

WSR 14-15-001**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed July 2, 2014, 1:25 p.m.]

Subject of Possible Rule Making: WAC 260-36-250 Industrial insurance.

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 language regarding when invoices will [be] distributed and the time frame for payment.

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, 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 2, 2014
Douglas L. Moore
Executive Secretary

WSR 14-15-010**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed July 3, 2014, 1:10 p.m.]

Subject of Possible Rule Making: Implementation of E2SHB 2572, statewide all-payer health care claims database.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 15, chapter 223, Laws of 2014 (E2SHB 2572).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 2572, sections 8 through 15 direct the office of financial management (OFM) to establish a statewide all-payer health care claims database to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the database. E2SHB 2572, section 15 provides that the OFM director shall adopt rules necessary to implement this chapter and provides five specific areas in which rules should be adopted.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of chief information officer has standards that must be met. There are state and federal laws regarding protection of private data, which must be followed in regards to the establishment and operation of the database. Coordination will be accomplished through meetings and other written

methods of communication. As agency points of contact become known, we will add them to the stakeholder list to ensure receipt of correspondence of all rule-making activities.

Process for Developing New Rule: Early solicitation of comments and recommendations will be sought, and draft rules will be sent to a list of stakeholders as well as presented for discussion at stakeholder meetings to solicit comments and recommendations prior to publication of the rules for the rule-making hearing. A kickoff meeting will be held July 24, 2014, to reach out to stakeholders, educate on the process and receive an early indication of questions, concerns, etc.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the rule-making process, you may send OFM an e-mail with your name and contact information (and questions or comments) at apcd@ofm.wa.gov; or sign up on the APCD listserv at <http://ofm.wa.gov/healthcare/pricetransparency>. You will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

July 3, 2014
Roselyn Marcus
Assistant Director
Legal and Legislative Affairs
Rules Coordinator

WSR 14-15-035**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed July 10, 2014, 8:45 a.m.]

Subject of Possible Rule Making: Electronic video pull-tab dispensers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This filing is in response to a May 2014 court of appeals decision, which held that WAC 230-14-047 was "adopted without compliance with statutory rule making procedures" per RCW 34.05.570 (2)(c). The court of appeals found that the rule relates to the regulation of licensing, and thus under RCW 9.46.050(2) required the affirmative vote of at least three commission members for final approval. The rule was improperly promulgated because only two of the three commission members present voted to approve the rules. This rule proposal is to recodify the current version of WAC 230-14-047 as was amended April 11, 2014, under WSR 14-09-040.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

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

[Meetings on] August 14 or 15, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on August 1 to confirm meeting location and start time; on September 11 or 12, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time; and on October 9 or 10, 2014, at the Spokane Davenport Hotel, 10 South Post Street, Spokane, WA 99201, visit www.wsgc.wa.gov on October 1 to confirm meeting location and start time. Visit www.wsgc.wa.gov about ten days before each meeting to confirm meeting location, date and start time.

July 10, 2014
Susan Newer
Rules Coordinator

WSR 14-15-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 10, 2014, 4:36 p.m.]

Subject of Possible Rule Making: Chapter 246-320 WAC, Hospital licensing regulations (construction standards only). The department of health is considering amending the hospital licensing regulations to align with current federal and national construction standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.030 and C.F.R. 2005, Title 42, Vol. 3, Sec. 482.41.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health is considering aligning the construction requirements of chapter 246-320 WAC with current federal and national construction standards, so as to comply with RCW 70.41.030. Adopting current standards would allow facilities to take advantage of newer construction methods. This change also provides the opportunity to be consistent with current federal standards that are vital to the health and safety of hospital patients and staff.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicaid and Medicare Services' (CMS) guidelines regulate this subject in part. The department of health (department) will closely coordinate with CMS, national code writing bodies, and the state building code council to adopt current federal safety standards as part of the department's continuing involvement with construction code development.

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. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the board's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting John Williams, Program Manager, Community Health Systems, P.O.

Box 47852, 111 Israel Road S.E., Olympia, WA 98504-7852, or by e-mail john.williams@doh.wa.gov, phone (360) 236-2944, fax (360) 236-2321.

