

WSR 15-03-029
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)

[Filed January 12, 2015, 8:34 a.m.]

Subject of Possible Rule Making: The department is proposing to add a section to chapter 388-71 WAC, Home and community services and programs, and other related rules as may be required. The new section will clarify exceptions and corresponding verification to the electronic timekeeping requirement for home care agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.325.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of RCW 74.39A.325 is to require home care agencies licensed under chapter 70.127 RCW and providing medicaid funded in-home personal care or respite services to verify agency employee hours by electronic timekeeping except in circumstances where electronic verification is not possible. This proposed rule will allow the department to clarify how the statute is to be applied in circumstances where electronic timekeeping is not possible. Other related changes that arise during this rule making may be incorporated. 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: Within DSHS, developmental disabilities administration home care services also fall under the same statute. Rule making will be closely coordinated with them.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

January 8, 2015
 Katherine I. Vasquez
 Rules Coordinator

WSR 15-03-051
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed January 14, 2015, 2:40 p.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of

inquiry rule (CR-101), WSR 14-24-017, filed on November 20, 2014.

Douglas L. Moore
 Executive Secretary

WSR 15-03-052
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed January 14, 2015, 2:50 p.m.]

Subject of Possible Rule Making: WAC 260-12-180 Safety equipment required.

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 this section to mirror current enforcement regarding safety equipment.

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.

January 14, 2015
 Douglas L. Moore
 Executive Secretary

WSR 15-03-054
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed January 14, 2015, 4:30 p.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 14-21-148, WAC 182-503-0530.

Jason R. P. Crabbe
 Rules Coordinator

WSR 15-03-055
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed January 14, 2015, 4:36 p.m.]

Subject of Possible Rule Making: WAC 182-503-0530, Citizenship and alien status—Definitions and 182-503-0535 Washington apple health—Citizenship and alien status.

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: Reconstruction of these rules is necessary to reduce the risk of conflict with federal law. During the course of this review the agency may identify 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: 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 Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail chantelle.diaz@hca.wa.gov.

January 14, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-03-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Naturopathy)
[Filed January 15, 2015, 1:20 p.m.]

Subject of Possible Rule Making: WAC 246-836-510 Sexual misconduct, the board of naturopathy (board) is considering revising the rule to clarify that forcible or nonconsensual acts are within the definition of sexual misconduct by a naturopathic physician.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.160, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering updating the sexual misconduct rule to establish clearer standards of conduct for naturopathic physicians. The board's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by naturopathic physicians under the board's authority. Updating the sexual misconduct rule will establish clearer standards of conduct and will help the board be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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 can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>. Please address any questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail susan.gragg@doh.wa.gov.

January 14, 2015
Chris Humberson, R.Ph
Executive Director

WSR 15-03-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Osteopathic Medicine and Surgery)

[Filed January 15, 2015, 1:21 p.m.]

Subject of Possible Rule Making: WAC 246-853-600 Sexual misconduct, the board of osteopathic medicine and surgery (board) is considering revising the rule to clarify that forcible or nonconsensual acts are within the definition of sexual misconduct by an osteopathic physician.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering updating the sexual misconduct rule to establish clearer standards of conduct for osteopathic physicians. The board's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by osteopathic physicians under the board's authority. Updating the sexual misconduct rule will establish clearer standards of conduct and will help the board be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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 Brett Cain, Program Manager, Board of Osteopathic Medicine and Surgery, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail brett.cain@doh.wa.gov.

January 14, 2015
Blake T. Maresh
Executive Director

WSR 15-03-066**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed January 15, 2015, 1:22 p.m.]

Subject of Possible Rule Making: WAC 246-853-XXX Osteopathic physicians and surgeons, establishing training requirements for suicide assessment, treatment, and management for osteopathic physicians per ESHB 2315. Amendments to existing sections within the chapter may be necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005 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 board of osteopathic medicine and surgery (board) to adopt rules to implement training requirements for suicide assessment, treatment, and management. The board 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 osteopathic 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 board's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Brett Cain, Program Manager, Board of Osteopathic Medicine and Surgery, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail brett.cain@doh.wa.gov.

January 14, 2015
Blake T. Maresh
Executive Director

WSR 15-03-068**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Hearing and Speech)

[Filed January 15, 2015, 1:29 p.m.]

Subject of Possible Rule Making: Chapter 246-828 WAC, Hearing and speech, the board of hearing and speech (board) will open the chapter to implement EHB 2108 (chapter 189, Laws of 2014) to establish standards for a nine-month certificate as a route to licensure for hearing aid specialists. The board will consider general housekeeping amendments, continuing education and exam standard

updates, adding a provision for temporary practice permits for military spouses, and updating sexual misconduct rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.35 RCW, EHB 2108, RCW 18.35.161, 18.130.062, and 18.130.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering adding continuing education (CE) requirements for speech-language pathology assistants, adding multicultural education as an acceptable CE category, updating exam standards, updating sexual misconduct rules, and adding a provision for a temporary practice permit for military spouses. In addition, EHB 2108 changed the hearing instrument fitter/dispenser credential to a hearing aid specialist credential and added a route to licensure for hearing aid specialists that includes a practical exam and a nine-month certificate from a hearing aid specialist program. Rules are needed to implement the requirements. The board will also consider general housekeeping updates to the chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State board for community and technical colleges, the board is coordinating with hearing aid specialist programs to identify nine-month certificate programs that may be available.

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 can participate in the rule-making process by providing comments on proposed language and/or attending a rules workshop. Notices will be sent to interested parties through listserv and e-mail. Send written comments to Janette Benham, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4857, fax (360) 236-2901, or e-mail janette.benham@doh.wa.gov.

