

**WSR 15-15-026****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed July 7, 2015, 1:27 p.m.]

July 6, 2015

Kyle Blum

Deputy Supervisor  
for State Uplands

Subject of Possible Rule Making: WAC 260-48-945 123racing pick (n) wagering pools.

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 has received a request from management to add a carry-over pool on the 123racing wager.

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, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

July 7, 2015  
Douglas L. Moore  
Executive Secretary

**WSR 15-15-046****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
NATURAL RESOURCES**

[Filed July 8, 2015, 4:33 p.m.]

Subject of Possible Rule Making: Creation and maintenance of a small works roster in the WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.04.155 Small works roster contract procedures—Limited public works process.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 39.04.155 directs state agencies awarding small works contract[s] to have procedures in place to solicit bids and award contracts.

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

Process for Developing New Rule: A hearing will be held during the CR-102 process and the public comment period to allow the public and other agencies an opportunity to provide input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alex Nagygyor, PE, ADM - Forest Roads, 1111 Washington Street S.E., P.O. Box 47030, Olympia, WA 98504-7030, (360) 902-1162, Alex.NAGYGYOR@dnr.wa.gov.

**WSR 15-15-052****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 9, 2015, 11:17 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-444-0005 Am I required to work or look for work in order to be eligible for Basic Food?, 388-444-0010 Who is exempt from work registration while receiving Basic Food?, 388-444-0035, Who is exempt from ABAWD work requirements?, and other related rules as may be required.

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, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend WAC 388-444-0005, 388-444-0010, and 388-444-0035 to align WAC with the Code of Federal Regulations (C.F.R.), specifically to define able-bodied adults without dependents (ABAWD) as a subset of work registrants, have the ability to review work registration at recertification, and add policy regarding work registration and ABAWD exemptions related to inability to work.

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 the federal supplemental nutrition assistance program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in C.F.R. The department will develop amendments to ABAWD rules that are consistent with the act, federal regulations, FNS administrative notices and interim guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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 Jason Turner, Program Manager, Eco-

conomic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4640, fax (360) 725-4905, e-mail Jason.Turner@dshs.wa.gov.

July 8, 2015  
Katherine I. Vasquez  
Rules Coordinator

Assistance Programs, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4616, fax (360) 725-4904, e-mail campix@dshs.wa.gov.

July 9, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-061**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed July 10, 2015, 10:47 a.m.]

Subject of Possible Rule Making: The department proposes to amend WAC 388-400-0050 If I am not eligible for federal benefits through Washington Basic Food program because of my alien status, can I receive benefits through the state-funded food assistance program?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08A.120 authorizes the food assistance program for legal immigrants (FAP). Subsection (3) states "The benefit under the state food assistance program shall be established by the legislature in the biennial operating budget." The 2015-2017 biennial budget (ESSB 6052), which passed the legislature and was signed by the governor, increased funding for FAP and set benefits at one hundred percent of the federal food benefit level beginning July 1, 2015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2015-2017 biennial budget (ESSB 6052) increased funding for FAP and set benefits at one hundred percent of the federal food benefit level beginning July 1, 2015.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for the federal supplemental nutrition assistance program (SNAP) administered as the Washington Basic Food program. For persons who do not meet citizenship or alien status requirements the department may establish a state-funded food assistance program for legal immigrants under RCW 74.08A.120. Department rules related to eligibility for non-citizens who do not meet alien status requirements for SNAP must comply with RCW 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 John Camp, Administrator, Food

**WSR 15-15-064**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Nursing Care Quality Assurance Commission)  
[Filed July 10, 2015, 12:23 p.m.]

The nursing care quality assurance commission (commission) is withdrawing the following CR-101: WAC 246-840-202 through 246-840-207, nurse continuing competency (generally). Modify existing standards and create exemptions for those seeking advanced nursing degrees, WSR 13-22-068, filed November 5, 2013.

The commission is withdrawing this CR-101 for the following [following] reasons:

The original intent of the preproposal for these rules was to implement SB 5092 (chapter 229, Laws of 2013) to include exemptions from continuing competency requirements for nurses advancing their nursing education.

ESHB 2315 passed June 12, 2014. The bill requires all nurses take a one-time six-hour training in suicide assessment, treatment and management which must be completed during the first full continuing competency reporting period after the effective date of the law or the first full continuing competency reporting period after initial licensure, whichever is later. The commission's update of its continuing competency rule will include this new requirement.

Furthermore, the commission and stakeholders would like to update, clarify, and modify existing standards.

