

WSR 14-21-007**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed October 2, 2014, 8:32 a.m.]

Subject of Possible Rule Making: WAC 246-840-125 and 246-840-202 through 246-840-207, retired active credential and nurse continuing competency. Review and, if needed, update, clarify, and modify existing standards; create exemptions for those seeking advanced nursing degrees; and incorporate new suicide prevention training requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110 and 43.70.442.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5092 (chapter 229, Laws of 2013, codified in RCW 18.79.110) requires that the nursing care quality assurance commission (commission) adopt continuing competency (CC) rules. Registered nurses in advanced nursing programs must be exempt from CC requirements. The commission may also allow additional exemptions in specific circumstances. RCW 43.70.442, as amended by chapter 71, Laws of 2014, requires that licensed and retired active nurses complete suicide assessment, treatment, and management training. This is being merged into current work to generally update CC requirements and may identify exemptions, class hours required, and timing in relation to license renewal.

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. This work is continued from an earlier CR-101 (WSR 13-22-068 published November 20, 2013). Public workshops were held related to the provisions of SB 5092. HB [ESHB] 2315 passed and additional workshops were held related to suicide prevention. Another workshop is planned. Stakeholders will be informed of work in progress and the public hearing via the commission's listserv and web page. Interested parties may sign up for the listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=nursing-qac&A=1> or contact Teresa Corrado, Licensing Manager, Department of Health, NCQAC, P.O. Box 47684, Olympia, WA 98504-7864, (360) 236-4708, Nursing@doh.wa.gov.

September 30, 2014
Paula R. Meyer, MSN, RN
Executive Director, NCQAC

WSR 14-21-010**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Veterinary Board of Governors)

[Filed October 2, 2014, 9:31 a.m.]

Subject of Possible Rule Making: WAC 246-933-xxx, the veterinary board of governors (board) will consider establishing criteria for the review of continuing veterinary medical education related to complementary or alternative veterinary medicine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has seen an increase in the number of continuing education courses related to complementary and alternative veterinary medicine. The board's current rules related to continuing education do not address criteria for the approval of complementary and alternative veterinary medicine courses. Rules that define complementary and alternative veterinary medicine and designate the number of continuing education hours that can be earned in these disciplines may assist the board in its review and clarify the requirements to the licensees and to the providers of the education.

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 Judy Haenke, Program Manager, Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, judy.haenke@doh.wa.gov, phone (360) 236-4947, fax (360) 236-2907. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified through listserv and posting to the web site.

October 2, 2014
Kathy Schmitt
Deputy Director
Office of Health
Professions and Facilities

WSR 14-21-023**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed October 3, 2014, 10:02 a.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 13-06-054 (chapters 182-513, 182-515, 182-516 WAC and WAC 182-507-0125).

Kevin M. Sullivan
Rules Coordinator

WSR 14-21-024
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed October 3, 2014, 10:03 a.m.]

October 3, 2014
Kevin M. Sullivan
Rules Coordinator

Subject of Possible Rule Making: Eligibility rules for institutional medical assistance programs, including chapters 182-513, 182-515, 182-516 WAC and WAC 182-507-0125 and possibly other related rules, along with the creation of new regulations to support the implementation of the Patient Protection and Affordable Care Act (PPACA), changes made due to HB 1738, adding language from Section 1917 of the Social Security Act and adding a new residential support waiver defined in WAC 388-106-0015(6).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, chapter 74.39 RCW, Patient Protection and Affordable Care Act 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. Section 1917 and 1902 of the Social Security Act and RCW 70.97.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- Adding language from Section 1917 of the Social Security Act regarding the purchase of a life estate, promissory notes and loans.
- Adding the residential waiver service program as a home and community-based (HCB) waiver in chapter 182-515 WAC.
- Clarify language from Section 1917 of the Social Security Act regarding otherwise eligible trusts, and allowable transfers of a home to a child or sibling and annuities.
- Clarify language regarding countable assets for institutional services.
- Update links and references and changing language for readability and clarity.
- Other necessary changes on these subjects may be incorporated into this rule making.
- Other WAC chapters may need to be updated as a result of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health care authority (HCA), department of social and health services, economic services administration, aging and disability supports administration, developmental disability services administration, behavioral health and service integration administration.

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Rolley, P.O. Box 45600, Olympia, WA 98504-2716, phone (360) 725-2271, fax (360) 438-8633, TTY (360) 493-2637, e-mail Lori.Rolley@dshs.wa.gov.

