

**WSR 16-13-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 (Washington Apple Health)  
 [Filed June 2, 2016, 10:33 a.m.]

Subject of Possible Rule Making: WAC 182-543-0500 DME, CRT, P&O, medical supplies—General, 182-543-2000 DME, CRT, P&O, medical supplies—Eligible providers and provider requirements, 182-543-5000 DME, CRT, P&O, medical supplies—Covered—Prosthetics/orthotics, 182-545-200 Outpatient rehabilitation; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to comply with new federal rules under 42 C.F.R. Part 440 requiring that medical supplies, equipment and supplies be prescribed by physicians and other allowed nonphysician practitioners, and that the agency inform clients of their right to appeal an adverse agency action. The agency is also amending these rules to add occupational therapists to the list of eligible prosthetic and orthotics providers. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

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

June 2, 2016  
 Wendy Barcus  
 Rules Coordinator

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.119.050 Rules and regulations—Secretary to adopt.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Public water system purveyors and waterworks operators anticipate a dramatic decline in the number [of] certified operators in the near future due to upcoming retirements in the field. Rule amendments may be needed to increase public health protections by increasing the number of qualified staff available for hire and to allow flexibility in filling vacancies and give waterworks professionals the opportunity to develop skills and grow in the profession.

The department has filed a policy to assist purveyors in understanding the rule; however, rule making is necessary to ensure the rule is implemented consistently across the state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate the certification of waterworks operators.

Process for Developing New Rule: The department of health will use a collaborative rule-making approach. The department will consult with public water system purveyors and certified operators, the waterworks operator certification advisory committee and member associations (public utility districts, American Water Works Association, and Water Utility Council) to develop rule recommendations. The department will keep stakeholders informed of the rule development through e-mail correspondence, regular posting of information to the office of drinking water web site, and department rule-making web site.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The department will engage stakeholders through an advisory process and provide the draft rule for informal and formal review and comment to all interested parties and stakeholders. The department will also keep stakeholders informed through the department web sites and e-mail distribution.

For more information, contact Chris McCord, Office of Drinking Water, P.O. Box 47822, Olympia, WA 98504, phone (360) 236-3137, or e-mail Chris.McCord@doh.wa.gov.

May 31, 2016  
 John Wiesman, DrPH, MPH  
 Secretary

**WSR 16-13-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 [Filed June 6, 2016, 2:55 p.m.]

Subject of Possible Rule Making: WAC 246-292-060 Minimum education and experience requirements to become a certified operator, this rule making will consider revising WAC 246-292-060 to clarify the operator-in-training experience requirements for all levels of water treatment plant operator and water distribution manager. The rule making will also consider revisions to the experience requirements for cross-connection control specialist. Other clarifying changes may be made.

**WSR 16-13-036**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed June 7, 2016, 8:58 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-04-122 on February 2, 2016, WAC 388-400-0047, regarding the heat and eat program.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-13-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed June 8, 2016, 10:39 a.m.]

Subject of Possible Rule Making: WAC 308-13-055 Do I need a stamp or seal?, board of licensure for landscape architects.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.96.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule change will replace the current required stamp design with a new design that has been presented by the industry and approved by the board.

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

Process for Developing New Rule: Direct notice will be made to stakeholders and all active licensees under chapter 18.96 RCW. Details will be posted on our web site and distributed through the landscape architect board listserv.

To receive information by e-mail, please sign up on the landscape architects board listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=LANDSCAPE-ARCHITECTS>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie J. Hamilton, Board of Licensure for Landscape Architects, Department of Licensing, P.O. Box 9012, Olympia, WA 98507-9012, phone (360) 664-1507, fax (360) 570-7098, e-mail [landscape@dol.wa.gov](mailto:landscape@dol.wa.gov). Interested parties may send comments by mail, phone, fax or e-mail. Additional information will be posted on the landscape architects board web site as it becomes available at <http://www.dol.wa.gov/business/landscapearchitects/>.