July 10, 2014
John Wiesman, DrPH, MPH
Secretary of Health

WSR 14-15-046
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UT-140680—Filed July 11, 2014, 9:05 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) initiates this rule making to consider amending or eliminating requirements in existing rules in chapter 480-120 WAC, Telephone companies; chapter 480-121 WAC, Registration and competitive classification of telecommunications companies; chapter 480-122 WAC, Washington telephone assistance program, chapter 480-123 WAC, Universal service; chapter 480-140 WAC, Commission general—Budgets; and chapter 480-143 WAC, Commission general—Transfers of property. This inquiry supplements the original CR-101 filed at WSR 14-10-081 to also consider establishing damage reporting requirements in accordance with the 2011 amended underground utilities law, chapter 19.12.02 [19.122] RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.122.053, chapter 19.122 RCW, RCW 80.01.040, and 81.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regulatory changes at both the federal and state commissions along with technological changes in the telecommunications industry have necessitated some changes to the existing WAC rules to make these rules competitively neutral among the incumbent local exchange carriers and competitive exchange carriers regulated by the commission. Change is also needed to incorporate a 2011 legislative amendment to the underground utilities law, chapter 19.122 RCW¹, requiring facility operators to report damage events [to] the commission within forty-five days, with specific descriptive data about the event. This change took effect on January 1, 2013.

¹The bill, the Underground Utility Damage Prevention Act (E2SHB 1634), was passed unanimously by the legislature, and signed by the governor on May 5, 2011.

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; the commission will ask for initial written comments, schedule one or more workshops, and will provide an opportunity to provide additional written comments on draft rules and proposed CR-102 prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Trans-

portation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive, Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail records@utc.wa.gov, or through the commission's web portal www.utc.wa.gov/e-filing by **5:00 p.m., August 14, 2014**.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:

The commission has scheduled a stakeholder workshop in this rule making for **Monday, July 28, 2014, beginning at 1:30 p.m.** in the Commission's Hearing Room, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Written comments on the supplemental CR-101 may be submitted to the commission at the address given above and should be filed with the commission no later than **5:00 p.m. on Thursday, August 14, 2014**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by electronic mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UT-140680).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, compact disk, or 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/140680>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket UT-140680 to ensure that you are placed on the appropriate service list. Questions may be addressed to Bill Weinman, assistant director, telecommunications, by phone (360) 664-1109, or e-mail wweinman@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING - The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note

with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UT-140680, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UT-140680, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/140680>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

July 11, 2014
Steven V. King
Executive Director
and Secretary

WSR 14-15-062

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION**

[Filed July 15, 2014, 7:29 a.m.]

Subject of Possible Rule Making: Amending chapter 468-16 WAC, Prequalification of contractors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.01.101, 47.28.030, 47.28.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are numerous changes to chapter 468-16 WAC that need to be made to modernize processes and streamline department functions and workload. The biggest changes are:

- Removing equipment lists as a requirement for prequalification and annual renewal of prequalification.
- Bringing the process of special prequalification for contracts under \$100,000 from the region to headquarters.
- Requiring e-mail addresses of companies seeking prequalification, renewal or individuals listed as project references.
- Adding language that details the prequalification requirements for joint ventures.
- Updating prequalification work classes.
- Changing the parent firm pledge of net worth to a parent firm guarantee of net worth.
- Discontinuing the option of a personal pledge of net worth to increase maximum bidding capacity.

The update also makes numerous changes to the prime contractor performance report, Washington state department of transportation's (WSDOT) method for determining a satisfactory record of performance, integrity, judgment and skills and qualifying or disqualifying contractors from bidding on WSDOT projects. The criteria on the form has not been updated for many years while new requirements and objectives exist that are not on the form, or do not carry as much weight as they should today. Changing the form will enable WSDOT to determine the contractor's performance with criteria that is important to WSDOT today.

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

Process for Developing New Rule: WSDOT welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. WSDOT 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 that 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 Jenna Fettig, WSDOT Contract Ad and Award Manager, P.O. Box 47360, Olympia, WA 98504-7360, (360) 705-7017, fettigj@wsdot.wa.gov, contractad&award@wsdot.wa.gov.

July 15, 2014
Kathryn W. Taylor
Assistant Secretary

WSR 14-15-067
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed July 15, 2014, 11:34 a.m.]

Subject of Possible Rule Making: WAC 392-137-230 Length of acceptance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-137-230 requires updating to clarify school district responsibilities for nonresident students.

The 2013 legislature, in ESSB 5946, directed office of superintendent of public instruction (OSPI) to create a standard form for school districts to use when releasing a student from their resident district to a nonresident district for the purpose of enrolling in an online school program. With the implementation of this new standardized transfer system, OSPI updated the expectations for districts around the responsibility for nonresident students who leave the nonresident district prior to the expiration of the transfer. The proposed rule change aligns with the choice transfer rules with the updated policy as outline[d] in OSPI Bulletin B008-14.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

July 15, 2014
Randy Dorn
State Superintendent
of Public Instruction

WSR 14-15-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 15, 2014, 3:18 p.m.]

