

WSR 15-11-016**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed May 11, 2015, 11:19 a.m.]

Subject of Possible Rule Making: WAC 308-96B-020 General provisions regarding individuals with disabilities vehicle license privileges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.19.010, 46.19.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To align WAC 308-96B-020 with statutory changes made by chapter 124, Laws of 2014 (ESHB 2463), and make other technical corrections.

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 Brady Horenstein, Policy and Legislative Analyst, Policy and Legislative Unit, Mailstop 48006, P.O. Box 9020, Olympia, WA 98507-9020, e-mail (preferred) bhorenstei@dol.wa.gov, phone (360) 902-3835.

May 11, 2015
Damon Monroe
Rules Coordinator

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 will draft the rule with input from DSHS staff.

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

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

May 12, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-11-023**WITHDRAWAL OF****PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed May 12, 2015, 12:31 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 15-04-120 on February 3, 2015, regarding WAC 182-527-2742.

Jason R. P. Crabbe
Rules Coordinator

WSR 15-11-024**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed May 12, 2015, 12:35 p.m.]

Subject of Possible Rule Making: Chapter 182-517 WAC, Medicare-related medical eligibility; WAC 182-502-0110 Conditions of payment—Medicare deductible and coinsurance; and other rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to clarify program requirements for medicare savings programs and state-funded buy-in programs.

WSR 15-11-032**PREPROPOSAL STATEMENT OF INQUIRY
CENTRALIA COLLEGE**

[Filed May 13, 2015, 9:43 a.m.]

Subject of Possible Rule Making: Update WAC related to discrimination and harassment complaint process and student rights and responsibilities code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title IX, Violence Against Women Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is in the process of updating its internal policy and procedures consistent with changes in governance structure, federal law, and routine updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No coordination 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 Julie D. Ledford, J.D., Vice-President, Human Resources and Legal Affairs, 600 Centralia College Boulevard, Centralia, WA 98531, phone (360) 736-9391 ext. 285, fax (360) 330-7103.

May 7, 2015
Dr. Robert A. Frost
President

WSR 15-11-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed May 15, 2015, 12:36 p.m.]

Subject of Possible Rule Making: WAC 246-851-370 Employed doctors of optometry, franchises and equipment use agreements, the board of optometry (board) will consider amending or repealing all or part of the rule as it relates to the relationship between salary, bonus, or other remuneration of an employed doctor of optometry and the number of patients seen or prescriptions filled.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board received a petition for rule making requesting the board consider removing the first sentence of WAC 246-851-370. The board agreed to consider the proposal. Language in WAC 246-851-370 is outdated and does not reflect current practice. Amending or repealing all or part of the rule will provide clarity and remove ambiguity.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. 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 Lorelei Walker, Program Manager, Department of Health, Board of Optometry, P.O. Box 47852, Olympia, WA 98504-7852, Lorelei.Walker@doh.wa.gov, phone (360) 236-4947 or fax (360) 236-2901.

May 15, 2015

Kathy Schmitt, Deputy Director
Office of Health Professions and Facilities

WSR 15-11-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 15, 2015, 3:13 p.m.]

Subject of Possible Rule Making: WAC 246-933-340 Practice management, the veterinary board of governors (board) will consider amendment of subsection (5) of this rule relating to the labeling requirements for legend drugs dispensed by a veterinarian.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The labeling requirements for legend drugs dispensed by veterinarians in WAC 246-933-340(5) do not include an expiration date. For the sake of

patient safety, the board would like to consider amending the rule to include an expiration date.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Pharmacy quality assurance commission (commission). The commission will be notified via listservs and asked to participate in a public rules meeting and/or submit written comments for consideration.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. 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 Lorelei Walker, Program Manager, Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, Lorelei.Walker@doh.wa.gov, phone (360) 236-4947 or fax (360) 236-2901.

May 15, 2015

Kathy Schmitt, Deputy Director
Health Professions and Facilities

WSR 15-11-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 19, 2015, 7:08 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: This rule making is being performed to implement requirements of ESSB 5550 which exempts from workers' compensation insurance the taxi, for hire, and limousine drivers who own or lease their vehicles; and commercial transportation service drivers as defined in Title 48 [RCW]. The legislation allows for elective coverage for these exempt employments.