June 8, 2016  
Damon G. Monroe  
Rules Coordinator

**WSR 16-13-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 8, 2016, 10:39 a.m.]

Subject of Possible Rule Making: The department is conducting periodic status reviews for species currently listed as sensitive, threatened (WAC 232-12-011) or endangered (WAC 232-12-014). Species to be reviewed include the following: Bald eagle, white pelican, peregrine falcon, western pond turtle, woodland caribou, upland sandpiper, fisher, sandhill crane, green sea turtle, leatherback sea turtle, loggerhead sea turtle, yellow billed cuckoo, pygmy rabbit, Oregon

silverspot, common loon, mardon skipper, grizzly bear, Columbian sharp-tailed grouse, ferruginous hawk, northern leopard frog, sea otter, humpback whale, gray whale, blue whale, fin whale, right whale, sei whale, sperm whale, larch mountain salamander.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.-047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is responsible for making recommendations to maintain the current listing status of certain animal species as sensitive, threatened, or endangered or reclassify these species as necessary. To properly classify the status of a species, the department will review all relevant data pertaining to the population status and factors affecting existence in Washington state for the species under review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state agencies that regulate these species include the United States (U.S.) Fish and Wildlife Service, National Marine Fisheries Service, U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, and Washington department of natural resources. The department will coordinate with appropriate federal and state agencies during the review period.

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 Eric Gardener, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2510, fax (360) 902-2162, e-mail [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov). Contact by July 12, 2016. Expected proposal filing on or after July 20, 2016.

June 8, 2016  
Scott Bird  
Rules Coordinator

**WSR 16-13-052**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed June 9, 2016, 2:25 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0015 Need standards for cash assistance, 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, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-478-0015 to revise the basic need standards for cash assistance. The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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

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 Anna Minor, Community Services Division, Economic Services Administration, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4894, fax (360) 725-4905, e-mail [anna.minor@dshs.wa.gov](mailto:anna.minor@dshs.wa.gov).

June 9, 2016  
Katherine I. Vasquez  
Rules Coordinator

**WSR 16-13-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed June 10, 2016, 2:03 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It is necessary to update WAC to reflect recent legislative changes, and to update and clarify procedures.

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 Sheryl Moss, C & T Program Manager, P.O. [Box] 40220, Olympia, WA 98504, (360) 902-4146, [sheryl.moss@sos.wa.gov](mailto:sheryl.moss@sos.wa.gov).

June 10, 2016  
Mark Neary  
Assistant Secretary of State

**WSR 16-13-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed June 10, 2016, 3:21 p.m.]

Subject of Possible Rule Making: WAC 180-18-055 Alternative high school graduation requirements, this WAC, originally filed May 1999, enables a school district, a high school with permission of the district board of directors, or an approved private school to apply to the state board of education (SBE) for waiver of credit-based high school graduation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.220, 28A.305.140, 28A.230.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This WAC, last amended November 2004, contains obsolete citations to RCW and WAC and other obsolete references. Other needs for amendment may include:

1. Refine and improve the application requirements in subsection (4).
2. Better distinguish between information required for new applications and for renewal of existing waivers.
3. Establish a due date for applications in relation to the dates of regular board meetings.
4. Establish criteria for evaluation of waiver applications and decisions whether to approve a waiver request.
5. Specify the format and manner for the annual reports required to be submitted by a school or district under subsection (11).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Superintendent of public instruction (OSPI). SBE will seek comment from OSPI on any draft amendment to this WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Archer, SBE, 600 Washington Street, Olympia, WA 98504, (360) 725-6035, [jack.archer@k12.wa.us](mailto:jack.archer@k12.wa.us).

June 10, 2016  
Ben Rarick  
Executive Director

**WSR 16-13-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed June 13, 2016, 9:08 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-400-0047 Am I eligible for the heat and eat program?, and other related rules as may be required to provide a small energy assistance payment to certain basic food households who are not eligible for a standard utility allowance income deduction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.515, 74.08.090, 74.04.500, 74.08A.010, 74.08A.903, Food and Nutrition Act of 2008 (P.L. 110-246, 7 U.S.C.) as amended by P.L. 113-79.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes proposed under this filing would provide an energy assistance payment to select basic food and food assistance program for legal immigrants (FAP) households who are not eligible for the standard utility allowance income deduction for the federal food stamp program (SNAP), and who do not receive the maximum monthly benefit for basic food or FAP. The Agricultural Act of 2014,

Public Law 113-79, increased the amount of energy assistance through the low income home energy assistance program that a SNAP household must receive in order for the household to be eligible for the standard utility allowance.

