

**WSR 16-22-035****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF HEALTH**

[Filed October 26, 2016, 10:56 a.m.]

Subject of Possible Rule Making: WAC 246-100-197 Rabies—Measures to prevent human disease.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050 Powers and duties of the state board of health—Rule making—Delegation of authority—Enforcement of rules and 16.70.040(1) Rules—Scope.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule making is to incorporate the most current science related to rabies post-exposure prophylactic practice and quarantine periods. These changes are detailed in the National Association of State Public Health Veterinarians Compendium of Animal Rabies Prevention and Control (compendium). The rule making will also update the compendium adoption by reference date for procedures related to emergency sheltering of mammals displaced during a disaster. These changes take advantage of new flexibility in practice guidelines and are expected to increase compliance with the state rabies rule and result in greater public health protection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of health will consult with the department of agriculture consistent with RCW 16.70.040. All rule modifications will be consistent with federal Food and Drug Administration rules related to mammal rabies vaccination.

Process for Developing New Rule: The state board of health will use a collaborative rule-making approach to develop the draft rule. Staff will provide the draft rule to the department of agriculture, local health jurisdictions, veterinarians, and other interested parties for review and comment prior to preparing the proposed rule. After the proposed rule is filed, staff will notify stakeholders of the state board of health public hearing to consider formal comments on the proposed rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki Bouvier, Division of Environmental Public Health, (360) 236-3011, Vicki.Bouvier@doh.wa.gov; or David DeLong, Washington State Board of Health, Health Policy Analyst, (360) 236-4111, David.DeLong@doh.wa.gov, to participate in the development of the proposed rule.

October 26, 2016  
Michelle A. Davis  
Executive Director

**WSR 16-22-038****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed October 27, 2016, 9:49 a.m.]

Subject of Possible Rule Making: The department is proposing to create chapter 388-102 WAC and amend any other related rules as may be required to establish a retirement community registry for continuing care retirement communities (CCRC) which will set both regulations and pertinent fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060, 18.390.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to establish rules related to the registration and online publication of a CCRC, residency agreements, and application or listing fees as required by SSHB [2SHB] 2726, chapter 183, Laws of 2016.

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 Christy Hoosier, Contracts and Applications Manager, 4450 10th Avenue S.E., Mailstop 45600, Lacey, WA 98503, phone (360) 725-3205, e-mail Christy.Hoosier@dshs.wa.gov.

October 27, 2016  
Katherine I. Vasquez  
Rules Coordinator

**WSR 16-22-054****PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Filed October 31, 2016, 9:23 a.m.]

Subject of Possible Rule Making: In 2015, the legislature enacted RCW 80.28.360, which authorizes the utilities and transportation commission (commission) to allow an incentive rate of return on electric utility investment in electric vehicle supply equipment (EVSE) that is deployed for the benefit of ratepayers. The law also allows the commission to adopt other policies to improve access to EVSE and allow a competitive market for charging services to develop. RCW 80.28.360 raises many policy and implementation questions that can be addressed through a rule-making inquiry.

The commission's inquiry will evaluate:

1. Whether a rule or policy statement is necessary to implement RCW 80.28.360;

2. How the commission will consider whether an investment is eligible for the incentive rate of return;

3. How other relevant statutes and commission rules and standards apply to utility investment in EVSE; and

4. Whether the commission should consider or adopt other policies to improve access to electric vehicle supply equipment and allow a competitive market for charging services to develop.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040 and 80.04.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: After considering comments from several stakeholders, the commission approved an EVSE pilot program for one regulated utility on April 28, 2016, subject to conditions. In its order, the commission noted that RCW 80.28.360 raises many policy and implementation questions that remain unresolved. On June 24, 2016, the commission issued a Notice of Opportunity to File Written Comments and Notice of Open Meeting to address policy and implementation questions raised in that docket, and held a workshop on this topic on September 13, 2016. In written comments and at the workshop, stakeholders - including regulated electric utilities, EVSE vendors, and ratepayer advocates - recommended that the commission provide policy guidance regarding the incentive rate of return, the role of electric utilities in market transformation, and the interaction of RCW 80.28.360 with other statutes. Such guidance, whether in the form of rules or a policy statement, will provide more certainty about the scale and scope of investor-owned utility participation in the electric vehicle charging market.

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

Process for Developing New Rule: The commission employs a collaborative rule-making process that consists of stakeholder workshops, formal comments, and draft rule reviews.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may file comments on this CR-101. This rule making will incorporate comments submitted in Docket UE-160799, staff investigation regarding policy issues related to the implementation of RCW 80.28.360, EVSE.

October 31, 2016  
Steven V. King  
Executive Director  
and Secretary

**WSR 16-22-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
(Washington Apple Health)  
[Filed October 31, 2016, 3:01 p.m.]

Subject of Possible Rule Making: WAC 182-538A-130 Exemptions and ending enrollment in fully integrated man-

aged care (FIMC), 182-538A-190 Behavioral health services only (BHSO), and other related 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: Changes to these rules are necessary because the agency is delegating third-party activities to managed care organizations. 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 Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail melinda.froud@hca.wa.gov.