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.

May 19, 2015
Mike Kreidler
Insurance Commissioner

May 19, 2015
Joel Sacks
Director

WSR 15-11-083
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2015-02—Filed May 19, 2015, 3:29 p.m.]

Subject of Possible Rule Making: Designation of base benchmark plan for essential health benefits (EHB) purposes as well as any necessary supplementation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.21.241, 48.21.320, 48.44.460, 48.44.341, 48.46.291, 48.46.530, and 48.43.715.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The federal government (Health and Human Services (HHS)) has decided to extend the base benchmark approach for establishing EHB coverage levels through at least plan year 2017. Under HHS rules the office of insurance commissioner (OIC) must adopt a new base benchmark plan by June 2015 and make any necessary adjustments in its EHB rules before the rate filings are due for 2017 individual and small group market plans. This will provide health plan issuers with specific guidance regarding form and rate filing of nongrandfathered individual and small group health plans for the 2017 benefit year, in relation to ensuring that an issuer's product and plan filing is substantially equal to the EHB-benchmark plan, and that the actuarial values for each EHB category are substantially equal to the EHB-benchmark plan. Any state legislation passed since 2012 affecting EHB coverage will also be considered as part of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In addition to state legislation on this same topic (RCW 48.43.715), OIC must also follow federal rules (45 C.F.R. 156) and coordinate data with HHS.

The Washington health exchange does not regulate the essential health benefits benchmark plan designation, but will use the information in planning the exchange. The commissioner will coordinate with the exchange by keeping its staff informed as the rule making progresses.

Process for Developing New Rule: Submit written comments by July 7, 2015, to Bianca Stoner, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bianca Stoner, P.O. Box 40258, Olympia, WA 98504, (360) 725-7041, fax (360) 586-3109, rulescoordinator@oic.wa.gov.

WSR 15-11-084
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2015-03—Filed May 19, 2015, 3:48 p.m.]

Subject of Possible Rule Making: Attestation of transparency tools for consumer information on health care cost and quality.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.43.007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6228, passed during the 2014 legislative session, required health plan issuers in Washington to attest to the office of the insurance commissioner (OIC) that their member transparency tools meet the requirements in the bill and that access to the tools is available on the issuers home page within the health plan's secured member web site. This proposed rule making is intended to direct health plan issuers to file with OIC one annual attestation for each market level of plans offered in Washington (e.g., individual, small group and large group). The anticipated rule will provide guidance as to how the attestation(s) should be provided to OIC.

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

Process for Developing New Rule: Submit written comments by July 1, 2015, to Jim Keogh, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

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

May 19, 2015
Mike Kreidler
Insurance Commissioner

WSR 15-11-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed May 19, 2015, 4:39 p.m.]

Subject of Possible Rule Making: Revisions to chapter 170-290 WAC to allow for early head start-child care partnerships, including, but not limited to, rule making on any of the following subjects: Eligibility requirements, rights and responsibilities, approved activities, income and copayment calculations, start dates and eligibility period, notice, eligible

child care providers, subsidy rates and fees, tiered reimbursement, special needs rates, payment discrepancies, and administrative hearings for child care subsidy programs. Possible revisions to chapters 170-295 and 170-296A WAC, or creation of a new WAC chapter, to administer licensing or certification of participating early head start sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.070, chapter 43.215 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Federal Administration for Children and Families has set aside substantial funds for new early head start-child care partnership grants to allow new or existing early head start programs to expand full-day, full-year high quality early learning opportunities to infants and toddlers. Amendments to chapter 170-290 WAC are needed in order to allow partnership grantees in Washington state to participate by using child care development block grant funds in the form of contracts or vouchers to serve working connections child care (WCCC) eligible families. Current rules provide only for traditional WCCC vouchers in half-day and full-day increments and may require additional payment increments and language to provide for contracts under the model.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at Rules@del.wa.gov, by fax (360) 586-0533, or by writing to the Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

May 19, 2015
Matt Judge
Rules Coordinator

WSR 15-11-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed May 19, 2015, 8:31 a.m.]