Changes proposed under this filing are expected to impact benefits for certain households receiving the Washington basic food program and the state-funded FAP. Under RCW 74.08A.120, rules for FAP shall follow exactly the rules of the federal SNAP except for the provisions pertaining to immigrant status.

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 enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act as amended and codified in the Code of Federal Regulations. DSHS incorporates regulations from federal agencies, exercises state options, and implements approved waivers and demonstration projects by adopting administrative rules for food assistance administered as the Washington basic food program and FAP.

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 Holly St. John, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail [stjohhc@dshs.wa.gov](mailto:stjohhc@dshs.wa.gov).

June 13, 2016  
Katherine I. Vasquez  
Rules Coordinator

### WSR 16-13-072

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 14, 2016, 10:16 a.m.]

Subject of Possible Rule Making: WAC 308-65-060 Hulk hauler—Special plates and 308-65-110 Scrap processor—Special plates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.79.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 46.79 RCW does not provide authority to the department to set fees for Hulk haulers—Special plates and Scrap processor—Special plates. The rule change will remove plate fees identified in WAC 308-65-060 and 308-65-110.

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 Sirena Walters, Transportation Services, Department of Licensing, Business and Professions Division, P.O. Box 9039, Olympia, WA 98507-9039, phone (360) 664-6466, e-mail [swalters@dol.wa.gov](mailto:swalters@dol.wa.gov).

June 14, 2016  
Damon G. Monroe  
Rules Coordinator

### WSR 16-13-073

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 14, 2016, 10:18 a.m.]

Subject of Possible Rule Making: WAC 308-63-060 Vehicle wrecker—Special plates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.80.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule change will align chapter 46.80 RCW and WAC 308-63-060.

Chapter 46.80 RCW does not provide authority to the department to set fees for Vehicle wrecker—Special plates. The rule change will remove plate fees identified in WAC 308-63-060.

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 Sirena Walters, Transportation Services, Department of Licensing, Business and Professions Division, P.O. Box 9039, Olympia, WA 98507, phone (360) 664-6455, e-mail [swalters@dol.wa.gov](mailto:swalters@dol.wa.gov).

June 14, 2016  
Damon G. Monroe  
Rules Coordinator

### WSR 16-13-082

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON STATE HISTORICAL SOCIETY

[Filed June 15, 2016, 10:58 a.m.]

Subject of Possible Rule Making: Adopting chapter 256-10 WAC, Organization and operation; chapter 256-20 WAC, Public records; chapter 256-30 WAC, Gifts, grants, conveyances, bequests, devises, and trusts; and chapter 256-40 WAC, State Environmental Policy Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW, the Washington State Public Records Act; RCW 42.56.040, 27.34.070; and chapter 43.21C RCW, the State Environmental Policy Act (SEPA).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Eastern Washington State Historical Society (EWSHS) is governed by chapter 27.34

RCW and as such is required by RCW 42.56.040 to adopt rules reflecting the organization and operation of EWSHS and a description of the procedures for individuals to request public records from the institution including where to request records, who to request records from and the methods for submitting requests for records. EWSHS is also required by RCW 27.34.070 to adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests and devises. EWSHS is required to adopt rules pertaining to the integration of the policies and procedures of SEPA pursuant to RCW 43.21C.120.

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 Linda Queen, Confidential Secretary, 2316 West 1st Avenue, Spokane, WA 99201, e-mail linda.queen@northwestmuseum.org. EWSHS welcomes employees, volunteers, donors, and the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, EWSHS will file with the office of the code reviser a notice of proposed rule making with the formal text. A copy of the proposal will be posted on the EWSHS internet site [www.northwestmuseum.org](http://www.northwestmuseum.org).