If you have questions please contact Teresa Corrado, Licensing Manager, Department of Health, NCQAC, P.O. Box 47684 [47864], Olympia, WA 98504-7864, (360) 236-4708, Nursing@doh.wa.gov.

Tami Thompson  
Regulatory Affairs Manager

**WSR 15-15-069**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed July 13, 2015, 9:19 a.m.]

Subject of Possible Rule Making: The department is proposing new rules relating to nursing home staffing levels to be placed in chapter 388-96 WAC, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.360 (2)(a), 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is instructed to establish in rule a system of compliance of minimum direct care staffing standards as stated in SHB 1274.

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 Elizabeth Pashley, Office of Rates Management, 4450 10th Avenue S.E., Lacey, WA 98503, phone (360) 725-2447, fax (360) 725-2641, TTY 1-800-624-6186, e-mail Elizabeth.Pashley@dshs.wa.gov.

July 10, 2015  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 15-15-074

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 13, 2015, 1:59 p.m.]

Subject of Possible Rule Making: The department is updating the rate table contained in WAC 388-105-0005 and other related rules as may be required in accordance with the 2015-2017 operating budget.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.030 (3)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department proposes to update WAC 388-105-0005 to update the rate table contained in this section in accordance with the 2015-2017 operating budget.

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 Elizabeth Pashley, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2447, fax (360) 725-2641, TTY 1-800-624-6186, e-mail Elizabeth.Pashley@dshs.wa.gov.

July 13, 2015  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 15-15-083

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed July 14, 2015, 1:00 p.m.]

Subject of Possible Rule Making: The department intends to update WAC 388-148-1320 Will the department grant me a foster family license?, 388-145-1335 What additional steps must I complete prior to licensing?, and any other related rules as may be required to provide further instructions on how to proceed with foster care applicants and their household members over the age of eighteen or agency staff that have a positive TB test due to latent TB.

This update will also include changes to allow for a medical exception to the requirement for proof of influenza vaccination if the vaccination would result in a severe medical consequence to the person or unborn fetus and there is no other form of influenza vaccine that would not cause severe medical consequences. This will allow these applicants and agencies that otherwise meet all other licensing regulations to be licensed for birth to two years of age with a physician's statement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.010, 74.15.030, 74.15.040, 74.15.090, 74.13.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The requested WAC revisions for WAC 388-148-1320 and 388-145-1335 will allow the division of licensed resources (DLR) to license these homes that otherwise meet the minimum licensing requirements with a physician's statement.

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 Kristina Wright, Program Manager, DSHS, Division of Licensed Resources, Children's Administration, 1115 Washington Street S.E., P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-8349, fax (360) 902-7903, e-mail wrightks@dshs.wa.gov.

July 13, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 14, 2015, 3:12 p.m.]

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

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

July 14, 2015  
 David Brenna  
 Senior Policy Analyst

**WSR 15-15-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**COLUMBIA BASIN COLLEGE**

[Filed July 15, 2015, 10:31 a.m.]

Subject of Possible Rule Making: Columbia Basin College is proposing repealing, amending and adding new WAC and/or sections to Title 132S WAC governing the Washington State Community College District 19, Columbia Basin College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Columbia Basin College is repealing, amending and adding new WAC to support the current legislation.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Columbia Basin College welcomes the public to take part in reviewing the proposed rules. Interested parties can participate in the decision to adopt the amended, repealed and new rule(s) and formulation of the proposed rules before publication by contacting Camilla Glatt, Vice-President for Human Resources and Legal Affairs, 2600 North 20th Ave-

nue, Pasco, WA 99301, phone (509) 542-5548, fax (509) 542-2029, e-mail [cglatt@columbiabasin.edu](mailto:cglatt@columbiabasin.edu). A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

July 15, 2015  
 Camilla Glatt  
 Vice-President for Human  
 Resources and Legal Affairs

**WSR 15-15-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 15, 2015, 11:13 a.m.]

Subject of Possible Rule Making: Chapter 314-55 WAC, Marijuana licenses, application process, requirements and reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules and revisions to current rules are needed to implement 2015 legislative changes.

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.

July 15, 2015  
 Jane Rushford  
 Chairman

**WSR 15-15-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 15, 2015, 11:13 a.m.]

Subject of Possible Rule Making: WAC 314-02-100 What is a grocery store license?; chapter 314-20 WAC, Beer—Brewers, holders, importers, etc.; chapter 314-23 WAC, Spirits distributors, spirits certificate of approval holders, and spirits importers; chapter 314-24 WAC, Domestic wineries and domestic wine distributors; chapter 314-28 WAC, Distillers; and chapter 314-38 WAC, Permits.

