

WSR 14-18-003
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed August 20, 2014, 4:08 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 14-06-052 on February 27, 2014 (chapter 388-492 WAC).

Katherine Vasquez
 Rules Coordinator

WSR 14-18-005
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 21, 2014, 1:42 p.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements, certification requirements for continuing education and renewal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teachers, administrator, education staff associates certification related to maintaining licensure.

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.

August 21, 2014
 David Brenna
 Senior Policy Analyst

WSR 14-18-020
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Washington Apple Health)
 [Filed August 25, 2014, 2:58 p.m.]

Subject of Possible Rule Making: WAC 182-535-1090 Dental related services—Covered prosthodontics (removable) and 182-535-1100 Dental related services—Not covered.

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 agency will be adding language to clarify policy, and correcting a typographical error.

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 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 Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1348, fax (360) 586-9727, TTY 1-800-848-5429, e-mail amy.emerson@hca.wa.gov.

August 25, 2014
 Kevin M. Sullivan
 Rules Coordinator

WSR 14-18-024
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 26, 2014, 12:00 p.m.]

Subject of Possible Rule Making: WAC 392-349-015 Remote and necessary small school plants—Review committee.

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: The current language in WAC 392-349-015 states: "The superintendent of public instruction shall provide to the fiscal committees of the legislature in January of odd numbered years a list of remote and necessary small school plants."

This language should be removed as the information is immediately and readily available.

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 Paul Stone, Supervisor SD/ESD Accounting, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6303.

August 26, 2014
Randy Dorn
State Superintendent
of Public Instruction

WSR 14-18-025
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 26, 2014, 12:02 p.m.]

Subject of Possible Rule Making: WAC 392-123-165 Contractual liability extending beyond end of fiscal year.

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: Language in WAC 392-123-165 conflicts [conflicts] with RCW 28A.335.170. The RCW states: "To rent or lease building space and portable buildings for periods not exceeding ten years in duration." The WAC states: "for periods not exceeding five years in duration." The rule change modifies the WAC to align with similar language in the RCW.

Language in WAC 392-123-165 should be edited to align with RCW 28A.335.170.

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 Paul Stone, Supervisor SD/ESD Accounting, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6303.

August 26, 2014
Randy Dorn
State Superintendent
of Public Instruction

WSR 14-18-029
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed August 26, 2014, 4:00 p.m.]

Subject of Possible Rule Making: Chapter 181-82A WAC, Performance based certificate endorsements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. This chapter pertains to certification endorsements. Rule-making authority is granted to the PESB for Title 181 WAC.

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

August 26, 2014
David Brenna
Senior Policy Analyst

WSR 14-18-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Vocational Rehabilitation)

[Filed September 3, 2014, 10:01 a.m.]

Subject of Possible Rule Making: The division of vocational rehabilitation (DVR) plans to amend, repeal and add WACs in multiple sections of chapter 388-891 WAC to inform customers about the services DVR provides, update customer rights and customer confidentiality and the conditions under which DVR provides or pays for services. DVR will amend, repeal or add other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 34 C.F.R., Part 361; 34 C.F.R., Part 363; 34 C.F.R., Part 365; RCW 74.29.020(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DVR WACs need to comply with federal vocational rehabilitation (VR) regulations that require DVR to have written WACs (policy) that define the nature and scope of VR services, the criteria under which each service is provided or paid for, and the reasons for closing a case service record. The state Administrative Procedure Act (chapter 34.05 RCW) requires WACs when a state agency regulates the public or affects the rights or ability of the public to get services from a state agency. DVR is amending, repealing and adding WACs to meet the federal and state requirements. WAC revisions are intended to clarify the scope of VR services and the conditions for DVR to provide or pay for them, increase understanding of customer rights and customer confidentiality.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Consultation and coordination with Washington state federally recognized tribes, United States Department of Education, rehabilitation services administration; Washington state rehabilitation council; Washington state department of services for the blind. Review and comment will be used for coordinating the rule-making process.

Process for Developing New Rule: DSHS DVR invites the interested public to review and provide input on draft language of the rules. Draft material and information about how

to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Phyllis Hansen, interim policy manager, (360) 725-3666, e-mail phyllis.hansen@dshs.wa.gov; Don Kay, assistant to the director, (360) 725-3613, e-mail don.kay@dshs.wa.gov; or DSHS DVR, 1-800-637-5627, fax (360) 407-3946.

September 2, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-18-086

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed September 3, 2014, 10:06 a.m.]

Subject of Possible Rule Making: The developmental disabilities administration is creating rules to comply with the requirements in chapter 74.39A RCW related to training for residential service businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.074 Training requirements for long-term care workers, 74.39A.341 Continuing education requirements for long-term care workers, 74.39A.351 Advanced training, and 18.88B.041 Exemptions from training.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to create a new chapter related to training for supported living businesses and their staff. To create a separate chapter will mitigate confusion between the various entities that fall under training requirements per chapter 74.39A RCW. This chapter will have appropriate references "pointing" to residential long-term care training in chapter 388-112 WAC and other related rules as may be required.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

September 2, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-18-089

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed September 3, 2014, 11:49 a.m.]

Subject of Possible Rule Making: Chapter 16-324 WAC rules for the certification of seed potatoes. The agency is considering amending the certification requirements for seed potatoes by:

- (1) Repealing the requirement for laboratory testing of lots entered in the post-harvest testing for PVY;
- (2) Clarifying the definition of seed potato farm;
- (3) Requiring a certificate of compliance for evidence of eligibility for the transfer of seed lots between seed potato farms;
- (4) Authorizing the department to permit seed growers to plant lots in which the eligibility hasn't been determined under certain conditions; and
- (5) Including the bacterium *Candidatus liberibacter* with the tolerance for phytoplasmas.

This proposal is the result of petitions submitted by the Washington seed potato commission and the Washington potato commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Seed potato certification is an effective means of controlling systemic diseases/pests such as virus diseases in commercial potato crops. As a vegetatively propagated annual crop, potatoes tend to accumulate viruses that eventually affect production and quality. Washington commercial potato growers rely on certified seed to minimize the effects of these pests. Growers want to eliminate redundancy in the post-harvest test, clarify eligibility, and add a new emerging pest to the tolerances for field inspections.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1907, fax (360) 902-2094, e-mail bwhite@agr.wa.gov; or Tom Wessels, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1984, fax (360) 902-2094, e-mail twessels@agr.wa.gov.

September 3, 2014
Brad White
Assistant Director