

**WSR 14-12-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed May 23, 2014, 2:09 p.m.]

Subject of Possible Rule Making: Agency will be reviewing WACs related to recreational conveyances inspection program. WACs being reviewed are WAC 352-44-020 Recreational conveyances—Certification, 352-44-050 Recreational conveyances—Safety inspections and 352-44-080 Recreational conveyances—Simulated load test; and new WAC 352-44-130 Fees, inspection and plan review.

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: Staff recommends to update WAC 352-44-020, timing of certificate to match required inspections. Delete WAC 352-44-050 Recreational conveyances—Safety inspections. This information is covered under RCW 79A.40.070 Costs of inspection and plan review and WAC 352-44-020. In addition, delete WAC 352-44-080 Recreational conveyances—Simulated load test. This information is covered under adopted ANSI B77.1.

Add a new section WAC 352-44-130 Recreational conveyances fees—Inspection and plan review. Sets fees under RCW 79A.40.070

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; and legislative RCW updates/changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nata Jo Hurst, Program Specialist 3, Washington State Parks and Recreation Commission, 1111 Israel Road S.W., P.O. Box 42650, Olympia WA 98504-2650, nata.hurst@parks.wa.gov, (360) 902-8638 or fax (360) 586-0207.

May 16, 2014  
 Valeria Evans  
 Management Analyst

**WSR 14-12-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**MILITARY DEPARTMENT**

[Filed May 27, 2014, 2:53 p.m.]

Subject of Possible Rule Making: WAC 323-10-070 Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.010, 42.56.100, 42.56.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 42.56.100, agencies shall adopt and enforce reasonable rules and regulations consonant with the intent of chapter 42.56 RCW to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the

agency. The military department is changing the existing language of chapter 323-10 WAC to clarify when the agency has the ability to charge for providing records.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The attorney general has adopted advisory model rules on public records compliance, chapter 44-14 WAC. The military department will generally adapt and incorporate these advisory model rules in WAC 323-10-070. The military department will generally use model rule WAC 44-14-070 in WAC 323-10-070 to update for consistency.

Process for Developing New Rule: Use model rule WAC 44-14-070 in WAC 323-10-070 to update for consistency.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The military department encourages your active participation in the rule-making process. Contact Bernadette Petruska, Rules Coordinator, Military Department, Building 1, Camp Murray, WA 98430-0001, voice (253) 512-8108, fax (253) 512-8497, e-mail bernadette.petruska@mil.wa.gov.

May 6, 2014  
 Chris Barnes  
 Public Records Officer

**WSR 14-12-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed May 28, 2014, 1:23 p.m.]

Subject of Possible Rule Making: New section WAC 182-550-4940 Disproportionate share hospital payments—Recoupment and redistribution of overpayments; other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 42 C.F.R. Part 455, Subpart F.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Beginning with the audit of SFY 2011 disproportionate share hospital (DSH) payments, independent audit findings demonstrating that DSH payments made to a hospital in that year exceeded the documented hospital-specific cost limits, are considered a discovery of an overpayment under 42 C.F.R. Part 433, Subpart F. The agency must establish rules regarding recoupment of the overpayment and to allow for redistribution of the DSH overpayments in accordance with the agency's state plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid.

Process for Developing New Rule: The health care authority (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 Wendy Barcus, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.barcus@hca.wa.gov.

May 28, 2014  
Kevin M. Sullivan  
Rules Coordinator

**WSR 14-12-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed May 29, 2014, 10:05 a.m.]

Subject of Possible Rule Making: Changes to WAC 139-05-300 are needed to require that reserve peace officers receive twenty-four hours of in-service training annually.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These changes establish a requirement that all reserve peace officers receive a minimum of twenty-four hours of in-service training annually.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state criminal justice training commission (WSCJTC) regulates this process.

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 Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

May 29, 2014  
Sonja Hirsch  
Executive Assistant  
and Rules Coordinator

**WSR 14-12-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed May 30, 2014, 11:14 a.m.]

Subject of Possible Rule Making: WAC 182-543-6000 DME and related supplies, medical supplies and related services—Noncovered, and other rules as appropriate.

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: Remove lumbar supports for

pregnancy from the list of personal and/or comfort items which the agency does not cover. Lumbar supports require prior authorization. During the course of this review, the agency may identify changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The health care authority (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 Wendy Barcus, Rules and Publications Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.barcus@hca.wa.gov.