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: New rules and revisions to

current rules are needed to implement 2015 legislative changes.

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.

July 15, 2015  
Jane Rushford  
Chairman

**WSR 15-15-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed July 15, 2015, 11:14 a.m.]

Subject of Possible Rule Making: WAC 314-02-090  
What is a nonprofit arts organization license?

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 the result of a stakeholder petition for rule making to clarify the areas alcohol may be consumed under a nonprofit arts organization license.

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.

July 15, 2015  
Jane Rushford  
Chairman

**WSR 15-15-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed July 15, 2015, 11:53 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and amending the following sections in chapter 388-78A WAC, Assisted living facility licensing rules: WAC 388-78A-2020, 388-78A-2461, 388-78A-2462, 388-78A-2464, 388-78A-24642, 388-78A-2465, 388-78A-2466, 388-78A-2467, 388-78A-2468, 388-78A-24681, 388-78A-2469, 388-78A-2470, 388-78A-24701, 388-78A-2471, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.20, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordination [coordinate] rules related to negative actions and character, competence, and suitability reviews including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be required.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeanette Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail childjk@dshs.wa.gov.

July 14, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed July 15, 2015, 12:10 p.m.]

Subject of Possible Rule Making: The department is considering adding new sections and amending the following sections in chapter 388-76 WAC, Adult family home minimum licensing requirements: WAC 388-76-10000, 388-76-10160, 388-76-10161, 388-76-10163, 388-76-101631, 388-76-101632, 388-76-10164, 388-76-10165, 388-76-10166, 388-76-10170, 388-76-10174, 388-76-10175, 388-76-10176, 388-76-10180, 388-76-10181, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.128, 43.20A, 43.43, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordination [coordinate] rules related to negative actions and character, competence, and suitability reviews including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other related chapters as may be required.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeanette K. Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail childjk@dshs.wa.gov.

July 14, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**ADMINISTRATIVE HEARINGS**  
[Filed July 15, 2015, 2:22 p.m.]

Subject of Possible Rule Making: Chapter 10-04 WAC, the office of administrative hearings Public Records Act (PRA) rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.12.030(6).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of administrative hearings intends to update our PRA regulations after reviewing chapter 44-14 WAC, the advisory model PRA rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All state and local agencies must adopt PRA rules. The attorney general is directed by RCW 42.17.348 and 42.56.570 to adopt advisory model rules.

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

July 15, 2015  
Lorraine Lee  
Chief Administrative Law Judge

**WSR 15-15-104**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Nursing Care Quality Assurance Commission)  
[Filed July 16, 2015, 8:25 a.m.]

The nursing care quality assurance commission is withdrawing the CR-101 for WAC 246-840-300 through 246-840-455 which was filed April 23, 2014, and published in WSR 14-09-117. The original proposal was limited to amending the advanced registered nurse practitioner (ARNP) rules to recognize clinical nurse specialist (CNS) and to add licensure requirements for CNS. The nursing commission is submitting a new CR-101 to expand the subject of rule making. The new proposal will not only include the proposal to recognize the CNS and add licensure requirements, but to also propose other revisions to the ARNP rules related to updates to the definition[s] section and other updates for general housekeeping.

Individuals requiring information on this rule should contact Debbie Carlson, MSN, RN, nursing commission, associate director of nursing practice at (360) 236-4725.

Tami Thompson  
Regulatory Affairs Manager

**WSR 15-15-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 16, 2015, 9:53 a.m.]

Subject of Possible Rule Making: WAC 392-121-124 Full-time equivalent enrollment for work based learning.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.305.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-121-124 requires updating to allow work based learning provided by a state-approved skill center program to be claimed for enhanced skill center vocational funding.

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

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

July 7, 2015  
 Randy Dorn  
 Superintendent of  
 Public Instruction

**WSR 15-15-109**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed July 16, 2015, 10:53 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and amending the following sections in chapter 388-101 WAC, Certified community residential services and supports: WAC 388-101-3250, 388-101-3255, 388-101-3080, 388-101-3090, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 71A.12, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS back-

ground check central unit to consolidate and coordination [coordinate] rules related to negative actions and character, competence, and suitability reviews including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be required.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeanette K. Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail childjk@dshs.wa.gov.