January 14, 2015
James E. Deal
Chair

WSR 15-03-069**PREPROPOSAL STATEMENT OF INQUIRY
PENINSULA COLLEGE**

[Filed January 15, 2015, 2:04 p.m.]

Subject of Possible Rule Making: Delete WAC 132A-350-030 and 132A-350-045; revision of WAC 132A-350-015, 132A-350-020, 132A-350-040, 132A-350-050.

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: Changes in law are need[ed] to be in compliance with current law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Civil Rights.

Process for Developing New Rule: Agency study; and review by board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Fischer, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, (360) 417-6201, (360) 417-6220, pfischer@pencol.edu.

January 15, 2015
P. A. Fischer
Rules Coordinator

WSR 15-03-072

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed January 15, 2015, 2:57 p.m.]

Subject of Possible Rule Making: WAC 246-934-020 Definitions and 246-934-100, the veterinary board of governors (board) is considering revising the rule to clarify that forcible or nonconsensual acts are within the definition of sexual misconduct. The board will also review the rules for relevance to the veterinary professions which may result in amendment of current language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030, 18.130.050, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rule does not address sexual misconduct by a provider regulated by the board against a person other than a patient, client or key party, such as sexual harassment of staff, or sexual assaults against family members, social acquaintances or strangers. Amending WAC 246-934-100 will provide clearer and more relevant direction to veterinary practitioners on guidelines for sexual misconduct.

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. 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. Contact 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 or fax (360) 236-2901.

January 15, 2015
Kathy Schmitt
Deputy Director
Health Professions
and Facilities

WSR 15-03-073

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 16, 2015, 10:06 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0005 and any other related rules as required to establish cash assistance payment standards for individuals residing in certain medical institutions and facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department currently relies on health care authority (HCA) WAC 182-515-1500 Payment standard for persons in certain group living facilities and 182-513-1300 Payment standard for persons in medical institutions, to define payment standards for individuals residing in certain medical institutions and facilities. HCA plans to repeal both rules. The department is proposing to establish payment standards for individuals residing in certain medical institutions and facilities in Title 388 WAC.

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 Daisha N. Gomillion, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4781, fax (360) 725-4904, e-mail Daisha.Gomillion@dshs.wa.gov.

January 15, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-03-081

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed January 20, 2015, 9:25 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapters 296-17 and 296-

17A WAC establish how employers are required to report and pay industrial insurance premiums.

The department intends to review these chapters and make revisions to:

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references),
- Revise wording and formatting to make the rules easier to understand and apply, and
- Incorporate and formalize existing agency practices (such as expressly including in a risk classification employment that the department currently includes by interpretation or analogy).

The purpose of this rule making is not to make substantive changes to how the department classifies employment, but to review and revise the classification plan to ensure it is clear and understandable. These changes will not change the way we calculate employer rates, our reporting requirements, or how we classify businesses.

As part of this rule making, the department also intends to review these chapters as required by SSB 5679 (chapter 30, Laws of 2013 2nd sp. sess.) to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of the internet. Labor and industries will use input to formulate proposed changes to the existing rules and advise customers of future rule making by the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Employers can obtain information on our rule-making process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and can submit comments electronically to JoAnne.Attwood@Lni.wa.gov or by calling (360) 902-4777, or fax (360) 902-5830.

January 20, 2015
Joel Sacks
Director

tion under RCW 84.36.037 Nonprofit organization property connected with operation of public assembly hall or meeting place. Amending WAC 458-16-300 will update language due to the passage of SB 6405 (2014), which standardizes criteria for nonexempt uses of tax exempt property owned by nonprofit organizations; SHB 2402 (2010), which allows tax exempt property to be used to conduct a farmers market; and SHB 1510 (2006), which allows certain uses of property located in counties with a population of less than twenty thousand. Amending WAC 458-16-300 will also provide clarity for nonprofit organizations on the types of qualifying uses allowable for this exemption.

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 Leslie Mullin, e-mail LeslieMu@dor.wa.gov, or mailing ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

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

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on March 4, 2015, at 10:00 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.

January 20, 2015
Dylan Waits
Rules Coordinator

WSR 15-03-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed January 20, 2015, 3:00 p.m.]

Subject of Possible Rule Making: Amend WAC 458-16-300 Public meeting hall—Public meeting place—Community meeting hall.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.865 Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-16-300 provides administrative guidance regarding criteria of eligibility for nonprofit organizations applying for a property tax exemp-

WSR 15-03-088

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed January 21, 2015, 9:45 a.m.]

The Washington department of fish and wildlife is withdrawing WSR 14-16-120, filed on August 6, 2014. The Washington department of fish and wildlife will file a new CR-101 on this topic to expand the proposed rule making to include shellfish.

Joanna M. Eide
Rules Coordinator

WSR 15-03-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 21, 2015, 10:06 a.m.]

Subject of Possible Rule Making: Amending commercial fishery and fish ticket rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to commercial fishery, and fish and shellfish receiving ticket rules are needed to improve the intent and enforceability of rules that define, describe or authorize delivery of fish or shellfish to shore based facilities or dealers, and processing or freezing of catch onboard vessels at sea.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The National Marine Fisheries [Service] regulates certain commercial fisheries in federal waters. Rule coordination is accomplished through Pacific Fishery Management Council processes, and the Columbia River compact. Also, Washington, Oregon and California coordinate coastal Dungeness crab management through the Tri-State Dungeness Crab Committee which is facilitated under the umbrella of the Pacific States Marine Fisheries Commission. The department will coordinate with these groups as needed.

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, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov. Contact by February 27, 2015. Expected proposal filing on or after March 6, 2015.

January 21, 2015
Joanna M. Eide
Rules Coordinator