

WSR 16-03-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed January 6, 2016, 1:56 p.m.]

Subject of Possible Rule Making: WAC 308-66-210
Statement of change in business structure, ownership interest or control.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.70.160 Rules; RCW 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing rules for motor vehicle dealer business structure and ownership changes require fingerprints from principals including corporate officers, directors, partners, members or trustees. The department would like to eliminate the fingerprint requirement because it is able to identify and qualify applicants through other means.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of licensing has full regulatory authority over motor vehicle dealers. The department of revenue and local authorities have an interest in the licensing of qualified individuals as dealers. Their interests lie in the payment of required fees and taxes, and in compliance with local business license and zoning ordinances. The department of licensing will communicate this proposed change to the department of revenue and local jurisdictions and invite their consideration and input during this rule making.

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 Livia Romero, Dealer and Manufacturer Services, Department of Licensing, Business and Professions Division, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6455, e-mail lromero@dol.wa.gov, fax (360) 570-4953.

Damon Monroe
Rules Coordinator

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

- Correct typographical and other errors (such as invalid telephone numbers and out-of-date references),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

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

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

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

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

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

January 19, 2016
Joel Sacks
Director

WSR 16-03-058**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed January 19, 2016, 10:19 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapters 296-17 and 296-17A WAC establish how employers are required to report and pay industrial insurance premiums.

WSR 16-03-063**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed January 19, 2016, 10:51 a.m.]

Subject of Possible Rule Making: WAC 246-980-140 Home care aide scope of practice, the department of health (DOH) is considering updating the rule on scope of practice to include skills acquisition training.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DOH is considering amending WAC 246-980-140 to allow home care aides to provide skills acquisition training to elderly and vulnerable clients to align with recent department of social and health services

(DSHS) rule revisions implemented to meet the federal objectives outlined in Washington's formal state plan submitted to the Centers for Medicare and Medicaid Services. This plan was submitted by DSHS to obtain approval to participate in a medicaid Title XIX entitlement program, the community first choice options program, and receive an enhanced medicaid match rate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS will be consulted with on an ongoing basis.

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. Persons interested in participating in the rule process can contact the Washington state home care aide program through e-mail Homecareaides@doh.wa.gov, fax (360) 236-2901, or Home Care Aide Program, P.O. Box 47852, Olympia, WA 98504-7852. Persons interested in receiving updates can join the Washington state home care aide program list-serv http://listserv.wa.gov/cgi-bin/wa?SUBED1=HOME_CARE_AIDES&A=1.

January 19, 2016
John Wiesman, DrPH, MPH
Secretary

WSR 16-03-066

**WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed January 19, 2016, 11:42 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 15-08-050, distributed in the 15-08 State Register, regarding WAC 182-509-0360.

Wendy Barcus
Rules Coordinator

WSR 16-03-067

**WITHDRAWL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed January 19, 2016, 11:43 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 15-08-049, distributed in the 15-08 State Register, regarding WAC 182-504-0125.

Wendy Barcus
Rules Coordinator

WSR 16-03-069

**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed January 19, 2016, 1:56 p.m.]

Subject of Possible Rule Making: WAC 182-546-5000 through 182-546-6200, nonemergency transportation.

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 making revisions to the definitions, nonemergency transportation broker and provider requirements, nonemergency transportation trips outside the client's local community, and limitations and exclusions for discharges from the emergency department. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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 Katie Pounds, Rules and Publications Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail katherine.pounds@hca.wa.gov.

January 19, 2016
Wendy Barcus
Rules Coordinator

WSR 16-03-070

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed January 19, 2016, 2:22 p.m.]

Subject of Possible Rule Making: Private investigator licensing application instructions for obtaining the required background checks. Amending WAC 308-17-150 Private investigative agency, private investigator, and armed private investigator fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Private investigator laws, RCW 18.165.170(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 private investigator application fee. Frequently, Washington state patrol and Federal Bureau of Investigation change fees resulting in the private investigator program to over or under collect the cost for the background check. Changing the rule will allow the private investigator applicants to pay 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 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. Check our internet web site for updates at <http://www.dol.wa.gov/about/rules.html?footer>.

January 19, 2016
Damon Monroe
Rules Coordinator

WSR 16-03-076
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS

[Filed January 20, 2016, 8:44 a.m.]