July 16, 2015  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 15-15-111**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed July 16, 2015, 11:34 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and amending the following sections in chapter 388-97 WAC, Nursing homes: WAC 388-97-0001, 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 74.39A, 74.42, 18.51 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordination [coordinate] rules related to negative actions and character, competence, and suitability reviews including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be necessary.

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 Jeanette Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail [childjk@dshs.wa.gov](mailto:childjk@dshs.wa.gov).

July 15, 2015  
Katherine I. Vasquez  
Rules Coordinator

### WSR 15-15-120

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 16, 2015, 3:57 p.m.]

Subject of Possible Rule Making: Private security guard background check fees itemized separately from license application fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Private security guard laws, RCW 18.170.180(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state patrol and Federal Bureau of Investigation each charge different fees for the required security guard applicant background check. These fees are currently a part of the whole security guard application fee. Frequently, Washington state patrol and Federal Bureau of Investigation change fees resulting in the security guard program to over or under collect the cost for the background check. Changing the rule will allow the security guard program to collect accurate background check fees.

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

Process for Developing New Rule: Stakeholder involvement.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Department of Licensing, Business and Professions Division, Private Security Guard Program, Mary Haglund, P.O. Box 9649, Olympia, WA 98507, phone (360) 664-6658, fax (360) 577-7888, e-mail [Security@dol.wa.gov](mailto:Security@dol.wa.gov). Check our internet web site for updates at <http://www.dol.wa.gov/about/rules.html?footer>. Updates will be posted on our web site.

July 16, 2015  
Damon Monroe  
Rules Coordinator

### WSR 15-15-121

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 16, 2015, 4:27 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 15-05-039 on February 11, 2015, chapter 388-492 WAC regarding the Washington combined application project (WASHCAP).

The economic services administration does not need to amend WAC as the Federal Nutrition Services will not make a cost adjustment this year.

Katherine I. Vasquez  
Rules Coordinator

### WSR 15-15-122

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 16, 2015, 4:29 p.m.]

Subject of Possible Rule Making: The department is considering adding new sections and amending the following sections in chapter 388-107 WAC, Licensing requirements for enhanced services facilities: WAC 388-107-0001, 388-107-1205, 388-107-1210, 388-107-1215, 388-107-1220, 388-107-1230, 388-107-1240, 388-107-1250, 388-107-1252, 388-107-1260, 388-107-1270, 388-107-1280, 388-107-1290, 388-107-1300, 388-107-1310, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.97, 43.20A, 43.43, and 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordination rules related to negative actions and character, competence, and suitability reviews including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-825 WAC, and other chapters as may be required.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested



should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeanette Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2591, fax (360) 438-7903, e-mail [childjk@dshs.wa.gov](mailto:childjk@dshs.wa.gov).

July 16, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-125**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed July 16, 2015, 5:20 p.m.]

**Subject of Possible Rule Making:** The department is considering amending the following sections in chapter 388-97 WAC, Nursing homes: WAC 388-97-0001 Definitions, 388-97-1080 Nursing services, 388-97-1660 Staff and equipment, 388-97-4560 Amount of civil fine, 388-97-4600 Civil penalty fund, and other related rules as may be required. The department may also develop new rule sections related to staffing ratio requirements.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** Chapters 18.51 and 74.42 RCW.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is amending these rules to assure compliance with requirements from recently passed legislation SHB 1274 and SB [SSB] 5600.

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

**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 Amy Abbott, Nursing Home Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone (360) 725-2581, fax (360) 438-7903, e-mail [beckeame@dshs.wa.gov](mailto:beckeame@dshs.wa.gov).

Draft section language will be posted on aging and long-term support administration professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, e-mail, or fax.

July 16, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2015-09—Filed July 17, 2015,  
11:51 a.m.]

**Subject of Possible Rule Making:** Credit for reinsurance. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and sections 7 (1)(b) and (c), (3)(b), (4), (5), and 15, chapter 63, Laws of 2015.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** In the 2015 legislative session, chapter 63, Laws of 2015, was enacted making changes to the statutes regarding the credit for reinsurance that domestic insurance companies are allowed on their financial statements. The proposed rules will consider amending the existing rules on credit for reinsurance to conform to the amendments made by this legislation.

**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 September 4, 2015, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, [rulescoordinator@oic.wa.gov](mailto: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 Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), fax (360) 586-3109.