Subject of Possible Rule Making: The community services division, economic services administration, is proposing to amend WAC 388-478-0015 Need standards for cash assistance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-478-0015 to revise the basic need standards for cash assistance. The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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 Leslie Kozak, Program Manager, Community Services Division, Economic Services Administration, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4589, fax (360) 725-4905, e-mail leslie.kozak@dshs.wa.gov.

July 10, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-15-072
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 16, 2014, 9:18 a.m.]

The department of licensing hereby withdraws the following proposed rules:

WSR 06-22-105 (filed November 1, 2006), establish basic requirements governing the operation and scope of motorcycle education courses offered by commercial businesses.

WSR 08-07-004 (filed March 5, 2008), chapter 196-26A WAC, Engineer and land surveyor fees.

WSR 08-14-032 (filed June 23, 2008), implement section 10, chapter 110, Laws of 2008, limits the real estate licensee in accepting payments or things of value from a title insurance company.

WSR 08-18-068 (filed September 2, 2008), WAC 308-104-018, changing a driver's license or identicard holder's address of record.

WSR 09-08-075 (filed March 30, 2009), chapter 196-20 WAC, part of an effort to better organize existing and future rules under the existing chapter that pertain to engineers-in-training.

WSR 09-08-077 (filed March 30, 2009), chapter 196-21 WAC, part of an effort to better organize existing and future rules under the existing chapter that pertain to land surveyors-in-training.

WSR 09-14-135 (filed July 1, 2009), chapter 196-12 WAC, amending and/or repealed to better reflect the board's current practices.

WSR 10-01-035 (filed December 7, 2009), new rules; body art, body piercing, and tattooing. Passed during the 2009 legislative session.

WSR 10-01-136 (filed December 21, 2009), chapter 196-25 WAC, the board is currently looking at the definitions that are currently contained in rule.

WSR 10-08-095 (filed April 7, 2010), WAC 308-56A-206, to clarify the process when a customer presents a Washington title and there is not an existing Washington record on file in the database with the department.

WSR 10-12-073 (filed June 1, 2010), chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

WSR 10-14-037 (filed June 28, 2010), director's authority on conducting audits and investigations.

WSR 10-19-061 (filed September 14, 2010), WAC 308-104-014 Application for driver license or ID, updating application requirements.

WSR 10-23-085 (filed November 16, 2010), mailing original driver's licenses and identicards out-of-state.

WSR 10-23-086 (filed November 16, 2010), chapter 308-102 WAC, Administration of the Financial Responsibility Act—Procedures.

WSR 10-23-097 (filed November 16, 2010), examination of managing brokers.

This document serves as the official notification of our rule withdrawal.

Damon Monroe
Rules Coordinator

WSR 14-15-077

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 16, 2014, 2:02 p.m.]

Subject of Possible Rule Making: Initiative 1240 passed in November 2012 authorized charter schools to open and operate as public schools in the state of Washington beginning in the 2014-15 school year. This CR-101 is to address changes required to chapters 392-101, 392-117, 392-121, 392-122, 392-123, 392-127, 392-129, 392-134, 392-138, and 392-140 WAC to incorporate charter schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: These changes are required to ensure that state law

as described in Washington Administrative Code meets the intent of the initiative as passed.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Without these rule changes current law as described in WAC will not meet the intent of the initiative.

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 T. J. Kelly, phone (360) 725-6301, fax (360) 664-3683, thomas.kelly@k12.wa.us.

July 16, 2014

Randy Dorn
State Superintendent
of Public Instruction

WSR 14-15-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 16, 2014, 2:43 p.m.]

Subject of Possible Rule Making: WAC 246-817-XXX Temporary practice permit—Military spouse and state-registered domestic partner eligibility and issuance, consider adding a new section to provide for temporary practice permits to be issued to military spouses or state-registered domestic partners who hold an out-of-state credential as a dentist, expanded function dental auxiliary, dental assistant, or dental anesthesia assistant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.340 RCW provides that military spouses may receive a temporary practice permit while completing any specific additional requirements in Washington that are not related to a profession's training or practice standard. RCW 1.12.080 requires that the interpretation of the term "spouse" be applied equally to state-registered domestic partners. The commission is considering establishing requirements to obtain the temporary practice permit.

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 by contacting Department of Health, Dental Quality Assurance Commission, Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, (360) 236-4893, jennifer.santiago@doh.wa.gov. Interested stakeholders may sign up for the commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will be e-

mailed to the commission's interested parties list (listserv) and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

July 16, 2014
Trina Castle
Executive Director

WSR 14-15-082
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed July 17, 2014, 1:03 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

July 17, 2014
David Brenna
Senior Policy Analyst

WSR 14-15-083
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed July 17, 2014, 1:05 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

July 17, 2014
David Brenna
Senior Policy Analyst

WSR 14-15-085
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed July 17, 2014, 2:19 p.m.]