WSR 14-21-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)
[Filed October 6, 2014, 11:01 a.m.]

Subject of Possible Rule Making: WAC 246-919-XXX, medical quality assurance commission, establishing continuing education and training requirements for suicide assessment, treatment and management for allopathic physicians per ESHB 2315. Amendments to existing chapter may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and ESHB 2315 (chapter 71, Laws of 2014).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2315 directs the medical quality assurance commission (commission) to adopt rules to implement continuing education and training requirements for suicide assessment, treatment, and management. The commission may identify in rule, training exceptions and exemptions as appropriate, and establish in rule, standards for suicide assessment, treatment, and management trainings that are appropriate for allopathic physicians.

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 commission's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Daidria Pittman, Program Manager, Medical Quality Assurance Commission, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2727, fax (360) 236-2795, e-mail daidria.pittman@doh.wa.gov.

September 30, 2014
Melanie de Leon
Executive Director

WSR 14-21-038
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed October 7, 2014, 11:09 a.m.]

Subject of Possible Rule Making: Chapter 16-450 WAC, Controlled atmosphere storage requirements for fruits and vegetables, the purpose of this chapter is to establish stan-

dards for the controlled atmosphere storage of fruits and vegetables and provide requirements for obtaining and maintaining a controlled atmosphere license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.17.030 Enforcement—Director's duties—Rules, 15.17.050 Rules—Authority of director, 15.17.060 Adoption of standards; chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending sections of this chapter and adding new sections to promote clarity regarding controlled atmosphere storage and licensing 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: The Washington state department of agriculture staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/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 Jeff Larsen, Commodity Inspection Division, Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1960, fax (360) 902-2085, jlarsen@agr.wa.gov.

October 7, 2014
Brad J. Avy
Assistant Director

WSR 14-21-039

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed October 7, 2014, 11:11 a.m.]

Subject of Possible Rule Making: Chapter 16-461 WAC, Inspection requirements for fruits and vegetables, the purpose of this chapter is to establish standards for the inspection of fruits and vegetables and provide definitions for a commercial lot, fruit and produce stands, zone of production, certificate of compliance requirements and/or shipping permits requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.17.030 Enforcement—Director's duties—Rules, 15.17.050 Rules—Authority of director, 15.17.060 Adoption of standards; chapter 34.05 RCW, Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending sections of this chapter and adding new sections to promote clarity regarding exemptions, shipping permits, certificates of compliance, compliance agreements, and penalties for violations.

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 staff will develop the rule proposal and will communicate with stakeholders and other interested parties for their review and comment. Interested parties can also participate in the public hearing/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 Jeff Larsen, Commodity Inspection Division, Department of Agriculture, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1960, fax (360) 902-2085, jlarsen@agr.wa.gov.

October 7, 2014
Brad J. Avy
Assistant Director

WSR 14-21-061

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed October 9, 2014, 9:21 a.m.]

Subject of Possible Rule Making: WAC 308-96A-026 Vehicle transit permit.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring WAC 308-96A-026 into compliance with RCW 46.17.040 as modified by chapter 59, Laws of 2014 (E2SHB 1129), which requires transit permit service fee revenue generated by the department of licensing, county auditors, and other agents appointed by the director of the department of licensing to be deposited into the capital vessel replacement account under RCW 47.60.-322.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, Mailstop 48203, P.O. Box 9909, Olympia, WA 98507, e-mail (preferred) CJelvik@dol.wa.gov, phone (360) 902-3812.

October 9, 2014
Damon Monroe
Rules Coordinator

WSR 14-21-083

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF ADMINISTRATIVE HEARINGS

[Filed October 13, 2014, 10:44 a.m.]

Subject of Possible Rule Making: Updates to chapter 10-04 WAC, Agency organization—Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020, 34.12.030, and 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The entire chapter 10-04 WAC will be revised to incorporate public records model rule language. The revisions will also reflect the recodification of the Public Records Act statute from chapter 42.17 RCW to chapter 42.56 RCW. A new section is also being added to include language identifying the official record keeper of the public records.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barb Cleveland, Public Records Officer, Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504-2488, (360) 407-2711, fax (360) 664-8721, Barb.cleveland@oah.wa.gov.

