

**WSR 13-09-001****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed April 3, 2013, 2:51 p.m.]

Subject of Possible Rule Making: Chapter 260-48 WAC, Mutuels.

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: To adopt rules to address the 1-2-3 Wager.

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.

April 3, 2013  
Douglas L. Moore  
Executive Secretary

**WSR 13-09-041****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed April 11, 2013, 4:31 p.m.]

Subject of Possible Rule Making: Title 246 WAC, establishing requirements in a new chapter for the safety and performance of computed tomography (CT) diagnostic x-ray systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.98.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be necessary to establish requirements in a new chapter for the safe use of CT diagnostic x-ray systems. The use of CT technology has grown in recent years in number of units, frequency of prescribed scans, and most importantly, the amount of radiation used. The department of health (department) may need to develop rules that will reduce radiation exposure to the public and help prevent overexposure incidents that have been in the news nationwide over the last few years.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Medicare requires all nonhospital facilities using CT be accredited by either the American College of Radiology (ACR) or the Intersocietal Accreditation Commission (IAC). The department anticipates developing state regulations to be compatible with the ACR and the IAC accreditation requirements.

Process for Developing New Rule: The department will use a collaborative rule-making approach. The department

will ask staff from major medical institutions, including the University of Washington and Swedish Medical Center, small hospitals, and medical health physicists to participate on an advisory committee to develop rule recommendations. The department will keep stakeholders informed of rule development through letters, postings on the department's web site, e-mails, and mailings. Before adopting final rule language, the department will hold an informational session and public hearing on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Austin, Rules Coordinator, Office of Radiation Protection, P.O. Box 47827, Olympia, WA 98504-7827, or phone (360) 236-3250, or by e-mail michelle.austin@doh.wa.gov. The department will engage stakeholders through an advisory group and by providing the draft rule for informal and formal review and comment to all interested parties and stakeholders. The department will also keep stakeholders informed through the web, mailings, and e-mails.

April 11, 2013  
Mary C. Selecky  
Secretary

**WSR 13-09-043****PREPROPOSAL STATEMENT OF INQUIRY  
TRANSPORTATION COMMISSION**

[Filed April 12, 2013, 10:40 a.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by law, the transportation commission is reviewing the need to adjust ferry fares for 2013-2014.

The Washington state ferries vessel charter rates in WAC 468-300-220 need revision to reflect current vessel operating costs.

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 Mr. Ray Deardorf, Planning Director, WSDOT Ferries Division, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

April 12, 2013  
Reema Griffith  
Executive Director

**WSR 13-09-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 (Medicaid Program)

[Filed April 16, 2013, 1:27 p.m.]

Subject of Possible Rule Making: WAC 182-501-0070 Health care coverage—Noncovered services, 182-501-0160 Exception to rule—Request for a noncovered health care service, 182-502-0160 Billing a client, 182-530-2100 Noncovered—Outpatient drugs and pharmaceutical supplies, 182-530-2200 How the medicaid agency develops and maintains the formulary, 182-530-2300 The medicaid agency's nonformulary justification process, and 182-531-0100 Scope of coverage for physician-related and health care professional services—General.

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 health care authority (HCA) has concluded that implementing a drug formulary for fee-for-service medicaid client[s] who remain after the transition of SSI clients to managed care is not the most effective use of state resources at this time.

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

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 42716, Olympia, WA 98504-2716, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

April 16, 2013  
 Kevin M. Sullivan  
 Rules Coordinator

**WSR 13-09-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 (Community Services Division)

[Filed April 17, 2013, 9:29 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-410-0025, 388-410-0033, and other related rules. Proposed changes under this filing will be consistent with federal regulations at Title 7 C.F.R. § 273.18 and Section 13 of the Food and Nutrition Act of 2008, and other applicable federal laws pertaining to collection of overpayments of federal means-tested benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend sections in chapter 388-410 WAC to address and clarify that federal law does not allow for overpayment claims to be dismissed on the basis of equitable estoppel for a Basic Food or WASHCAP overpayment due to administrative error.

Equitable estoppel is a legal concept adopted by a number of states that provides that individuals should not be held responsible for errors that were not their fault. The preamble of the final rule on claims establishment for the food stamp program at Volume 65, No. 130 on July 6, 2000, clarified that, since food stamps are federal benefits, federal law does not allow for an exception for equitable estoppel in administrative error claims.

Section 13 (b)(1) of the Food and Nutrition Act of 2008, as amended, requires the department to establish and collect overpayments of supplemental nutrition assistance program (SNAP) benefits "unless otherwise provided for in this section." The act affords no such provision to compromise claims or bar collection of administrative error claims on the grounds of equitable estoppel.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations - Title 7, Part 273.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program. The department adopts rules related to other benefit programs consistent with state law, federal authorizing statutes, as well as federal rules and regulations related to DSHS administered programs.

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 Holly St. John, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail Stjohhc@dshs.wa.gov.

April 11, 2013  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 13-09-067****PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed April 17, 2013, 9:30 a.m.]

Subject of Possible Rule Making: The department plans to amend rules in Title 388 WAC related to standards and allotments for Washington Basic Food program or the WASHCAP including WAC 388-412-0015 General information about your food assistance allotments, 388-478-0060 What are the income limits and maximum benefit amounts for Basic Food?, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments will update Basic Food standards and allotments based on the expiration of the Basic Food increase under the American Recovery and Reinvestment Act of 2009 and amended by the Food and Nutrition Services, Healthy Hunger-Free Kids Act 2010.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and other related public laws. USDA codifies these requirements in the Code of Federal Regulations - Title 7, Part 273. USDA also provides implementation requirements to states via administrative notice or memo.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program. The department adopts rules related to other benefit programs consistent with state law, federal authorizing statutes, as well as federal rules and regulations related to DSHS administered programs.

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 Holly St. John, Policy Analyst, Community Services Division, P.O. Box 45470, Olympia, WA

98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail stjohhc@dshs.wa.gov.

April 16, 2013  
Katherine I. Vasquez  
Rules Coordinator

**WSR 13-09-070****PREPROPOSAL STATEMENT OF INQUIRY****HEALTH CARE AUTHORITY**

(Medicaid Program)

[Filed April 17, 2013, 11:29 a.m.]

Subject of Possible Rule Making: Amending WAC 182-550-5450 Supplemental distributions to approved trauma service centers.

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: This amendment is necessary to ensure the agency's trauma supplemental payment method in SFY 2013 is consistent with the approved state plan amendment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority (HCA) coordinates with the department of health in the management and distribution of the trauma care fund, with input from the emergency medical services and trauma steering committee.

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 R. P. Crabbe, P.O. Box 45504, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

April 17, 2013  
Kevin M. Sullivan  
Rules Coordinator