Subject of Possible Rule Making: New WAC 182-550-3850; amending WAC 182-550-7500; and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is making changes to hospital rules to allow for payment increases under the sole community hospital program and to allow for updates to inpatient conversion factors due to annual medical education and wage index changes.

During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency 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, the agency 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 Crabbe, Rules and Publications, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

July 17, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-15-093**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:53 a.m.]

Subject of Possible Rule Making: Revising chapter 172-65 WAC, Use of alcoholic beverages by students twenty-one years and older in residence halls and other student housing at Eastern Washington University, to update rules and associated procedures related to the use of alcohol in the residence halls owned or controlled by Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes concerning the use of alcohol in university residence halls. These changes are needed to update existing rules in order to better comply with state laws and to better reflect current practice.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey

University Policy Administrator

WSR 14-15-094**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Revising chapter 172-64 WAC, Alcohol policy at Eastern Washington University, to update rules and associated procedures related to the use of alcohol on property owned or controlled by Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes concerning the use of alcohol on property owned or controlled by Eastern Washington University. These changes are needed to update existing rules in order to better comply with state laws and to better reflect current practice.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey

University Policy Administrator

WSR 14-15-095**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Repealing chapter 172-09 WAC, Administration of duties and obligations required by Initiative 276—Academic transcripts of Eastern Washington State College students, and adopting chapter 172-10 WAC, Public records requests, to update rules and associated procedures related to public record[s] requests submitted to Eastern Washington University. These rules constitute a significant revision that is more easily implemented by repealing the existing chapter and adopting a new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), chapter 42.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes for responding to requests for public records. These changes are needed to better comply with state law and better reflect 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: 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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey

University Policy Administrator

WSR 14-15-096**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Revising chapter 172-66 WAC, Application for a liquor license permitting beer to be sold for on-campus premises consumption, to update rules and associated procedures related to the serving of alcohol on property owned or controlled by Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes in order to better comply with state laws and to better reflect current practice.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey

University Policy Administrator

WSR 14-15-097**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Revising chapter 172-06 WAC, Organization and operation, to update rules reflecting the organization and operation of Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are intended to update informational rules which inform the public about the organization, operation, description and general course and method of decision making at Eastern Washington University. These revisions are needed to better comply with state law and better reflect current practice[s].

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 pub-

lication by contacting Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey

University Policy Administrator

WSR 14-15-098**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Revising chapter 172-108 WAC, Procedural rules for brief adjudicative proceedings, to update rules and associated procedures related to the matters subject to, and the process for conducting, adjudicative proceedings at Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes for initiating and conducting adjudicative proceedings. These changes are intended to update current rules to better comply with state law and better reflect 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: 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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey

University Policy Administrator

WSR 14-15-099**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Revising WAC 172-121-200 Violations, of chapter 172-121 WAC, Student conduct code, relating to the possession of weapons on property owned or controlled by Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes to better reflect current practices regarding the possession, use, and storage of weapons on university owned or controlled property. These changes are also needed to permit the possession of personal protection spray devices as required by RCW 9.91.160.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey
University Policy Administrator

WSR 14-15-100

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Repealing WAC 172-122-400 Pet control, 172-122-410 Penalties for violations of pet control regulations; and adopting chapter 172-115 WAC, Animal control, to update rules and associated procedures related to animals and pets on property owned or operated by Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions update university standards and processes concerning the presence of pets and other animals on property owned or controlled by Eastern Washington University. These changes are needed to better support local ordinances and better reflect 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: 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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey
University Policy Administrator

WSR 14-15-101

PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed July 18, 2014, 11:54 a.m.]

Subject of Possible Rule Making: Revising WAC 172-122-120 Firearms/weapons, of chapter 172-122 WAC, General conduct code, relating to the possession of weapons on property owned or controlled by Eastern Washington University.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These revisions are needed to update university standards and processes to better reflect current practices regarding the possession, use, and storage of weapons on university owned or controlled property. These changes are also needed to permit the possession of personal protection spray devices as required by RCW 9.91.160.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

July 18, 2014

Trent Lutey
University Policy Administrator

WSR 14-15-102

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 18, 2014, 2:52 p.m.]