July 17, 2015  
Mike Kriedler  
Insurance Commissioner

**WSR 15-15-133**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2015-10—Filed July 17, 2015,  
11:57 a.m.]

**Subject of Possible Rule Making:** Health plan special enrollment rules.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 48.02.060, 48.18.120(2), 48.20.450, 48.44.-050, and 48.46.200.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** In 2013, the office of the insurance commissioner (OIC) adopted rules implementing open and special enrollment periods for the individual and small group market under the Affordable Care Act.

Since then, the agency has received questions from health carriers, producers, consumer groups, the health benefit exchange (exchange) and others about how the OIC's existing rules regarding special enrollment align with guidance that the federal government has adopted since the OIC finished its enrollment rule in 2013.

In addition, some sections of the OIC's existing special enrollment rules paraphrase the federal law in a manner that can be difficult to understand. Revising this language would make it easier for stakeholders to understand and comply with the requirements.

Overall, adding the recent federal guidance to WAC and amending some of the existing language in WAC will reduce confusion and make it easier for carriers, consumers, and others to find and comply with these requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The exchange doesn't regulate the special enrollment rules, but it does use them to decide whether to allow consumers to go on health plans outside of the regular open enrollment period. As a result, the exchange is an important stakeholder in regard to this process, and the OIC will work closely with them in implementing these rules.

Process for Developing New Rule: Submit written comments by September 4, 2015, to [rulescoordinator@oic.wa.gov](mailto: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 98504-0258, [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov).

July 17, 2015  
Mike Kreidler  
Insurance Commissioner

**WSR 15-15-145**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 20, 2015, 1:13 p.m.]

Subject of Possible Rule Making: Law enforcement officers' and fire fighters' (LEOFF) Plan 2 duty disability, to clarify how the department administers duty disability benefits, including clarification of the requisite causal connection between the member's employment and disability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule-making activity will codify the department's existing practice of granting a LEOFF Plan 2 duty disability benefit. The rule will clarify that the work actions and activities defined in WAC 415-104-480(2) must be the proximate cause of the member's disability (but need not be the sole cause of the member's disability). The rule may be further amended to clarify the department's interpretation of the statutes, and ensure conformance with existing practices.

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 Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail [Rules@drs.wa.gov](mailto:Rules@drs.wa.gov), phone (360) 664-7291.

July 20, 2015  
Jilene A. Siegel  
Rules Coordinator

**WSR 15-15-148**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 21, 2015, 7:52 a.m.]

Subject of Possible Rule Making: Factory assembled structures (FAS) rules, chapter 296-150M WAC, Manufactured homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW, Department of labor and industries and chapter 43.22A RCW, Mobile and manufactured home installation.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The FAS program is planning amendments to sections of chapter 296-150M WAC for manufactured homes. The program reviews the rules on a regular basis to ensure consistency with federal and national safety code requirements and industry standards, to clarify the existing rules, perform housekeeping, etc. Rule making is needed to:

- Adopt the latest code requirements and industry standards for manufactured and mobile homes in the state of Washington;
- Amend the rules for clarity, to improve safety and reflect current processes, for example:
  - Allowing the department to handle consumer complaints regarding manufactured homes;
  - Process change for submittal of approved fire safety certificates to the county treasurer's office, as opposed to the department; and
  - Clarify that awnings and/or carports must be constructed without blocking egress doors or windows.
- Update the rules for permits, insignias, plan review, and inspections;
- Amend language for consistency with statutory requirements; and
- Amend language for general housekeeping, grammatical and reference corrections, etc.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal and/or state agencies regulating this subject that required coordination of the rules.

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate,

after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

For more information on this rule making, visit the L&I web site at <http://www.lni.wa.gov/TradesLicensing/Rules/ByTrade/FAS/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Rules Coordinator, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6244, fax (360) 902-5292, e-mail [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov).

July 21, 2015  
Joel Sacks  
Director

### WSR 15-15-151

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 21, 2015, 8:33 a.m.]

Subject of Possible Rule Making: Charitable and non-profit organizations.

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: Staff is reviewing requirements related to charitable and nonprofit organizations accumulating excessive reserves. Excessive reserves is defined in WAC 230-07-050.

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](mailto:Susan.Newer@wsgc.wa.gov), fax (360) 486-3625.

[Meetings on] August 13 or 14, 2015, at the Tumwater Comfort Inn and Conference Center, Tumwater, Washington 98501, (360) 352-0691, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on August 1 for meeting location and start time; on September 10 or 11, 2015, at the Spokane Convention Center, Spokane, Washington 99201, (509) 279-7000, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on September 1 for meeting location and start time; and on October 8, 2015, at the Grand Mound Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on October 1 for meeting location and start time.