September 29, 2014

Lorraine Lee
Chief Administrative Law Judge

WSR 14-21-084

PREPROPOSAL STATEMENT OF INQUIRY HUMAN RIGHTS COMMISSION

[Filed October 13, 2014, 10:46 a.m.]

Subject of Possible Rule Making: Sexual orientation and gender identity discrimination—Preemployment inquiries, leave policies, employee benefits, harassment, dress and grooming standards, gender segregated facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.60.120(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A law was passed by the legislature and signed by the governor in 2006 that prohibits sexual orientation and gender identity discrimination in Washington state. Rules are needed in order to interpret that law to provide understanding to businesses, employers, and the public. Stakeholders have requested clarification and explanation of the law in the form of 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: The agency held four public forums around the state to gather input for the proposed rules. From the information gathered at those forums, the agency will draft proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Laura Lindstrand, Policy Analyst, 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490, (360) 359-4923, fax (360) 586-2282, e-mail rulemakingcomments@hum.wa.gov. There will be a public hearing held in Olympia, Washington, at a time and place to be determined. Interested parties may attend the public hearing, or may use phone, fax or e-mail to comment.

October 6, 2014
Laura Lindstrand
Policy Analyst

WSR 14-21-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF CORRECTIONS

[Filed October 14, 2014, 7:53 a.m.]

Subject of Possible Rule Making: Chapter 137-80 WAC, Institutional industries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090 and 72.09.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Reflect changes to the department of corrections (DOC) institutional industries programs. Achieve more consistent operation of institutional industries programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of labor and industries (L&I) held a series of meetings with different L&I personnel regarding (1) offender work site safety and (2) offender worker's compensation insurance coverage. Meetings were followed by extensive e-mail communications on these same subjects.

Process for Developing New Rule: Agency study; and lengthy process beginning with a 2006 DOC study and assessment of all DOC correctional industries (CI) offender work programs, resulting in a written recommendations report; internal audits of CI Class IV (2012) and Class V (2014) work programs and contracts; extensive meetings with L&I personnel on the subject of workers' compensation and worker safety requirements; numerous conversations with DOC assistant attorney generals on legal aspects of WAC changes and conversations and meetings with DOC stakeholders, individually and in groups, to gain greater understanding of agency needs regarding the CI work programs and any inconsistencies between those needs and chapter 137-80 WAC as it then existed.

The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009, e-mail john.nispel@DOC.wa.gov.

October 13, 2014
Bernard Warner
Secretary

WSR 14-21-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)

[Filed October 14, 2014, 8:36 a.m.]

Subject of Possible Rule Making: The securities division is considering updating the exemption from securities registration for investment grade securities set forth in WAC 460-42A-081 to more closely align with Section 18 of the Securities Act of 1933 and federal Rule 146 adopted thereunder.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.310(8), 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 21.20.310(8) provides an exemption from securities registration for "any security which meets the criteria for investment grade securities that the director may adopt by rule." In furtherance of this statute, WAC 460-42A-081 provides an exemption for securities listed on specified national securities exchanges. This rule was last amended in 1996 and since that time, a number of the exchanges specified in this rule have undergone name changes, have restructured, or no longer exist. The securities division is now considering updating WAC 460-42A-081 to specify that this exemption applies to securities listed on exchanges recognized in Section 18 of the Securities Act of 1933 and federal Rule 146 adopted thereunder.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The securities division is seeking to update WAC 460-42A-081 to clarify the availability of this exemption to securities that are deemed "covered securities" under federal law and that the securities division is thus otherwise preempted from requiring registration thereof. Updating this rule will thus better coordinate this rule with existing federal law enforced by the Securities and Exchange Commission.

Process for Developing New Rule: The division is soliciting comments from interested persons and will adopt rules only after the consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Webster, Esq., Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 902-8736, fax (360) 704-6491, e-mail michelle.webster@dfi.wa.gov.

October 14, 2014
 William M. Beatty
 Administrator

WSR 14-21-093
PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COLLEGES

[Filed October 14, 2014, 8:47 a.m.]

Subject of Possible Rule Making: Affirmative action.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To repeal the district's affirmative action rules.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carin Weiss, Vice-Chancellor, 1500 Harvard Avenue, Seattle, WA 98122, phone (206) 934-6744, e-mail carin.weiss@seattlecolleges.edu; or Charles Sims, Chief Human Resources Officer, 1500 Harvard Avenue, Seattle WA 98122, phone (206) 934-4136, e-mail Charles.sims@seattlecolleges.edu.