Subject of Possible Rule Making: Chapter 246-834 WAC, Elements of care by midwives for the newborn, the department of health is opening sections in this chapter to include elements of care, including screening tests, vaccinations, and other elements of care, for the newborn up to two weeks of age (implementing 2SHB 1773).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.50.135 and 18.50.115, 2SHB 1773 (chapter 187, Laws of 2014), and SHB 2544 (chapter 18, Laws of 2014).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1773 amends RCW 18.50.010 to allow midwives to perform care for a newborn up to two weeks of age. Elements of care have not previously been addressed in statute or rule. Historically, newborns were not mentioned in the rule because they were not considered to be a separate patient from the mother. It may now be necessary to specify what midwives can or cannot do as part of the care for a newborn up to two weeks of age, including screening tests as required by SHB 2544, vaccinations, and other elements of care.

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 rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Department of Health, Midwifery Program, Kathy Weed, P.O. Box 47852, Olympia, WA 98504, (360) 236-4883, kathy.weed@doh.wa.gov. Interested stakeholders may sign up for the program's listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=MIDWIFERY&X=122A834CE747602B26&Y>. All rule-making notices will be e-mailed to the program's interested parties list (listserv) and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

July 18, 2014

John Wiesman, DrPH, MPH
Secretary

WSR 14-15-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Massage Therapy)

[Filed July 18, 2014, 2:58 p.m.]

Subject of Possible Rule Making: Chapter 246-830 WAC, Massage practitioners, the department of health, in coordination with the board of massage, is considering revising the massage practitioner chapter in order to clarify, streamline, and modernize rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025 and 18.108.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 246-830 WAC, Massage practitioner, rules are being opened to consider clarifying, streamlining, and modernizing regulations. This may include repealing or adding new sections of rules. This will be a joint effort between the department of health (department) and the board of massage. Except for revising individual sections, a comprehensive review of this chapter has not been done since its adoption in the early 1990s. In addition, RCW 43.70.041, enacted in 2013, requires the department to review all of its existing rules every five years to identify ways to clarify or simplify existing 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: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the board's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Megan Brown, Program Manager, Board of Massage, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2901, e-mail megan.brown@doh.wa.gov.

July 17, 2014

John Wiesman, DrPH, MPH
Secretary
Blake T. Maresh, MPA
Executive Director

WSR 14-15-104

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-08—Filed July 18, 2014, 4:34 p.m.]

Subject of Possible Rule Making: Network access.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.43.505, 48.43.510, 48.43.515, 48.43.525, 48.43.530, 48.43.535, 48.44.020, 48.44.050, 48.44.080, 48.46.030, 48.46.200, 45 C.F.R. 156.230, 45 C.F.R. 156.235, 45 C.F.R. 156.245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Based on the significant changes in health care delivery and access to care occurring after January 1, 2014, due to health care reform, the commissioner determined that further updating of regulations regarding these topics is reasonable and necessary. Clarification of the provider network maintenance and contracting is needed to support issuer filings. Issuers will benefit from written guidance regarding the commissioner's review standards for network maintenance and contracting.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services (HHS) issues regulations implementing the Affordable Care Act. The commissioner's staff will confer with federal counterparts during the rule-making process.

The state health benefit exchange, while not a state agency, certifies qualified health plans to HHS for offering on the exchange. The commissioner will include the exchange in the rule development process as appropriate.

Process for Developing New Rule: Submit written comments by August 22, 2014, to Kate Reynolds, rules coordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kate Reynolds, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7170, fax (360) 586-3109, rulescoordinator@oic.wa.gov.

July 18, 2014
Mike Kreidler
Insurance Commissioner

WSR 14-15-105

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-09—Filed July 18, 2014, 4:41 p.m.]

Subject of Possible Rule Making: Rate filing procedures for disability insurers to use to file large group health benefit plan rate schedules with the insurance commissioner.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under this rule making the commissioner will evaluate the existing rate filing law and regulations for disability insurers, health care service contractors, and health maintenance organizations to determine if any changes could be made to permit disability insurers, which currently submit their rate filings [filings] under RCW 48.19.010(2) before use, to negotiate the large group rates for the disability insurers' previously approved health benefit plan forms and submit their negotiated rate filings on a schedule that is more consistent with large group rate filings made by health care service contractors and health maintenance organizations.

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

Process for Developing New Rule: Submit written comments by August 22, 2014, Jim Keogh, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Keogh, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

July 18, 2014
Mike Kreidler
Insurance Commissioner

WSR 14-15-108

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 21, 2014, 11:19 a.m.]

Subject of Possible Rule Making: WAC 246-834-XXX Renewal requirements, the department of health is required by 2SHB 1773 (chapter 187, Laws of 2014) to write rules regarding the credential renewal requirements for licensed midwives.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.50.102 as amended by 2SHB 1773.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.50.102 as amended by 2SHB 1773 requires the secretary to write a rule on mid-wife license renewal 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: 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 Kathy Weed, Department of Health, Midwifery Program, P.O. Box 47852, Olympia, WA 98504, (360) 236-4883, kathy.weed@doh.wa.gov. Interested stakeholders may sign up for the program[']s listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=MIDWIFERY&X=122A834CE747602B26&Y>. All rule-making notices will be e-mailed to the program's interested parties list (listserv) and appropriate state associations. Stakeholders will be invited to participate in public meetings where input will be accepted verbally and in writing.