October 31, 2016  
Wendy Barcus  
Rules Coordinator

**WSR 16-22-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed November 1, 2016, 9:55 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.44.070(1), 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The pension discount rate is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. Currently, WAC 296-14-8810 sets the pension discount rate at 6.3 percent. The department has worked with the workers' compensation advisory committee (WCAC) to develop a plan for reducing the pension discount rate annually, through 2022, until it reaches 4.5 percent. The purpose of this rule making is to consider whether to reduce the current pension discount rate for 2017 in furtherance of that long-term goal.

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

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

lication by contacting Suzy Campbell, Department of Labor and Industries, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-5003, fax (360) 902-4960, casu235@lni.wa.gov.

November 1, 2016

Joel Sacks  
Director

### WSR 16-22-071

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 1, 2016, 11:39 a.m.]

Subject of Possible Rule Making: Definition of absence, excused and unexcused, WAC 392-400-325.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.046.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making would be to revise the definition of what constitutes an absence and what is not. Several recent developments have necessitated a closer look at the existing rule: (1) The office of superintendent of public instruction (OSPI) is publicly displaying chronic absenteeism data as of February 2016, (2) United States Department of Education (USDOE) is collecting an annual chronic absenteeism report, and (3) USDOE Office of Civil Rights collects chronic absenteeism in its Civil Rights Data Collection. The intent of the rule making is to align OSPI's state collection with the federal reporting. The federal definition does not consider off-site instructional activities, such as field trips, to be an absence.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDOE also provides support, publishes guidance, and collects data about student absenteeism at the state level. Coordination will be achieved by reviewing agency regulations and guidance, as well as requesting agency support as needed to ensure consistency with federal regulations and agency legal positions.

Process for Developing New Rule: Early solicitation of public comments and recommendations regarding new or amended 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 Krissy Johnson, Attendance Lead, 600 Washington Street S.E., Olympia, WA 98504, office (360) 725-6045, fax (360) 664-3028, krissy.johnson@k12.wa.us.

November 1, 2016

Randy Dorn  
State Superintendent  
of Public Instruction

### WSR 16-22-072

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 1, 2016, 11:39 a.m.]

Subject of Possible Rule Making: Chapter 392-400 WAC regarding student discipline.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.015, 28A.600.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 28A.600.015 requires the office of superintendent of public instruction (OSPI) to adopt lawful and reasonable rules prescribing the substantive and procedural due process guarantees of students in public schools. These rules are found in chapter 392-400 WAC. OSPI is considering revising chapter 392-400 WAC to (1) align student discipline definitions with new requirements and statutory language in HB [4SHB] 1541; (2) clarify requirements in HB [4SHB] 1541, including specific guidance on the provision of educational services while a student is suspended or expelled; (3) implement external stakeholders' recommendations regarding student discipline due process guarantees; and (4) increase clarity and readability of the entire chapter.

OSPI anticipates that a thorough revision of the student discipline rules will, among other things, (1) simplify and clarify due process procedures for school districts, students, and families; (2) eliminate problems of interpretation and problems of practice that are a result of confusing or vague terminology; (3) encourage districts to address discipline-related issues at the lowest level possible while minimizing the use of exclusionary discipline practices; (4) provide districts and students support for reengagement plans; and (5) increase the likelihood that families, students, and community members will be engaged in decision-making processes related to student discipline.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There is potential for overlap with United States Department of Education regulations governing discipline of children with disabilities, 34 C.F.R. § 300.530-.536. The Department of Education also provides support, publishes guidance, and collects data about student discipline at the state level. Coordination will be achieved by reviewing agency regulations and guidance, as well as requesting agency support as needed to ensure consistency with federal regulations and agency legal positions.

Process for Developing New Rule: Early solicitation of public comments and recommendations regarding new or amended rules and consideration of the comments and recommendations in the course of drafting rules - including reconvening the student discipline task force to provide input rule revisions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Lynch, Program Supervisor, Student Discipline, Behavior, and Readiness to Learn, (360) 725-6100, joshua.lynch@k12.wa.us.

November 1, 2016  
Randy Dorn  
State Superintendent  
of Public Instruction

**WSR 16-22-077****PREPROPOSAL STATEMENT OF INQUIRY  
EVERETT COMMUNITY COLLEGE**

[Filed November 1, 2016, 2:28 p.m.]

Subject of Possible Rule Making: WAC 132E-120-380 Equal opportunity—Title IX and 132E-120-385 Equal opportunity—Title IX procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Title IX is federal law that prohibits discrimination based on sex in all institutions that receive federal funding. Everett Community College's current Equal opportunity—Title IX policy and procedure need to be updated in response to recently updated federal regulations. This policy and procedure ensure the college's compliance with nondiscrimination regulations at the federal and state levels.

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 Jennifer Howard, Vice-President of Administrative Services, Everett Community College, 2000 Tower Street, Everett, WA 98201, e-mail [jhoward@everettcc.edu](mailto:jhoward@everettcc.edu), fax (425) 388-9228, or phone (425) 388-9232. Board of trustee meetings, in which public comment is received, occur the third Tuesday of the month, 5 p.m. at the Jackson Center Senate Room, 2000 Tower, Everett, WA 98201.