October 14, 2014
 Jill Wakefield
 Chancellor

WSR 14-21-096
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 14, 2014, 6:09 p.m.]

Subject of Possible Rule Making: WAC 182-530-2000 Covered—Outpatient drugs, devices, and drug-related supplies, 182-530-2100 Noncovered—Outpatient drugs and pharmaceutical supplies, and 182-530-3200, the department's authorization process, 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: Federal and state law requires coverage of smoking cessation products for pregnant women; change the minimum day's supply required when dispensing contraceptives; and change the minimum number of days to request authorization of an emergency fill.

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

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

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.

October 14, 2014
 Kevin M. Sullivan
 Rules Coordinator

WSR 14-21-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 16, 2014, 10:55 a.m.]

Subject of Possible Rule Making: WAC 246-976-320 Air ambulance services, the department of health is considering amending the air ambulance licensure requirements to align with federal law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.73.081, 18.73.140, and 70.168.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-976-320 requires licensed air ambulance services to maintain accreditation by the commission of accreditation of medical transport services. Recent court rulings determined that state required ambulance accreditation may be preempted by federal law. The rule is being opened to clarify requirements to align with federal law as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Transportation, Federal Aviation Administration (FAA). The department of health will reconcile any proposed and adopted rule changes to ensure alignment with the FAA's most current regulations.

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 Catie Holstein, EMS and Trauma Supervisor, Department of Health, P.O. Box 47853, Olympia, WA, or 111 Israel Road S.E., Olympia, WA 98504-7853, phone (360) 236-2841, fax (360) 236-2830, e-mail catie.holstein@doh.wa.gov. Interested parties may participate in the development of a draft rule prior to a formal proposal by attending the rule workshops or providing input on draft materials.

October 16, 2014
 Dennis E. Worsham
 Deputy Secretary
 for John Wiesman, DrPH, MPH
 Secretary

WSR 14-21-113
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Community Services Division)

[Filed October 16, 2014, 11:58 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-414-0001 Do I have to meet all eligibility requirements for Basic Food?, 388-468-0005 Residency, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510,

74.08.090, 74.04.500, 74.08A.120, 7 C.F.R. §§ 273.2 and 273.3.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to amend WAC 388-414-0001 to fully incorporate requirements under Title 7 C.F.R. § 273.2(j) related to categorical eligibility (CE) for the federal Supplemental Nutrition Assistance Program (SNAP) and the requirement to verify residency if questionable at application and recertification for certain households.

The department is also proposing to amend WAC 388-468-0005 to clarify that households that are considered categorically eligible based on the receipt of noncash public assistance benefits (broad-based categorical eligibility) have the same state residency verification requirements as non-CE households and both household types can be out-of-state for more than one month and still be considered a resident. Other related rules may be needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will propose amendments to CE rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer the food stamp program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.-510, and 74.08A.120.

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 Bob Thibodeau, Lead Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

October 15, 2014
 Katherine I. Vasquez
 Rules Coordinator

WSR 14-21-121
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 17, 2014, 12:19 p.m.]

Subject of Possible Rule Making: WAC 392-501-600 through 392-501-705, appeal process for students with special, unavoidable circumstances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.665.065 [28A.655.065], 28A.665.061 [28A.655.061], 28A.155.045. WSR 10-01-053, § 392-501-600, filed 12/9/09, effective 1/9/10. Statutory Authority: RCW 28A.655.061 and 28A.655.065. WSR 07-13-035, § 392-501-600, filed 6/13/07, effective 7/22/07.

RCW 28A.655.065 directs the superintendent of public instruction to develop guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and RCW 28A.155.045 pertaining to the certificate of individual achievement for students who have special, unavoidable circumstances.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The additional language for the WACs has been drafted to include situations whereby a student had special, unavoidable circumstances that prevented the student, during the student's eleventh grade year, from successfully demonstrating his or her skills and knowledge on the state high school assessment, on an objective alternate assessment authorized in RCW 28A.655.061 or 28A.655.065, or on a Washington alternate assessment available to student[s] eligible for special education services. For purposes of this subsection, a special, unavoidable circumstance is a major irregularity in the administration of the assessment that meets the following criteria:

- (i) The major irregularity was caused by school district personnel,
- (ii) The student was not at fault for the irregularity, and
- (iii) The school district has taken appropriate disciplinary action against the school district personnel.