July 21, 2015  
Susan Newer  
Rules Coordinator

### WSR 15-15-154

#### PREPROPOSAL STATEMENT OF INQUIRY TACOMA COMMUNITY COLLEGE

[Filed July 21, 2015, 10:35 a.m.]

Subject of Possible Rule Making: Repealing chapter 132V-300 WAC, Grievance procedure—Sexual harassment, sex discrimination and disability discrimination; and adopting chapter 132V-305 WAC, Discrimination and harassment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Sections 504 and 508 of the Rehabilitation Act of 1973; the Americans with Disabilities Act and ADA Amendment Act; the Age Discrimination Act of 1975; the Violence Against Women Reauthorization Act (VAWA); Washington state's law against discrimination, chapter 49.60 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update policy to be in compliance with the Office of Civil Rights 2011 Dear Colleague Letter regarding Title IX; VAWA; and Section 304 of VAWA, Campus Save Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state human rights commission; United States Department of Education Office for Civil Rights; Equal Employment Opportunity Commission.

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. Elimination of the current WAC and adoption of the new WAC are being studied by various groups on campus that include students, faculty, staff and administrators. Inquiries should be addressed to Dolores M. Haugen, Director, K-12 Programs and Student Conduct, Tacoma Community College, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-6090, fax (253) 566-6090, [dhaugen@tacomacc.edu](mailto:dhaugen@tacomacc.edu).

July 21, 2015  
Mary A. Chikwinya  
Vice-President for  
Student Services

### WSR 15-15-158

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed July 21, 2015, 1:18 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?, 388-436-0050 Determining financial need and benefit amount for CEAP, and any other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.08A.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-478-0020, 388-478-0035, 388-436-0050, and any other related rules as may be required to implement a nine percent increase in the payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA), the financial need and benefit amount limits for the consolidated emergency assistance program (CEAP), and the nine percent increase in the maximum earned income limits for the TANF, SFA, RCA, and the pregnant women assistance (PWA) programs.

WAC 388-478-0020, 388-478-0035, and 388-436-0050 were amended via emergency adoption on July 1, 2015, as WSR 15-15-005.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Kozak, P.O. Box 45440 [45470], Olympia, WA 98504-5470, phone (360) 725-4589, fax (360) 725-4904, e-mail leslie.kozak@dshs.wa.gov.

July 21, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-162**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ECOLOGY**

[Order 15-07—Filed July 21, 2015, 3:22 p.m.]

Subject of Possible Rule Making: The Washington state department of ecology (ecology) proposes to amend chapter 173-400 WAC, General regulations for air pollution sources. The scope of the proposed amendments includes:

- Updating the rule to comply with the Environmental Protection Agency's (EPA) final action signed on May 22, 2015, related to the Startup, Shutdown, or Malfunction (SSM) State Implementation Plan (SIP) Call, including the 2015 SSM policy (80 F.R. 33839).
- Updating adoption by reference dates.
- Making technical clarifications, correcting errors, improving readability, and housekeeping.

Additionally, ecology received requests from stakeholders to update a number of requirements in chapter 173-400 WAC. Due to the short schedule, ecology is proposing to make a few of those changes at this time. Ecology is not proposing to change requirements in the sections listed below, except to make technical clarifications, correct errors, improve readability, and conduct housekeeping.

Section	Section Name	Included in This Rule Making
010	Policy and purpose	No
020	Applicability	No
030	Definitions	Yes
035	Nonroad engines	Yes
036	Relocations of portable sources	No
040	General standards for maximum emissions	Yes
045	Control technology fees	No
050	Emission standards for combustion and incineration units	Yes
060	Emission standards for general process units	Yes
070	Emission standards for certain source categories	Yes
075	Emission standards for sources emitting hazardous air pollutants	Yes
081	Startup and shutdown	Yes
091	Voluntary limits on emissions	No
099	Registration program	No
100	Source classifications	No
101	Registration issuance	No
102	Scope of registration and reporting requirements	No
103	Emission estimates	Yes
104	Registration fees	No
105	Records, monitoring, and reporting	Yes
107	Excess emissions	Yes
108	Excess emissions reporting	Yes
109	Unavoidable excess emissions	Yes
110	New source review (NSR) for sources and portable sources	No
111	Processing notice of construction applications for sources, stationary sources, and portable sources	Yes
112	Requirements for new sources in nonattainment areas—Review for compliance with regulations	Yes
113	New sources in attainment or unclassifiable areas—Review for compliance with regulations	Yes
114	Requirements for replacement or substantial alteration of emission control technology at an existing stationary source	No
115	Standards of performance for new sources	Yes
116	Increment protection	No
117	Special protection requirements for federal Class I areas	No
118	Designation of Class I, II, and III areas	No
120	Bubble rules	No
131	Issuance of emission reduction credits	No
136	Use of emission reduction credits (ERC)	No
151	Retrofit requirements for visibility protection	No
161	Compliance schedules	No

