner will consider rules to implement the data submission requirements in order to meet legislatively required reporting standards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commissioner is including reporting school districts as stakeholders in developing the standards. The office of the superintendent of public instruction is engaged in the same way. The commissioner plans to apply all requisite health information data privacy and security standards, as established by the United States Department of Health and Human Services.

Process for Developing New Rule: Submit written comments by August 31, 2012.

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

To submit comments: Meg Jones, P.O. Box 40258, Olympia, WA 98502, (360) 725-7170, e-mail megj@oic.wa.gov, fax (360) 586-3109.

To be included in stakeholder meetings: Pete Cutler, P.O. Box 40258, Olympia, WA 98502, (360) 725-9651, e-mail petec@oic.wa.gov, fax (360) 586-3109.

July 18, 2012
Mike Kreidler
Insurance Commissioner