June 9, 2016  
Linda L. Queen  
Confidential Secretary

**WSR 16-13-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed June 15, 2016, 3:00 p.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering rule changes to establish a warning symbol for placement on marijuana products.

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: Concerns have been raised about the risk of accidental consumption of marijuana products by children and ways for adults that have overconsumed marijuana products to contact the Washington Poison Center when experiencing adverse effects. The WSLCB is considering adopting a warning symbol to deter accidental consumption of marijuana products by children and to provide emergency services contact information in cases of accidental exposure or overconsumption. Labeling requirements may also require adjustments or clarification to ensure that consumers and children are properly notified that products contain THC.

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 Joanna Eide, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1622, fax (360) 664-9689.

June 15, 2016  
Jane Rushford  
Chair

**WSR 16-13-098**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)

[Filed June 16, 2016, 3:54 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 15-15-167 on July 22, 2015 (chapter 388-825 WAC) regarding division of developmental disabilities services rules.

The developmental disabilities administration plans to file a new preproposal statement of inquiry notice on this subject in the near future.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-13-101**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2016-17—Filed June 17, 2016, 10:46 a.m.]

Subject of Possible Rule Making: Transfer regulatory authority over independent review organization (IRO) from the department of health (DOH) to the office of insurance commissioner (OIC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.535, and 43.70.235 as recodified by chapter 139, Laws of 2016.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Passed legislation HB 2326 requires that by January 1, 2017, the regulatory authority over IRO be transferred from DOH to OIC commissioner. The legislation requires that rules be adopted providing procedure and criteria for certifying IROs by taking into consideration rules adopted by DOH that regulate IROs. The rules adopted must require IROs to report decisions and associated information directly to the OIC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOH.

Process for Developing New Rule: Submit written comments by August 5, 2016, to Stacy Middleton, P.O. [Box] 40260, Olympia, WA 98504-0260, 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 Stacy Middleton, P.O. [Box] 40260, Olympia, WA 98504-0260, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

June 17, 2016  
Mike Kreidler  
Insurance Commissioner

**WSR 16-13-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2016-18—Filed June 17, 2016,  
10:52 a.m.]

Subject of Possible Rule Making: Amend existing motorist underinsured rejection form.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a), 48.22.030(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A legislative task force on underinsured motorists (UIM) met in summer 2015 to discuss whether consumers understand consequences of declining UIM insurance. One of the outcomes was a request for rule making that would either amend the requirements for rejection of UIM insurance coverage required by RCW 48.22.030 (4) to require that the motorist be made aware in writing of the risk involved (preferred method) or create a new form to be given to motorists when they decline UIM insurance. This rule-making goal is most likely to be achieved by an amendment to WAC 284-20-300.

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 August 5, 2016, to Stacy Middleton, P.O. [Box] 40260, Olympia, WA 98504-0260, 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 Stacy Middleton, P.O. [Box] 40260, Olympia, WA 98504-0260, rulescoordinator@oic.wa.gov.

June 17, 2016  
Mike Kreidler  
Insurance Commissioner

**WSR 16-13-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2016-19—Filed June 17, 2016,  
11:00 a.m.]

Subject of Possible Rule Making: Prior authorization processes and transparency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.515, 48.43.520, 48.43.525, 48.43.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In an effort to facilitate access to covered services, the commissioner wishes to standardize the process of prior authorization when such a program is in effect. These rules are intended to streamline the prior authorization process and to ensure it is more transparent for consumers and providers.

Process for Developing New Rule: Submit written comments by August 4, 2016, to Jim Freeburg, 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 Freeburg, P.O. Box 40260, Olympia, WA 98504-0260, rulescoordinator@oic.wa.gov.

June 17, 2016  
Mike Kreidler  
Insurance Commissioner

**WSR 16-13-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Medical Quality Assurance Commission)

[Filed June 20, 2016, 9:29 a.m.]