Section	Section Name	Included in This Rule Making
171	Public notice and opportunity for public comment	Yes
175	Public information	No
180	Variance	No
190	Requirements for nonattainment areas	No
200	Creditable stack height and dispersion techniques	No
205	Adjustment for atmospheric conditions	No
210	Emission requirements of prior jurisdictions	No
220	Requirements for board members	Yes
230	Regulatory actions	No
240	Criminal penalties	No
250	Appeals	No
260	Conflict of interest	Yes
560	General order of approval	No
<b>Permitting of Major Stationary Sources and Major Modifications to Major Stationary Sources</b>		
700	Review of major stationary sources of air pollution	No
710	Definitions	No
720	Prevention of significant deterioration (PSD)	Yes
730	Prevention of significant deterioration application processing procedures	No
740	PSD permitting public involvement requirements	No
750	Revisions to PSD permits	No
800	Major stationary source and major modification in a nonattainment area	No
810	Major stationary source and major modification definitions	No
820	Determining if a new stationary source or modification to a stationary source is subject to these requirements	No
830	Permitting requirements	No
840	Emission offset requirements	No
850	Actual emissions plantwide applicability limitation (PAL)	No
860	Public involvement procedures	No
930	Emergency engines	No

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.94 RCW, RCW 70.94.011, 70.94.331, 70.94.431.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On May 22, 2015, the EPA took final action on a petition for rule making filed by the Sierra Club that concerns how provisions in EPA-approved SIPs treat excess emissions during periods of SSM. In EPA's final action, ecology was listed as one of thirty-six states as having existing SIP provisions that are inadequate to meet the federal Clean Air Act requirements.

Ecology proposes to conduct this rule making because existing rules and SIP provisions do not meet the more stringent federal requirements. In order to comply with the EPA's final action, ecology has until November 22, 2016, to adopt

revisions to chapter 173-400 WAC and to submit the revised SIP to the EPA.

Additionally, changing the requirements for facilities during SSM events has the potential to reduce emissions which could protect human health and help Washington state stay below the national ambient air quality standard (an emissions standard set by the EPA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Throughout this rule revision process, ecology will communicate with, and seek input from, the following agencies:

- The EPA to ensure compliance with the EPA's final action signed on May 22, 2015 (80 F.R. 33839).
- The energy facility site evaluation council.
- Local clean air agencies.

Process for Developing New Rule: Throughout this rule revision process, ecology will:

- Communicate with stakeholders about key issues and ask for input as ecology revises the rule.
- Hold stakeholder meetings and a public hearing.
- Provide information through e-mail listservs and posting on ecology's rule-making web pages.

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

- Following updates on ecology's rule making web pages, [http://www.ecy.wa.gov/programs/air/rules/rules\\_laws.html](http://www.ecy.wa.gov/programs/air/rules/rules_laws.html).
- Contacting ecology staff, see below.
- Signing up for e-mail updates, by going to <http://listserv.wa.gov/cgi-bin/wa?SUBED1=ECY-AQ-RULE-AND-SIP-UPDATES&A=1>.
- Participating in a stakeholder meeting and/or a public hearing.

Staff contact Stacey Callaway, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, [Stacey.Callaway@ecy.wa.gov](mailto:Stacey.Callaway@ecy.wa.gov), (360) 407-7528.

July 21, 2015

Stuart A. Clark

Air Quality Program Manager

**WSR 15-15-167**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)

[Filed July 22, 2015, 9:03 a.m.]

Subject of Possible Rule Making: The developmental disabilities administration (DDA) is proposing to amend sections within chapter 388-825 WAC, Division of developmental disabilities services rules, and any other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services, residential services, and DDA. The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients. Other provisions related to client's choice of provider will also be clarified and consolidated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews including WAC such as chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-106, and 388-825 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 Alan McMullen, Program Manager, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3422, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

July 21, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-168**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed July 22, 2015, 9:05 a.m.]