July 18, 2014
John Wiesman, DrPH, MPH
Secretary

WSR 14-15-110

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed July 21, 2014, 4:19 p.m.]

Subject of Possible Rule Making: WAC 182-512-0770 SSI-related medical—American Indian/Alaska native excluded income and resources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; Patient Protection and Affordable Care Act established under Public Law 111-148; and Code of Federal Regulations at 42 C.F.R. § 431, 435, and 457, and at 45 C.F.R. § 155.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the rule into compliance with federal law.

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

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

ing 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, Rules Coordinator, 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.

July 21, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-15-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 22, 2014, 8:23 a.m.]

Subject of Possible Rule Making: WAC 296-21-290 Physical medicine and 296-23-220 Physical therapy rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB [SHB] 2430 (passed and signed into law as a result of the 2014 legislative session) adds injured workers to the scope of practice of athletic trainers (AT) by amending RCW 18.250.010 and 18.250.020.

Specifically, a new paragraph is added under Section 1(v): "Treatment, rehabilitation, and reconditioning of work-related injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, under the direct supervision of and in accordance with a plan of care for an individual worker established by a provider authorized to provide physical medicine and rehabilitation services for injured workers;"

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Previously, AT scope of practice was limited to care provided to athletes. In 2014, the legislature passed a new law (HB [SHB] 2430) expanding AT scope of practice to include treatment of injured workers. In April 2014, the AT organization requested that Labor and Industries (L&I) update its reimbursement rules, consistent with their expanded scope of practice, to allow reimbursement for AT services to injured workers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington workers' compensation is governed by Title 51 RCW, Washington's Industrial Insurance Act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: This rule making will be developed by L&I staff. The Washington State Athletic Trainer Association will be consulted during the process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, L&I, Health Services

Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249, e-mail Thomas.Davis@Lni.wa.gov.

July 22, 2014
Joel Sacks
Director

WSR 14-15-113
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 22, 2014, 8:23 a.m.]

Subject of Possible Rule Making: eRules; chapter 296-807 WAC, Portable power tools; chapter 296-817 WAC, Hearing loss; chapter 296-823 WAC, Bloodborne pathogens; chapter 296-826 WAC, Anhydrous ammonia; chapter 296-865 WAC, Motor vehicles; chapter 296-869 WAC, Elevating work platforms; chapter 296-870 WAC, Powered platforms; and chapter 296-874 WAC, Scaffolds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When the agency updated its web site template, division of occupational safety and health (DOSH) rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules. This rule making will accomplish the following:

- No requirements are changing because of this rule making.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and table [tablet] users.
- Bookmarks in the rules allow easy navigation in PDF files.
- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

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

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, DOSH, P.O.

Box 44620, Olympia, WA 98504-4620, phone (360) 902-5541, e-mail tari.enos@lni.wa.gov.

July 22, 2014
Joel Sacks
Director

WSR 14-15-124
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed July 22, 2014, 1:56 p.m.]

Subject of Possible Rule Making:

- The filing and service of papers with the agency, WAC 391-08-120.
- Grievance arbitrations arising from disputes involving educational employees employed by school districts and faculty at community colleges, WAC 391-65-272 and 391-65-273.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 47.64.280(2), 49.39.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency's current rules on the filing and service of papers requires a party filing by electronic mail to "perfect" their filing by mailing a paper copy of the same document. This requirement is also in place for documents filed by fax. The agency is exploring amending its rules to eliminate the need to file multiple copies of the same document.

The agency's current rules prohibit staff arbitrators from performing grievance arbitrations for educational employees employed by school districts and faculty at community colleges. The agency is exploring amending its rules to eliminate these prohibitions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates public sector collective bargaining.

Process for Developing New Rule: Agency staff intend to contact representatives from both labor and management to discuss possible amendments to agency rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael P. Sellars, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7306 or Dario de la Rosa, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-4919, (360) 570-7328.

July 22, 2014
Dario de la Rosa
Representation Coordinator

WSR 14-15-131
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
(Student Transportation)

[Filed July 22, 2014, 3:36 p.m.]

Subject of Possible Rule Making: Chapter 392-144 WAC, School bus driver qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to chapter 392-144 WAC were adopted on March 25, 2014, with an effective date of September 1, 2014. An important school district requirement was accidentally omitted in this chapter that requires school districts to annually review the driving records of their bus drivers.