Subject of Possible Rule Making: WAC 246-919-390 and 246-919-395, the medical quality assurance commission (commission) is considering amending rules regarding temporary practice permits to be consistent with current practice, modernize language, and clarify requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.130.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission will consider eliminating WAC 246-919-390 as it is outdated regarding substantially equivalent licensing standards. The commission will also consider revising WAC 246-919-395 in order to be consistent with current practice, modernize language, and clarify requirements.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by joining the

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

Melanie de Leon  
Executive Director

lication by contacting Kevin Walder, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504, phone (360) 902-5401, e-mail wake235@lni.wa.gov.

June 21, 2016  
Joel Sacks  
Director

**WSR 16-13-121**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 21, 2016, 11:00 a.m.]

Subject of Possible Rule Making: The department is conducting rule making related to preventing worker exposure to respirable crystalline silica. This rule making is in response to Occupation [Occupational] Safety and Health Administration's (OSHA) final rule on respirable crystalline silica for general industry/maritime and construction. Respirable crystalline silica is currently included in the department's air contaminant standard under chapter 296-841 WAC and WAC 296-307-62625 (and other standards that reference these requirements).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: OSHA issued a final rule to curb lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by limiting their exposure to respirable crystalline silica. The rule is comprised of two standards, one for construction 29 C.F.R. 1926 and one for general industry/maritime 29 C.F.R. 1910. Both standards become effective June 23, 2016, after which industries have one to five years to comply with most requirements depending on the type of work performed. Since this final rule imposes additional or more stringent requirements on employers than existing OSHA standards, state plans must adopt an "at-least-as-effective" standard or amendment to their existing standards, or show that they already have an existing "at-least-as-effective" standard.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As an OSHA-approved state plan, the department is the primary entity to regulate this subject in Washington, with certain exceptions pertaining to the maritime industry and United States government operations, in which cases OSHA maintains jurisdiction.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

**WSR 16-13-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 21, 2016, 11:01 a.m.]

Subject of Possible Rule Making: 2017 Industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan, and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

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: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries works with the workers' compensation advisory committee (WCAC) and retrospective rating advisory committee (RAC) as changes are developed. The public can participate in these discussions by attending the WCAC meetings. A schedule of these meetings is available at [www.lni.wa.gov/ClaimsIns/Insurance/Learn/Wcac/WcacMtgMin/Default.asp](http://www.lni.wa.gov/ClaimsIns/Insurance/Learn/Wcac/WcacMtgMin/Default.asp).

The public can also participate in discussions of the RAC. A schedule of meetings can be found at [www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp](http://www.lni.wa.gov/ClaimsIns/Insurance/Reduce/Qualify/AdvComm/default.asp).

Employers covered by labor and industries will receive notice of the proposed changes and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication. Labor and industries is planning to hold formal public hearings in October and November 2016, in Everett, Spokane, Richland, Vancouver, Tukwila, and Tumwater. Public hearings are anticipated to last until all public comments are received. Inquiries can be directed to Jo Anne Attwood, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4777, fax (360) 902-4988, e-mail joanne.attwood@lni.wa.gov.

June 21, 2016  
Joel Sacks  
Director

### WSR 16-13-125

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 21, 2016, 12:00 p.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.16A.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend the rule to remove the requirement for the signature of a vehicle licensing subagent or issuing authority from a vehicle transit permit. The department anticipates making these permits available online, which would not afford an opportunity for the issuing authority to add a signature to the document.

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

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

June 21, 2016  
Damon G. Monroe  
Rules Coordinator

### WSR 16-13-130

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed June 21, 2016, 3:27 p.m.]

Subject of Possible Rule Making: Chapter 182-548 WAC, Federally-qualified health centers and chapter 182-549 WAC, Rural health clinics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, ESSHB [E2SHB] 2572 section 7, line (4), chapter 223, Laws of 2014.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending

these rules in response to ESSHB [E2SHB] 2572, which directs the agency to increase the use of value-based contracting, alternative quality contracting, and other payment incentives that promote quality, efficiency, cost savings, and health improvement for medicaid purchasing. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

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

June 21, 2016  
Wendy Barcus  
Rules Coordinator

### WSR 16-13-133

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed June 22, 2016, 7:50 a.m.]