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 Collette Mason, 600 Washington Street S.E., Olympia, WA 98504, phone (360) 725-6068, fax (360) 725-0424, collette.mason@k12.wa.us; or Michael Middleton, 600 Washington Street S.E., Olympia, WA 98504, phone (360) 725-6434, fax (360) 725-0424, Michael.middleton@k12.wa.us.

October 17, 2014
Randy Dorn
Superintendent of
Public Instruction

WSR 14-21-123

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed October 17, 2014, 1:13 p.m.]

Subject of Possible Rule Making: Revising how fees paid by licensees and applicants are prorated and refunded. We are also looking at mandatory online processes for licensees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making to revise how fees paid by licensees and applicants are prorated and refunded. We are also looking at mandatory online processes for licensees. Requiring certain business interactions to be conducted online will reduce staff time needed to hand process interactions which can be conducted through our online service center.

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 by 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.

[Meetings on] November 13 or 14, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on November 1 to confirm meeting location and start time; on January 8 or 9, 2015, in the Olympia area, visit www.wsgc.wa.gov on January 1 for meeting location and start time; and on February 12 or 13, 2015, in the Olympia area, visit www.wsgc.wa.gov on February 1 for meeting location and start time.

October 17, 2014
Susan Newer
Rules Coordinator

WSR 14-21-127

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Developmental Disabilities Administration)

[Filed October 20, 2014, 12:38 p.m.]

Subject of Possible Rule Making: The department plans to create new rules related to the community crisis stabilization service (CCSS) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 General authority of secretary—Rule adoption, 2SSB 5459.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS), developmental disabilities administration (DDA), plans to create new rules in Title 388 WAC related to CCSS. These rules are necessary to outline the short term behavioral health supports to participants who are in crisis.

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, DDA, 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.

October 20, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-21-130
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed October 20, 2014, 2:09 p.m.]

Subject of Possible Rule Making: Notaries public, WAC 308-30-155 Satisfactory evidence of identity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.44.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Notaries are limited in the types of documents they can accept to verify a person's identity. We are adding passports that have been issued by a foreign government to this list, which is consistent with other states' laws.

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

Process for Developing New Rule: Communication with the public, and stakeholders through the notary program web site, notaries[" "] listserv newsletter, and educational providers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chris Doland, Business Resources Section, P.O. Box 9027, Olympia, WA 98507-9027, phone (360) 664-1419, e-mail cdoland@dol.wa.gov, fax (360) 570-4976.

October 20, 2014
Damon Monroe
Rules Coordinator

WSR 14-21-137
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 21, 2014, 7:52 a.m.]

Subject of Possible Rule Making: The department is considering changes to the recreational clam and oyster harvest season rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes,

shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational fishing opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). The Washington department of fish and wildlife (WDFW) works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov.

October 21, 2014
Joanna M. Eide
Rules Coordinator

WSR 14-21-146
WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 21, 2014, 11:12 a.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 14-13-082 (WAC 182-520-0001 Washington apple health—Overpayments and recovery).

Kevin M. Sullivan
Rules Coordinator

WSR 14-21-147
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed October 21, 2014, 11:15 a.m.]

Subject of Possible Rule Making: Chapter 182-520 WAC, Fraud referrals and overpayments; and other rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is necessary to support agency actions in establishing and recovering Washington apple health overpayments. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services (DSHS) – The health care authority (HCA) will draft the rule with input from DSHS staff.

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, 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.

October 21, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-21-148

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed October 21, 2014, 11:21 a.m.]

Subject of Possible Rule Making: WAC 182-503-0530
Citizenship and alien status—Definitions.

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: To clarify the description of the time periods which categorize parolees as "qualified aliens" or "nonqualified aliens."

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

Process for Developing New Rule: HCA welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

October 21, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-21-149

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed October 21, 2014, 11:34 a.m.]

Subject of Possible Rule Making: Chapter 468-06 WAC,
Public access to information and records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 42.56, 40.14 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update rule to reflect current practices and procedures.

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 Catherine Taliaferro, P.O. Box 47410, Olympia, WA 98504-7410, (360) 705-7431, taliafc@wsdot.wa.gov.

October 21, 2014
Kathryn W. Taylor
Assistant Secretary

WSR 14-21-159

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed October 21, 2014, 5:14 p.m.]

Subject of Possible Rule Making: WAC 182-527-2790
Filing liens; 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: To eliminate subsection (4)(c) in WAC 182-527-2790 because it is not within the scope of authority of state administrative law judges.