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6122, allan.jones@k12.wa.us.

July 22, 2014
Randy Dorn
Superintendent of
Public Instruction

WSR 14-15-134
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed July 23, 2014, 7:15 a.m.]

Subject of Possible Rule Making: Chapter 16-70 WAC, Animal diseases—Reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-70 WAC to add porcine epidemic diarrhea virus and Coccidioidomycosis to the monthly reporting requirements and remove infectious bovine rhinotracheitis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of agriculture (WSDA) staff will work with the area district director with the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

Process for Developing New Rule: WSDA staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, WSDA, P.O. Box 42560,

Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

July 23, 2014
Lynn M. Briscoe
Assistant Director

WSR 14-15-135

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed July 23, 2014, 7:16 a.m.]

Subject of Possible Rule Making: Chapter 16-86 WAC, Cattle and bison diseases in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend chapter 16-86 WAC to:

- Allow pooling of trichomoniasis samples and extend the date for a valid test from the present thirty days to sixty days with a no female contact statement on the certificate of veterinary inspection;
- Modify the virgin bull definition;
- Increase the bovine tuberculosis testing requirement from thirty days to sixty days for raw milk dairies who introduce new animals into their herd; and
- Add castration to the list of options for bulls of unknown origin or unknown breeding history that are offered for sale at a livestock market.

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

Process for Developing New Rule: The Washington state department of agriculture (WSDA) staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jodi Jones, WSDA, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1889, fax (360) 902-2087, e-mail jjones@agr.wa.gov.

July 23, 2014
Lynn M. Briscoe
Assistant Director

WSR 14-15-137

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING**

[Filed July 23, 2014, 8:04 a.m.]

Subject of Possible Rule Making: Revisions to chapters 170-290 and 170-100 WAC to align early childhood education and assistance program (ECEAP) performance standards

and child care subsidy program rules, including, but not limited to, rule making on any of the following subjects: Eligibility requirements, rights and responsibilities, approved activities, income and copayment calculations, start dates and eligibility period, notice, eligible child care providers, subsidy rates and fees, payment discrepancies, and administrative hearings for child care subsidy programs or ECEAP. Possible revisions to chapter 170-295 WAC, or creation of a new WAC chapter, to administer licensing or certification of ECEAP sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of early learning (DEL) is expanding ECEAP. ECEAP expansion slots will be prioritized for full day services made possible by braiding ECEAP funding with working connections child care (WCCC) funding, the combined funds issued in single contracts to ECEAP contractors. Alignment of ECEAP performance standards and child care subsidy rules is needed to facilitate braiding of funds for these expansion slots. Revisions to center licensing rules, or creation of a new WAC chapter, may be necessary to administer licensing or certification of ECEAP sites providing care under this model.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of social and health services jointly administers WCCC and seasonal child care subsidy programs. DEL must follow United States Administration for Children and Families - Child Care and Development Fund (CCDF) regulations consistent with the state's CCDF plan. DEL plans to coordinate rule development with these state and federal agencies.

Process for Developing New Rule: To the extent practicable, DEL intends to seek public input during the rule drafting and development process. At a later date, DEL will file proposed rules (more than one proposed rule-making notice may be filed), hold a public hearing or hearings, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970, Rules@del.wa.gov, fax (360) 413-3482.

July 23, 2014
Matt Judge
Rules Coordinator

WSR 14-15-138

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed July 23, 2014, 8:18 a.m.]

Subject of Possible Rule Making: Amend Puget Sound commercial smelt fishery rules to permanently adopt quick

reporting requirements in the Puget Sound commercial smelt fishery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A recent permanent rule change adopted by the fish and wildlife commission established a fixed annual quota of sixty-six thousand pounds in the Puget Sound commercial smelt fishery. This fixed quota means that the department now needs in-season catch tracking to ensure overharvest does not occur. As such, the department filed an emergency rule amending WAC 220-49-005 on July 3, 2014, that established "quick reporting" procedures for the Puget Sound commercial smelt fishery. Requiring fishers to "quick report" their catch by 10 a.m. the next day allows fishery managers to track harvest in near real-time. This proposed rule making would make quick reporting requirements permanent in the Puget Sound commercial smelt fishery in response to the fixed quota adopted by the commission.

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

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Craig Burley, Washington Department of Fish and Wildlife, Marine Resources Division, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2784, Craig.Burley@dfw.wa.gov.

July 23, 2014
Joanna M. Eide
Rules Coordinator

WSR 14-15-140

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed July 23, 2014, 8:36 a.m.]