Subject of Possible Rule Making: Sections relating to energy conservation in chapter 194-37 WAC, Energy Independence Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.285.040(1), 19.285.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Energy Independence Act requires that electric utilities develop assessments of energy conservation potential using methodologies consistent with the Northwest Power Planning Council's regional power plan. The power council adopted a new power plan in 2016. Commerce is considering whether to update its rules to be consistent with the new power plan. Updating the rules would allow utilities to use the most up-to-date methodologies as they prepare their next assessments of conservation potential. Commerce is not considering rules that would prescribe utility-specific conservation measures, values, or assumptions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The utilities and transportation commission (UTC) regulates investor-owned utilities, including their compliance with the Energy Independence Act. Commerce will coordinate the rule making with the UTC through staff-to-staff communications prior to each step.

Process for Developing New Rule: Standard 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 submit written comments about the potential rule making until July 20, 2016. Send comments by e-mail to [eia@commerce.wa.gov](mailto:eia@commerce.wa.gov). Commerce will conduct an initial workshop; the date and location will be posted on the agency's web site, <http://www.commerce.wa.gov/about-us/rulemaking>. All rule-making documents and schedules will be posted on the agency web site. For questions or suggestions contact Glenn Blackmon, [glenn.blackmon@commerce.wa.gov](mailto:glenn.blackmon@commerce.wa.gov), (360) 725-3115.

June 21, 2016  
Jaime Rossman  
Rules Coordinator

### WSR 16-13-134

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed June 22, 2016, 7:53 a.m.]

Subject of Possible Rule Making: Chapter 365-196 WAC, Procedural criteria for adopting comprehensive plans and development regulations and chapter 365-190 WAC, Minimum guidelines to classify agricultural, forest and mineral lands and critical areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.050, 36.70A.190, and 36.70A.735.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Growth Management Act requires local jurisdictions to designate and protect critical areas. Implementing WAC do [does] not adequately provide guidance on regulating agricultural activities where critical areas are present. This rule-making effort will review court cases and best practices in regulating existing and new agricultural activities.

The rule making will also incorporate rules for the voluntary stewardship program (VSP). The legislature created the VSP in 2011 (RCW 36.70A.705).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Commerce will develop the proposed rules utilizing an advisory committee that will include the department of ecology, department of fish and wildlife and the Washington state conservation commission. The rule development process will also include local governments responsible for adopting critical areas ordinances and other interested parties.

Process for Developing New Rule: Commerce will coordinate rule development with state and local government stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Kuhta, Growth Management Services Unit, (509) 795-6884 or [scott.kuhta@commerce.wa.gov](mailto:scott.kuhta@commerce.wa.gov). Interested parties may also sign-up to receive information and participate in the formulation of proposed rules by contacting [WACupdate@commerce.wa.gov](mailto:WACupdate@commerce.wa.gov).

June 22, 2016  
Jaime Rossman  
Rules Coordinator

### WSR 16-13-140

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 22, 2016, 8:39 a.m.]

Subject of Possible Rule Making: Deferred compensation program auto-enrollment.

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: Recent legislation, ESSB 5435, will require state agencies to automatically enroll new full-time employees into the state's deferred compensation program (DCP) unless the employee opts out. The DCP rules will be revised to include administrative details. Local employers will continue to have the option to make DCP available to their employees, and may also elect to provide automatic enrollment. DCP enrollment will remain optional for eligible current employees and new employees who are not covered by the automatic enrollment provisions.

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.

June 22, 2016  
Jilene Siegel  
Rules Coordinator

### WSR 16-13-143

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 22, 2016, 9:09 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, the department is considering:

1. Establishing a new licensing classification that can address various areas of specialty;
2. Moving some of the existing specialized licensing classifications that have few licensees into the new specialty classification; and
3. Revising the language to increase clarity and readability and to conform with current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.58.040, 17.21.030, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensing classifications are established to ensure individuals applying or overseeing the

application of pesticides have the knowledge and training they need to safely apply pesticides. WAC 16-228-1545 requires that individuals be certified, through examination, in all pest control classifications in which they operate, inspect, or consult. Multiple classifications of licensing are established, however some individuals operate in specialized or unique areas of pest control for which there is no classification established in rule. The department is considering establishing a "limited-specialty" licensing classification for pest control operations that, due to the low number of affected licensees, do not warrant a new classification in rule. Certain pest control operations are sometimes so specialized and unique that only a small number of individuals across the state perform the particular pesticide application. While these individuals need to be competent and become certified in their particular area of specialization, it doesn't make sense to create a new licensing classification in rule. Creating a limited-specialty classification would ensure the individual passes an examination specific to their area of specialization. The limited-specialty classification will encompass multiple areas of specialty, each with an exam tailored to the work performed by the applicant. The department is also considering moving some of the existing specialized licensing classifications that have few licensees into the new limited-specialty classification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No coordination with a federal or state agency is necessary to adopt these rule changes. Under the Federal Insecticide, Fungicide and Rodenticide Act the United States Environmental Protection Agency (EPA) requires that any individual who purchases or uses a federal restricted-use pesticide must be certified. EPA has a cooperative agreement with the Washington state department of agriculture (WSDA), which is the certifying agency in the state of Washington. This rule change will effectively allow WSDA to carry out applicable agreements with EPA.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joel Kangiser, Policy Assistant, Pesticide Management Division, WSDA, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2013, fax (360) 902-2093, e-mail [jkangiser@agr.wa.gov](mailto:jkangiser@agr.wa.gov).

June 22, 2016  
Brent Barnes  
Assistant Director

## WSR 16-13-148

## PREPROPOSAL STATEMENT OF INQUIRY

## GAMBLING COMMISSION

[Filed June 22, 2016, 10:45 a.m.]

Subject of Possible Rule Making: Removing the word "gambling" from the "gross receipts" that amusement game licensees must report and removing amusement games from the definition of "gambling equipment."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0201.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received three petitions for rule changes to revise requirements for amusement games. Two of the proposed rule changes would remove the word "gambling" from the "gross receipts" licensees must report. According to the petitioner, "Amusement Games are not gambling, gross receipts from amusement games are not gambling receipts." This change would "clearly define receipts from Amusement games as not gambling receipts."

The third proposed rule change would remove amusement games from the list of "gambling equipment" as defined in WAC 230-03-200. According to the petitioner, the effect would be "thus not subjecting Amusement [amusement] Games to the same rules as gambling equipment."

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a study session/work shop with commission staff, by attending a commission meeting, or contacting the agency staff 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. Written comments can be directed to Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, fax (360) 486-3625, phone (360) 486-3447, or e-mail [Michelle.Rancour@wsgc.wa.gov](mailto:Michelle.Rancour@wsgc.wa.gov).

To discuss these rule proposals in person with commission staff, please attend the July 14, 2016, study session/workshop at the Red Lion Seattle, 18220 International Boulevard, Seattle, WA 98188. Check our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for the agenda and start time.

The commissioners will discuss these rule proposals at their July 14 meeting or their August commission meeting. Check our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for agendas, meeting dates, locations and start times.

June 22, 2016  
Michelle Rancour  
Assistant to  
the Deputy Director

**WSR 16-13-149**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed June 22, 2016, 11:04 a.m.]

Subject of Possible Rule Making: Adding three species of king crab to the current shellfish classification in the Washington Administrative Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.15.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington department of fish and wildlife (WDFW) regulatory authority is closely aligned with classification of species in the Washington Administrative Code. The current list of classified shellfish species by rule does not include three species of king crab that make up a significant proportion of the Alaskan crab harvest, and are known to be involved in the illicit seafood trade. One of these species, red king crab, is designated by the National Oceanic and Atmospheric Administration (NOAA) as a "species at risk," and anecdotal information from Washington crab fishermen suggests it also exists in Washington offshore waters.

Currently, illegal, unreported, or unregulated fisheries (IUU) are a global concern and negatively impact conservation and the legitimate market. The Russian king crab fishery is considered one of the most unsustainable fisheries on the globe, and directly competes with the Alaska fishery with respect to three king crab species shared by fleets in both countries.