May 30, 2014  
Kevin M. Sullivan  
Rules Coordinator

**WSR 14-12-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
(Public Employees Benefits Board)

[Admin # 2014-02—Filed June 2, 2014, 10:42 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeal rules in chapters 182-08, 182-12, and 182-16 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 1. The health care authority (HCA) will consider amendments and new rules to accomplish the following:

- Clarify requirements for submitting a medical flexible spending arrangement (FSA) or dependent care assistance program (DCAP) enrollment form.
- Clarify which employing agency is responsible for payment of the employer contribution when an employee transfers between agencies.
- Clearly separate individuals from entities in the rule that describes individuals and entities who are not eligible for participation in public employees benefits board (PEBB) benefits.
- Add an exception in the rule that prohibits dual enrollment in a PEBB health plan to address instances where a dependent is dual eligible for a partial month.
- Replace the phrase "comprehensive group medical coverage" with "employer-based group health insurance" throughout.
- Clarify that the employer contribution toward PEBB benefits ends on the last day of the month when an individual ceases to be eligible.

- Amend the retiree rule to address the gap in coverage that can occur when COBRA coverage ends early due to medicare eligibility.
- Amend the retiree dental rule to allow early termination of dental if the retiree becomes eligible for employer dental.
- Amend the retiree deferral rules to provide clarity regarding the effective date of a deferral.
- Clarify that a retiree's dependent may not enroll in dental coverage only.
- Amend the rule that authorizes employees to enroll in PEBB retiree insurance in the case of a retroactive disability retirement awarded by DRS or a higher education authority so it is clear that the retirement must be due to disability.
- Clarify that references to "registered domestic partner" includes both a state registered domestic partner and a domestic partner who was qualified under PEBB eligibility criteria as a domestic partner before January 1, 2010, and was continuously enrolled under the subscriber in a PEBB health plan or life insurance.
- Clarify the notice required when a dependent is no longer eligible for PEBB benefits.
- Amend the special open enrollment rules to account for dependents that move from the United States to outside the United States.
- Clarify when coverage begins for a child enrolled in coverage based on a National Medical Support Notice or court order.
- Amend the surcharge rules to account for issues identified during the implementation phase.
- Amend the wellness rules to account for issues identified during the implementation phase.
- Provide additional definitions of terms used in the rules.
- Amend the appeal rules to address appeals regarding a denial of FSA or DCAP enrollment.
- Clarify all affected rules to appropriately include "charter schools" with school districts and educational service districts.
- Add general hearing rules and procedures that apply to an administrative hearing of a PEBB appeal committee decision.
- Amend all affected rules to require that forms and paperwork must be received within the stated timelines instead of submitted or sent within the timeline.

2. HCA will conduct a full review of PEBB rules in these chapters and make changes as necessary to provide technical corrections, implement legislation, implement PEBB policy and to comply with federal or state regulations.

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 HCA, P.O. Box 42684, Olympia, WA 98504-2684, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [Barbara.Scott@hca.wa.gov](mailto:Barbara.Scott@hca.wa.gov), [Robert.Parkman@hca.wa.gov](mailto:Robert.Parkman@hca.wa.gov). Individuals wishing to receive PEBB rule-making notices are encouraged to join the PEBB-RULE-MAKING-NOTICE listserv available by following this path <http://listserv.wa.gov/archives/pebb-rule-making-notice.html> or by logging on to [listserv.wa.gov](http://listserv.wa.gov) and selecting our listserv from the public e-mail list. If you have questions about this rule making, contact Barbara Scott at (360) 725-0830 or Rob Parkman at (360) 725-0883 or at the address above.

June 2, 2014  
Kevin M. Sullivan  
Rules Coordinator

**WSR 14-12-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed June 2, 2014, 2:50 p.m.]

Subject of Possible Rule Making: WAC 308-106-030 Insurance identification card—Self insurance—Certificate of deposit—Bond.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.30.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update information required on an insurance identification card issued to drivers covered by a certificate of deposit to conform with recent legislation transferring oversight of the deposit program from the state treasurer's office to the department of licensing.

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

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov).

June 2, 2014  
Damon Monroe  
Rules Coordinator

**WSR 14-12-074**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 3, 2014, 9:01 a.m.]

Subject of Possible Rule Making: Chapter 296-307 WAC, Safety standards for agriculture, hazard communication.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 29 C.F.R. 1910 Subpart Z.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Occupational Safety and Health Administration (OSHA) adopted the final rules updating its hazard communication standard into alignment with the globally harmonized system of classification and labeling of chemicals (GHS). The department is required to update our rules in chapter 296-307 WAC, Safety standards for agriculture, to be at-least-as-effective-as OSHA. The scope of OSHA's hazard communication standard includes requirements for employers as well as chemical manufacturers, importers, and distributors, and the department's comparable requirements are in separate rules at this time. OSHA's rule also modified other existing OSHA standards that contain hazard classification and communication provisions to be internally consistent and aligned with the GHS modifications to the hazard communication standard. Additional house-keeping and reference changes will be made in other rules in accordance with hazard communication updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies, other than OSHA, are known to regulate this subject.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tari Enos, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504, phone (360) 902-5541, e-mail tari.enos@lni.wa.gov.