Subject of Possible Rule Making: Update commute trip reduction (CTR) program performance goals in reducing transportation-related air pollution, fuel consumption, and traffic congestion. Make clarifying revisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The agency's authority to adopt CTR program rules is granted under RCW 70.94.537.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The program's current performance goals cited in rule are out-of-date. New goals are being adopted for the upcoming four year program cycle 2015-2019.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of ecology governs air quality and will be consulted on the new goals, RCW 70.94.527(3).

Process for Developing New Rule: Negotiated rule making, the CTR program regulates certain counties and cities

through this program. The program will consult with regional transportation planning organizations and local government implementers about these goal changes. The CTR board, whose members include county and city implementers, will adopt new goals in consultation with the technical advisory group, per RCW 70.94.537(7). The department of transportation will adopt the new goals into agency rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing or e-mailing comments to A. Alexandra DeMoss, Department of Transportation, P.O. Box 47387, Olympia, WA 98504-7387, e-mail DeMossA@wsdot.wa.gov.

July 23, 2014
Kathryn W. Taylor
Assistant Secretary

WSR 14-15-141

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Division of Consumer Services)

[Filed July 23, 2014, 8:35 a.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-630 WAC) under the Check Cashers and Sellers Act (chapter 31.45 RCW) to clarify the department's interpretation of the law regulating small loan agents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040 and 31.45.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposal for amendment will clarify the department's interpretation of the law as to the small loan agents regulated under the act. This clarification will help the industry understand their compliance requirements. This will in turn enhance consumer protection.

The rules are being proposed for amendment under the authority of OFM Guideline 3 (e) and (f) dated October 12, 2011.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Consumer Financial Protection Bureau (CFPB) has authority over payday lending pursuant to 12 U.S.C. 5514 (a)(1)(E), also known as Sec. 1024 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The CFPB has not promulgated rules implementing its authority. The state statute may be exclusive in its treatment of small loan agents.

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 Sara Rietcheck, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8793, sara.rietcheck@dfi.wa.gov, DFI web site www.dfi.wa.gov, listserv subscription.

July 23, 2014
Deborah Bortner, Director
Division of Consumer Services

July 23, 2014
Leslie Connelly
Rules Coordinator

WSR 14-15-143
PREPROPOSAL STATEMENT OF INQUIRY
RECREATION AND CONSERVATION
OFFICE

(Recreation and Conservation Funding Board)

[Filed July 23, 2014, 9:05 a.m.]

Subject of Possible Rule Making: The recreation and conservation funding board will consider amendments to chapter 286-04 WAC, General; chapter 286-06 WAC, Public records; and chapter 286-13 WAC, General grant assistance to modify grant program requirements. The board will also consider a reorganization of chapter 286-26 WAC, Nonhighway and off-road vehicle funds; chapter 286-27 WAC, Washington wildlife and recreation program; chapter 286-30 WAC, Firearms range; chapter 286-35 WAC, Boating facilities program; chapter 286-40 WAC, Land and water conservation fund; and chapter 286-42 WAC, Aquatic lands enhancement account to provide consistent rules across grant programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 42.56.040, 46.09.530, 79A.15.030, 79A.15.060, 79A.15.070, 79A.15.120, 79A.15.130, 79A.25.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reasons for this proposal are to clarify and bring up-to-date grant program definitions and requirements, improve public records procedures, and eliminate repetitive sections throughout Title 286 WAC. The intended result is to improve the clarity of grant program requirements for grant project sponsors and grant program staff.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate grant funding programs administered by the board and office.

Process for Developing New Rule: The recreation and conservation office will advance this proposal through a participatory process that includes distribution of the recommendations to the agency's advisory committees and other interested parties, including those who are on the agency's WAC notification listing. We encourage comments via mail, e-mail, and in person at a scheduled recreation and conservation funding board meeting. Based on any comments, revisions will be considered before presentation of the final recommendations for adoption in an advertised and open public hearing of the board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Connelly, Rules Coordinator, Recreation and Conservation Office, 1111 Washington Street S.E., P.O. Box 40917, Olympia, WA 98504-0917, office (360) 902-3080, fax (360) 902-3026, leslie.connelly@rco.wa.gov.

WSR 14-15-146
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed July 23, 2014, 9:27 a.m.]

Subject of Possible Rule Making: Bingo.
Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0205.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from a bingo licensee requesting changes to cash flow requirements for bingo operations.

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

[Meetings on] August 14 or 15, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on August 1 to confirm meeting location and start time; on September 11 or 12, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time; and on October 9 or 10, 2014, at the Spokane Davenport Hotel, 10 South Post Street, Spokane, WA 99201, visit www.wsgc.wa.gov on October 1 to confirm meeting location and start time.

July 23, 2014
Susan Newer
Rules Coordinator