Subject of Possible Rule Making: The office of administrative hearings (OAH) is proposing to amend subsections (2) and (7) of WAC 10-08-150 relating to interpreter services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020, 34.05.250, 34.12.030, and 34.12.-080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Hearings conducted by administrative law judges of OAH are governed primarily by procedural rules established by OAH, the department of social and health services (DSHS), the health care authority (HCA) and the department of early learning (DEL). OAH is proposing to amend WAC 10-08-150 to ensure that we can effectively and efficiently engage interpreters for use before, during and after administrative hearings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS, HCA and DEL also regulate in this area. These three agencies have all agreed that consistency across the rules is important and have agreed to cooperate in making necessary changes in their rules consistent with those proposed by OAH. The DSHS rule being amended is WAC 388-02-0150. The HCA rule is WAC 182-526-0150 (but that regulation may not require any change in order to be consistent with the OAH proposal). The DEL rule is WAC 170-03-160. All three agencies have coordinated with OAH on these issues and DSHS and DEL have agreed to make those changes. DEL has already filed their proposed rule making in WSR 15-18-117.

Process for Developing New Rule: OAH welcomes the public to take part in developing the rule. Anyone interested should contact the staff person identified below. At a later date, OAH will file a proposal with the office of the code reviser along 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 Ed Pesik, Deputy Chief ALJ, P.O. Box 42488, Olympia, WA 98504-2488, phone (360) 407-2700, fax (360) 586-6563, and e-mail ed.pesik@oah.wa.gov.

January 19, 2016
Edward F. Pesik Jr.
Deputy Chief
Administrative Law Judge

WSR 16-03-078
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 20, 2016, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 392-145 WAC, Transportation—Operation rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are proposed that would restrict the use of personal communications devices while operating a school bus; restrict the distribution of edible items on a school bus; plus other technical corrections.

Process for Developing New Rule: Other [no further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6121, or e-mail allan.jones@k12.wa.us.

January 13, 2016
Randy Dorn
Superintendent of
Public Instruction

WSR 16-03-079
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed January 20, 2016, 9:24 a.m.]

Subject of Possible Rule Making: Full-day kindergarten rules (WAC 392-122-420, 392-122-423, 392-122-424, and 392-122-425) are being amended. This change would allow schools to offer state funded full-day kindergarten to only a portion of their students, because they lack classroom space to offer full-day instruction to all kindergarten students. Current law requires schools to offer state funded full-day kindergarten, if accepted by the district, to all students in the school.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.150.315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Without these rules, a portion of kindergarten students who otherwise would be benefiting from state funded full-day kindergarten, would not benefit from the additional state funded instructional hours. These changes are required to ensure that the maximum possible amount of students are offered full-day kindergarten services in 2016-17.

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

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 T. J. Kelly, phone (360) 725-6301, fax (360) 664-3683, thomas.kelly@k12.3wa.us [thomas.kelly@k12.wa.us].

January 19, 2016
Randy Dorn
Superintendent of
Public Instruction

WSR 16-03-080

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed January 20, 2016, 9:57 a.m.]

Subject of Possible Rule Making: Chapter 182-535A WAC, Orthodontic services, 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 this chapter for housekeeping changes to correct cross-reference errors.

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

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 Katie Pounds, Rules and Publications Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail katherine.pounds@hca.wa.gov.

January 20, 2016
Wendy Barcus
Rules Coordinator

WSR 16-03-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 20, 2016, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 246-338 WAC, Medical test site rules, considering amending rules to comply with federal regulations and statutory requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.42.220 and 43.70.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health (department) is considering amending medical test site (MTS) rules to: (1) Add a new Centers for Medicaid and Medicare (CMS) Clinical Laboratory Improvement Amendments (CLIA) regulation regarding patients having access to their laboratory results; and (2) comply with statutory requirements to simplify processes and reduce the regulatory burden on laboratories without compromising public health and safety. The considered amendments would enable the department to comply with federal regulations listed at 42 C.F.R. 493.1291(l), clarify existing MTS regulations, and would maintain the department's state exempt status.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services' CMS has granted an exemption to federal regulation for clinical laboratories in Washington, as CMS has judged the state's MTS regulations the equivalent to CLIA. All activity (collection of fees, inspection of laboratories, complaint investigations, and enforcement action) are conducted by the state. CMS reviews all changes made to the department's MTS rule to ensure the department continues to meet the requirements for the CLIA exemption.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by attending workshops and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Susan Walker, MTS Program Manager, Department of Health, 20425 72nd Avenue South, Suite 310, Kent, WA 98032, phone (253) 395-6745, fax (253) 395-6365, e-mail susan.walker@doh.wa.gov.

January 20, 2016
John Wiesman, DrPH, MPH
Secretary