June 3, 2014  
Joel Sacks  
Director

**WSR 14-12-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 3, 2014, 9:01 a.m.]

Subject of Possible Rule Making: Apprenticeship rules, WAC 296-05-007 Rules of procedure and 296-05-321 Apprenticeship agreement—Cancellation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW and RCW 19.285.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apprenticeship system in this state is authorized under the federal system of apprenticeship, specifically 29 C.F.R. Part 29 and 30. The apprenticeship program needs to proceed with rule making in

response to the need for continued federal recognition of our state system of apprenticeship. The United States Department of Labor recently informed the department that there were a couple of areas the department needs to correct in order to be in full compliance with federal regulations. The department is proposing language to mitigate the concerns of the United States Department of Labor.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor, Office of Apprenticeship, Employer and Labor Services, which has federal apprenticeship oversight responsibility, will be provided a copy of the proposed rules.

Process for Developing New Rule: Interested parties may participate in the decision to adopt the new rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's laws and rules web site at <http://www.lni.wa.gov/LawRule/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, Department of Labor and Industries, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6272, fax (360) 902-5292, e-mail Beverly.Clark@lni.wa.gov.

June 3, 2014  
Joel Sacks  
Director

**WSR 14-12-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed June 3, 2014, 11:19 a.m.]

Subject of Possible Rule Making: WAC 308-100-130 Commercial driver's license—Serious traffic violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.25.010, 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise and update traffic violations that are considered "serious traffic violations" for purposes of chapter 46.25 RCW, regarding commercial driver's licenses and the operation of commercial motor vehicles.

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

June 3, 2014  
Damon Monroe  
Rules Coordinator

**WSR 14-12-086****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed June 3, 2014, 1:39 p.m.]

Subject of Possible Rule Making: WAC 308-056-455 [308-56A-455] Assembled and homemade vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.560.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise definitions of assembled and homemade vehicles in accordance with suggestions from the Washington state patrol in order to more closely align with the best practices recommended by the American Association of Motor Vehicle Administrators (AAMVA).

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, Mailstop 48203, P.O. Box 9909, Olympia, WA 98507, cjelvik@dol.wa.gov.

June 3, 2014  
Damon Monroe  
Rules Coordinator

**WSR 14-12-093****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed June 4, 2014, 7:34 a.m.]

Subject of Possible Rule Making: Amending chapters 388-828, 388-832, and 388-845 WAC and possible other sections of WAC as may be necessary. Additional housekeeping changes may also be made.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2014 operating supplemental budget directed the developmental disabilities administration (DDA) to move the state-funded individual and family services (IFS) program into a 1915(C) home and community based services (HCBS) waiver. The requirement is to mirror the current IFS program as much as possible in the new HCBS waiver.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA, in coordination with the health care authority, will initiate an application to the federal Centers for Medicare and Medicaid Services in order to implement this new IFS waiver program by May 2015.

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 Alan McMullen, Program Manager, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3422, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

June 4, 2014  
Katherine I. Vasquez  
Rules Coordinator

**WSR 14-12-100****PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR CONTROL BOARD**

[Filed June 4, 2014, 11:25 a.m.]

Subject of Possible Rule Making: Chapter 314-55 WAC, Marijuana licenses, application process, requirements, and reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342, 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are needed to clarify new legislation that passed in the 2014 legislative session, ESHB 2304, that made changes to the marijuana processor and retailer licenses. Current marijuana rules need to be revised to provide additional clarity to marijuana applicants and licensees.

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.

June 4, 2014  
Sharon Foster  
Chairman

**WSR 14-12-104****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed June 4, 2014, 11:56 a.m.]

Subject of Possible Rule Making: Lists of vehicle owners—Definition of "legitimate businesses."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.12.630.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A recent amendment to RCW 46.12.630 (section 1, chapter 79, Laws of 2014) authorizes the release of lists of vehicle owners to "legitimate businesses as defined by the department in rule." Adding a definition of

"legitimate businesses" to chapter 308-10 WAC is necessary in order to implement this change in statute.

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

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, [cholloway@dol.wa.gov](mailto:cholloway@dol.wa.gov).

June 4, 2014  
Damon Monroe  
Rules Coordinator