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 Kevin Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

October 21, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-21-160
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 22, 2014, 6:02 a.m.]

Subject of Possible Rule Making: The department is considering amendments to rules regarding recreational fishing for bottomfish in Quilcene Bay and Dabob Bay.

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: In a response to a petition for rule making to open Hood Canal to recreational harvest of bottomfish, the fish and wildlife commission directed to the department to initiate rule making to explore changes to recreational fishing rules for selected species of bottomfish in Quilcene Bay and Dabob Bay. Potential rule changes would provide recreational fishing opportunity on selected species of bottomfish consistent with conservation objectives.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, e-mail Rules.Coordinator@dfw.wa.gov. Expected preproposal filing on or after December 5, 2014.

October 22, 2014
 Joanna M. Eide
 Rules Coordinator

ibility of interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: A preliminary draft of possible rule changes is available via the department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to Gayle Carlson, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov.

Written and oral comments will be accepted at the public meeting.

Public Meeting Location: Capital Plaza Building, 1st Floor Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 4, 2014, at 9:00 a.m. Call-in option can be provided upon request no later than three days before the meeting date.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499, or Renee Cosare, (360) 725-7514, no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

October 22, 2014
 Dylan Waits
 Rules Coordinator

WSR 14-21-161
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed October 22, 2014, 7:30 a.m.]

Subject of Possible Rule Making: WAC 458-20-146 (Rule 146) National and state banks, mutual savings banks, savings and loan associations and other financial institutions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule 146 explains how national banks, state banks, mutual savings banks, savings and loan associations, and other financial institutions may be subject to business and occupation tax, retail sales and/or use taxes. It also provides examples of when retail sales tax should be collected from the taxpayers' customers and remitted to the state. The department is considering revisions to the rule to incorporate information from legislation (ESB 6635, chapter 6, Laws of 2012) that limits which financial businesses are allowed a deduction for interest earnings on loans secured by first mortgages or deeds of trust on residential properties. The department is also considering including information currently found in ETA 3076 that covers deduct-

WSR 14-21-176
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed October 22, 2014, 10:05 a.m.]

Subject of Possible Rule Making: The application of campaign contribution limits to a candidate's authorized campaign committee and any other committee established, maintained, or primarily controlled by the candidate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February 1994, the public disclosure commission adopted a policy that expressed the commission's interpretation that, for the purpose of applying contribution limits, a candidate's authorized committee would be affiliated with any other political committee that the candidate established, maintained, or primarily controlled by the candidate. At that time, only state office candidates were subject to contribution limits. The legislature has since passed legislation that applies contribution limits to judicial and certain local office candidates. The commission believes that converting its policy to rule will better inform the public and the regulated community of the commission's interpreta-

tion. The commission believes this is timely rule making considering the body of candidates subject to contribution limits is expanding and that it is becoming more common for candidates to establish and/or control political committees other than their authorized committees.

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

Process for Developing New Rule: At its December 4, 2014, meeting, the public disclosure commission will likely discuss the subject matter and possibly approve draft rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Anderson, P.O. Box 40908, 711 Capitol Way, Room 206, Olympia, WA 98504, e-mail lori.anderson@pdc.wa.gov, phone (360) 664-2737, toll free 1-877-601-2828, fax (360) 753-1112.

October 22, 2014

Lori Anderson
Communications and
Training Officer

WSR 14-21-182

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed October 22, 2014, 10:56 a.m.]

Subject of Possible Rule Making: WAC 314-12-215 Alcohol impact areas—Definition—Guidelines.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of a stakeholder request to review the alcohol impact areas 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: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

October 22, 2014

Sharon Foster
Chairman

WSR 14-21-183

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed October 22, 2014, 10:56 a.m.]

Subject of Possible Rule Making: WAC 314-02-106 What is a spirits retail license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.670.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of a stakeholder request to revise the rule on spirits sampling to allow spirits to be altered with mixers.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

October 22, 2014

Sharon Foster
Chairman

WSR 14-21-186

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed October 22, 2014, 11:04 a.m.]

Subject of Possible Rule Making: Chapter 314-07 WAC, How to apply for a liquor license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's ongoing rules review process, chapter 314-07 WAC is being reviewed for relevance, clarity, and accuracy.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

October 22, 2014

Sharon Foster
Chairman