November 1, 2016  
Jennifer L. Howard  
VP Administrative Services

**WSR 16-22-080****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
EARLY LEARNING**

[Filed November 1, 2016, 4:19 p.m.]

Subject of Possible Rule Making: Revisions to chapter 170-290 WAC to ensure child care subsidy programs comply with federal requirements, to promote program integrity, to streamline and align program rules, to improve program service to the public, and to administer waiting lists in these programs. Changes may include, but are not limited to; rules implementing child care development block grant reauthorization requirements on background checks and health and safety training and monitoring for subsidy providers; rules regarding provider eligibility for payment while background check results are pending; rules detailing provider attendance

record requirements; rules changing the definition and implementation of "full-time care"; rules regarding copayments; rules regarding approved activities; rules regarding program income calculation; rules regarding program services to homeless consumers; rules regarding consumer income and resource limits; rules regarding self-attestation of employment status and work schedule; rules regarding provider payment errors; rules regarding eligibility of children thirteen years of age and up; and rules regarding wait lists in working connections child care and/or seasonal child care programs.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Child care development block grant reauthorization became effective November 19, 2014. The new law requires full fingerprint background checks and health and safety monitoring and preservice training for child care and development fund (CCDF) subsidy program providers. It further requires programs funded by CCDF to authorize twelve months of services to program consumers. Revisions are needed to child care subsidy program rules in order for subsidy programs to comply. Recent state auditor's office findings reveal program integrity issues facing child care subsidy programs as to provider billing and payment that require rule making to address. Rule making will bring more consistency to rules on consumer copayments throughout chapter 170-290 WAC. Program rules regarding income counting could better align with consumer economic realities. Budgetary limits on child care subsidy programs require rules for administering waiting lists in the event limits are exceeded.

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

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

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

November 1, 2016  
Matt Judge  
Subsidy Policy Supervisor

**WSR 16-22-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed November 2, 2016, 9:32 a.m.]

Subject of Possible Rule Making: The department is considering the merger of Titles 220 and 232 WAC.

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 seeks to merge Titles 220 and 232 WAC to better organize and streamline existing fish and wildlife regulations. Currently, many of the provisions in chapters in Titles 220 and 232 WAC are poorly placed and under headings that they are not related to causing confusion to the public and to department staff. In addition, the WAC chapter headings need to be changed to better reflect the subject matter of the chapter. This rule making will make the following changes: (1) Merge Titles 232 and 220 WAC, (2) correct internally inconsistent WAC references in existing chapters caused by the recodification and (3) remove references to now defunct state agencies in existing chapters in Titles 220 and 232 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health regulates some of the same subject matter as the department. The National Oceanic and Atmospheric Administration and the United States Department of Fish and Wildlife regulate the same subject matter as the department on a federal level.

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 Scott Bird, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov, by December 16, 2016. Expected proposal filing on or after January 4, 2017.

November 2, 2016  
 Scott Bird  
 Rules Coordinator

**WSR 16-22-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed November 2, 2016, 10:41 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-450-0015 What types of income are not used by the department to figure out my benefits?, 388-470-0045 How do my resources count toward the resource limits for cash assistance?, 388-470-0055 How do my resources count toward the resource limit for basic food?, 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, 74.04.500, 74.04.510, 74.08A.120, 7 C.F.R. 273.8(e), and 273.9(c).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Achieving a Better Life Experience (ABLE) accounts are new tax-deferred accounts created under the Achieving a Better Life Experience Act of 2014. ABLE accounts provide for tax-deferred savings (non-deductible contributions) of up to \$14,000 per year for individuals who became blind or disabled before age twenty-six.

Distributions from an ABLE account can be used to cover qualified expenses including health care, education, community-based supports, employment training, assistive technology, housing, and transportation. Funds kept in and disbursed from ABLE accounts are exempt when determining eligibility for medicaid, supplemental security income (SSI), other federal means-tested programs such as temporary assistance for needy families (TANF), and Supplemental Nutrition Assistance Program (SNAP). They are not included in current program rules and must be added.

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 Services, regulates federal food benefits impacted by this filing. No direct coordination is necessary. Adopted rules will be consistent with federal laws and regulations regarding filing and processing applications for food assistance under SNAP under 7 U.S.C. 2020 and 7 C.F.R. 273.8 and 273.9.

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 Erik Peterson, 712 Pear Street S.E., Olympia, WA 98501, phone (360) 725-4622, fax (360) 725-4904, e-mail erik.peterson@dshs.wa.gov.

November 1, 2016  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 16-22-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed November 2, 2016, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 314-03 WAC, Allowed activities.

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: As part of the liquor and can-

nabis board's ongoing rules review process the rules are being reviewed for relevance, clarity, and accuracy.

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, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, (360) 664-1631, (360) 664-9689, karen.mccall@lcb.wa.gov.

November 2, 2016  
Jane Rushford  
Chairman