Subject of Possible Rule Making: The department is proposing to amend sections within chapters 388-113, 388-71, 388-106 WAC, and any other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for making changes is to consolidate the negative actions and character, competence, and suitability (CC&S) rules related to background checks for home and community services, residential

care services, and developmental disabilities administration (DDA). The consolidated list will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language across programs and help preserve the health and safety of our clients. Other provisions related to client's choice of provider will also be clarified and consolidated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Aging and long-term support administration and DDA will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and CC&S determinations including WAC such as chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-106, 388-825 WAC, and other related rules as may be required.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

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

July 21, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-169**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed July 22, 2015, 9:10 a.m.]

Subject of Possible Rule Making: The division of child support (DCS) proposed amendments to WAC 388-14A-4200 and any other rules as may be required in order to implement SB 5793 (chapter 124, Laws of 2015), which takes effect on July 24, 2015. At the same time DCS files this preproposal statement of inquiry, DCS is filing a CR-103E, Rule-making order, to adopt an emergency amendment of WAC 388-14A-4200; that emergency rule will implement the bill while DCS goes through the regular rule-making process under chapter 34.05 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Implementation of SB 5793 (chapter 124, Laws of 2015), which takes effect on July 24, 2015, is authorized under RCW 26.23.030(3), 34.05.220 (1)(a), 34.05.322, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5793 (chapter 124, Laws of 2015), which takes effect on July 24, 2015, amended RCW 26.18.190 to add a new subsection (3) providing as follows:

"(3) When the veterans' administration apportions a veteran's benefits to pay child support on behalf of or on account of the child or children of the veteran, the amount paid for the child or children shall be treated for all purposes as if the veteran paid the benefits toward the satisfaction of that person's child support obligation for that period for which benefits are paid."

In order to implement SB 5793, DCS must amend WAC 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children?, to include credit for these benefits paid by the United States Department of Veterans Affairs (the new name of the agency formerly known as the Veterans' Administration).

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://dcs.esa.dshs.wa.lcl/Pages/default.aspx>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS, Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov) or [nancy.koptur@dshs.wa.gov](mailto:nancy.koptur@dshs.wa.gov), phone (360) 664-5065, toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

July 21, 2015  
Katherine I. Vasquez  
Rules Coordinator

**WSR 15-15-172**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 22, 2015, 9:34 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 14-17-043 on August 14, 2014, regarding WAC 182-550-1300, 182-550-1350, 182-550-1400, 182-550-1500, and 182-550-1600.

Wendy Barcus  
Rules Coordinator

**WSR 15-15-176**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 15-04—Filed July 22, 2015, 11:19 a.m.]

Subject of Possible Rule Making: Chapter 173-910 WAC, Mercury-containing lights product stewardship program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.275.040(2), 70.275.110(6), 70.275.140(1), (2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 173-910 WAC implements Mercury-containing lights - proper disposal, chapter 70.275 RCW, which established a stewardship program to collect and properly dispose of mercury-containing lights. The legislature amended the enabling statute in 2014. We need to update the rule to reflect changes made to the law.

Changes will include the requirement to fund the program through an environmental handling charge, and revised requirements for stewardship plans and annual reports including an independent financial audit. Additional revisions will include a sunset provision, changes in definitions, other changes as directed by the legislature, and revisions for clarification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Environmental Protection Agency (EPA) and the Washington state department of health both have programs that are concerned with the impact of mercury on public health. The state program is complimentary to those efforts, but other agencies do not oversee the stewardship program and there is no need for organized coordination.

Process for Developing New Rule: We will communicate with stakeholders through the agency WAC track listserv, a program-specific listserv, e-mail, regular mail, and by updates to our web pages. The rule process will include an informal informational meeting, followed by a formal public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Rule Writer: Joanne Neugebauer-Rex, Waste 2 Resources Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7602, e-mail [joanne.neugebauer-rex@ecy.wa.gov](mailto:joanne.neugebauer-rex@ecy.wa.gov).

Rule[s] Coordinator: Kyle Dorsey, Waste 2 Resources Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6559, e-mail [kyle.dorsey@ecy.wa.gov](mailto:kyle.dorsey@ecy.wa.gov).

Visit the waste 2 resources program web page for rules under development at <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html>.

Learn more about mercury-containing lights at <http://www.ecy.wa.gov/programs/swfa/mercurylights/>.

Join our listserv for periodic updates on program activities at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-MERCURY-CONTAINING-LIGHT>.

July 22, 2015  
Peter Y. Lyon  
for Laurie G. Davies  
Waste 2 Resources Program Manager