To remain viable, Washington commercial fishing vessels, fish processing operations, and seafood trade interests rely on a number of west coast and Alaska fisheries, including the Alaska king crab fishery. Failing to control the importation of illegally harvested crab from Russia directly and negatively affects conservation, the seafood market place, and the interests of the Washington commercial fishing industry. According to members of the Bering Sea Crab Association (BSCA), the IUU issue has resulted in an estimated \$600 million loss in crab related revenue and tax since 2000.

Investigation and past case work indicate that Washington state ports are receiving IUU Russian king crab. Of the \$255 million of the United States' frozen crab imports from Russia in 2015, seventy-nine percent are estimated to be imported through Washington state ports (Blaine, Seattle, Tacoma, and, to a lesser extent, Bellingham). Over the last five years, as much as eighty-eight percent (2014) of all frozen (king and snow) crab from Russia entered through either the ports of Blaine, Seattle, or Tacoma.

By adding three species of king crab to the current shellfish classification, brokers who currently conduct business in Washington state will be required to obtain a wholesale fish dealers license and maintain and produce records for inspection by fish and wildlife police. Shippers and storage facilities will not be required to be licensed, but will be required to produce records associated with the origin of crab. These records are already maintained, however access to that information cannot be compelled for inspection purposes unless a

classified species is identified. A number of the seafood brokers, shippers and cold storage facilities dealing in king crab are already licensed due to their involvement in trading or storing classified species.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA. WDFW and NOAA coordinate on a variety of issues on the Pacific and North Pacific Fisheries Management Council, where WDFW participates as a policy member.

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. Enforcement Contact: Mike Cenci, WDFW Deputy Chief of Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2938.

Fisheries Contact: Rich Childers, WDFW Fish Division, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 302-3030 [902-3030].

Regulatory Contact: Scott Bird, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403.

June 22, 2016  
 Scott Bird  
 Rules Coordinator

**WSR 16-13-153**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed June 22, 2016, 11:50 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections, repealing, and amending sections within chapter 388-113 WAC, including WAC 388-113-0005, 388-113-0010, 388-113-0030, 388-113-0040, and subsection (2) of WAC 388-113-0020, and any other related rules as may be required. The department is also considering adding new sections, repealing, and amending sections within chapter 388-71 WAC including WAC 388-71-0500, 388-71-0505, 388-71-0510, 388-71-0512, 388-71-0513, 388-71-0514, 388-71-0515, 388-71-0516, 388-71-0517, 388-71-0523, 388-71-0540, 388-71-0543, 388-71-0544, 388-71-0546, 388-71-0551, 388-71-0553, 388-71-0556, 388-71-0560, 388-71-0839, 388-71-0880, 388-71-0888, 388-71-0975, 388-71-1001, 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 clarify and consolidate rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability (CC&S) determinations for home and community services, residential care services, and the developmental disabilities administra-

tion (DDA). The changes 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 long-term care worker qualifications and a 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: The aging and long-term support administration and DDA will collaborate and coordinate with the department of social and health services (DSHS) background check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S determinations including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-106, 388-107, 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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 438-8633, TTY 1-800-833-6388, e-mail angel.sullivan@dshs.wa.gov.

June 21, 2016  
Katherine I. Vasquez  
Rules Coordinator

reduce the amount of WAC language across programs, and help preserve the health and safety of our clients. Other provisions related to long-term care worker qualifications, overpayments, and a 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 department of social and health services (DSHS) background check central unit to consolidate and coordinate rules related to negative actions and CC&S reviews including WAC such as chapters 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) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

June 21, 2016  
Katherine I. Vasquez  
Rules Coordinator

### WSR 16-13-156

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed June 22, 2016, 11:53 a.m.]

Subject of Possible Rule Making: The developmental disabilities administration (DDA) is proposing to amend sections within chapter 388-825 WAC, Developmental disabilities administration service rules, and 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, 43.43.842 Vulnerable adults—Additional licensing requirements for agencies, facilities, and individuals providing services, and 74.39A.056 Criminal history checks on long-term care workers.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for making changes is to clarify and consolidate rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability (CC&S) determinations for home and community services, residential care services, and DDA. The changes will provide better clarity and understanding for the public and contracted entities,