Subject of Possible Rule Making: The department proposes to amend WAC 388-70-450 Adoptive planning for Indian children by department staff, 388-70-600 Local Indian child welfare advisory committee—Purpose, 388-70-610 Local Indian child welfare advisory committee—Membership, 388-70-615 Local Indian child welfare advisory committee—Subcommittees, 388-70-620 Local Indian child welfare advisory committee—Functions, 388-70-630 Local Indian child welfare advisory committee—Meetings, 388-70-091 Foster care planning for Indian children—Definitions, 388-70-093 Foster care for Indian children—Services, 388-70-095 Foster care for Indian children—Serious injury, death, abandonment, child abuse, neglect, incarceration, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 13.38 RCW, Washington State Indian Child Welfare Act (WSICWA), RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is making changes to match requirements in chapter 13.38 RCW, WSICWA and the federal Indian Child Welfare Act, 25 U.S.C. Chapter 21, as well as to reflect changes in children's administration policy. Currently, the WAC definition of Indian child as well as the application of the local Indian child welfare advisory committee processes in the WAC is contrary to state and federal law. Updates to each of these sections will harmonize the WAC with state and federal law.

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 Juliette Knight, Indian Child Welfare Program Manager, P.O. Box 45042, Olympia, WA 98504, phone (360) 902-7578, fax (360) 902-7848, e-mail juliette.knight@dshs.wa.gov.

May 19, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-11-092
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket TR-151079—Filed May 20, 2015, 8:54 a.m.]

Subject of Possible Rule Making: The utilities and transportation commission (commission) commences this rule making to consider rules within chapter 480-62 WAC to update railroad annual reporting requirements on financial responsibility and safety standards for private crossings and to provide opportunities for first-class cities to opt in to the commission crossing safety program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.04.160, 81.24.010, 81.53.010, 81.53.240, and chapter 81.44 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission regulates public safety issues of railroads operating within Washington. ESHB 1449, chapter 274, Laws of 2015, adopts financial responsibility reporting requirements that railroads hauling crude oil must include in the annual reports they submit to the commission. In addition, the legislation authorizes the commission to enforce safety standards for private crossings and enables first-class cities to opt in to the commission's rail crossing safety program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Railroad Administration has authority over railroad safety. The Surface Transportation Board has economic authority over railroads.

Process for Developing New Rule: The commission will ask for initial written comments, schedule one or more workshops, and will provide the opportunity for stakeholders to submit additional written comments on draft rules and proposed CR-102 rules prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail records@utc.wa.gov, or through the UTC web portal <http://www.utc.wa.gov/e-filing> by **5:00 p.m., Monday, June 22, 2015**.

WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP: The commission has scheduled a stakeholder workshop in this rule making for **Wednesday, July 8, 2015, beginning at 9:30 a.m.**, in the Commission's Hearing Room, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Written comments may be submitted to the Commission at the address given above and should be filed with the commission no later than **5:00 p.m., Monday, June 22, 2015**, for consideration at the July 8, 2015, stakeholder workshop.

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

to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (TR-151079).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a flash drive, DVD, or compact disk including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/151079>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of Steven V. King, executive director and secretary. When contacting the commission, please refer to Docket TR-151079 to ensure that you are placed on the appropriate service list. Questions may be addressed to Jason Lewis, (360) 664-1206 or e-mail jlewis@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and phone and fax numbers referencing Docket TR-151079, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, phone and fax numbers, referencing Docket TR-151079, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/151079>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

May 20, 2015
 Steven V. King
 Executive Director
 and Secretary

WSR 15-11-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed May 20, 2015, 9:37 a.m.]

Subject of Possible Rule Making: WAC 458-20-105 (Rule 105) Employees distinguished from persons engaging in business, explains the conditions that serve to indicate whether persons are engaging in business or are employees.

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: The department is proposing to revise Rule 105 to:

- Add the definition of "engaging in business" as found in RCW 82.04.150;
- Add that personal chefs are independent contractors;
- Add subsection headings where there were none; and
- Update the rule as needed.

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, e-mail GayleC@dor.wa.gov, or mailing address 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 June 24, 2015, at 9:30 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.

May 20, 2015
Dylan Waits
Rules Coordinator