

WSR 16-24-008
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 28, 2016, 1:54 p.m.]

Subject of Possible Rule Making: Chapter 246-850 WAC, Orthotics and prosthetics rules, revising the chapter to clarify licensure and application requirements, update continuing education requirements, make general updates, and make the rules consistent with current law and practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.200.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health is considering revising rules to clarify licensure and application requirements, update continuing competency requirements, and make general housekeeping changes. Updating rules will make them consistent with current law and practice and will establish clearer standards for applicants and professionals regulated by the secretary.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the rule-making process by providing comments on proposed language and/or attending a rules workshop. Notices will be sent to interested parties through listserv and e-mail. Send written comments to Janette Benham, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4857, fax (360) 236-2901, e-mail janette.benham@doh.wa.gov.

November 23, 2016
 John Wiesman, DrPH, MPH
 Secretary

WSR 16-24-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 28, 2016, 4:02 p.m.]

Subject of Possible Rule Making: The department is considering rule changes for the following topics: Hunting regulations, seasons, permits and area descriptions for big game, small game, and migratory birds; big game and wild turkey auctions, raffle, and permits; importation and retention of dead nonresident wildlife; mandatory hunter reporting; landowner hunting permits; special closures and firearm restriction areas; and other related rule changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, 77.12.800, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarification to rules, expand recreational opportunity

and opportunity for harvest, and mitigate wildlife conflicts, while maintaining sustainable game populations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulation guidelines.

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 Gardner, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by January 24, 2017. Expected proposal filing on or after January 31, 2017.

November 28, 2016
 Scott Bird
 Rules Coordinator

WSR 16-24-072
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed December 6, 2016, 2:16 p.m.]

Subject of Possible Rule Making: Title 222 WAC forest practices rules relating to a permanent water-typing system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040, 76.09.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The forest practices board is considering rule making to amend the water-typing rules. Rule amendments will provide a consistent, stable system to determine the water-type classification for all typed waters. The emphasis of the water-type system is to establish fish-bearing/nonfish-bearing habitat, or Type-F Water designations.

Pursuant to RCW 76.09.370, the forest practices board incorporates a scientific based adaptive management process to determine the effectiveness of the 2001 forest practices rules in aiding Washington's salmon recovery effort. Under this adaptive management process, the timber, fish and wildlife (TFW) policy committee is evaluating components needed to establish a singular water-typing system rule and changes will be based on TFW policy's recommendations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The forest practices board's rules pertaining to water quality protection must be in agreement with the director of the department of ecology or the director's designee on the board (RCW 76.09.040).

Process for Developing New Rule: The TFW policy committee continues to evaluate components needed to establish a singular water-typing rule and is expected to make additional recommendations to the board in mid-2017 on how to establish the break between fish and nonfish-bearing habitat waters or the Type F/N regulatory water type break.

Included in these recommendations will be a fish habitat assessment methodology, how to identify off-channel habitat, and when to use default physical criteria for fish use.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending mail, fax, or e-mail comments to Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 3rd Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

December 6, 2016
Stephen Bernath
Chair

WSR 16-24-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed December 6, 2016, 2:32 p.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-61A WAC, Shelters for victims of domestic violence, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.123.030, 70.123.040, chapter 70.123 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to chapter 388-61A WAC are intended to update rules to be consistent with 2015 statutory changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will consult with relevant state departments, the domestic violence coalition, and individuals or groups having experience and knowledge of the prevention of domestic violence and the problems facing victims of domestic violence, including those with experience providing culturally appropriate services to populations that have traditionally been underserved or unserved. Refer to RCW 70.123.030.

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 Susan Hannibal, DSHS Program Manager, DSHS/Children's Administration, P.O. Box 45710, Olympia, WA 98504-5710, phone (360) 902-8493, e-mail hsus300@dshs.wa.gov.

December 6, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-24-074
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed December 6, 2016, 2:37 p.m.]

The behavioral health administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-23-145 on November 22, 2016 (chapters 388-877A and 388-877B WAC) regarding outpatient mental health services and substance use disorder services.

Katherine I. Vasquez
Rules Coordinator

WSR 16-24-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed December 6, 2016, 2:54 p.m.]

Subject of Possible Rule Making: The department proposes to amend sections in chapter 388-877 WAC regarding the grievance system and the administrative hearing process, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.24.035 (5)(c), 71.24.520, and 71.34.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending its current grievance system rules in chapter 388-877 WAC in order to align with the Centers for Medicare and Medicaid Services (CMS) revised rules in 42 C.F.R. Parts 431, 433, 438, 440, 457, and 495 that govern the grievance and appeals system for medicare managed care. The proposed updated definitions, updated appeal time frames, and alignment of certain processes for appeals and grievances will provide consumers with a more streamlined, manageable, and consumer-friendly grievance and appeals process, and will allow behavioral health agencies and behavioral health organizations to further align rules applicable to private health insurance and group health plans that apply across the market. Other related rules may be updated to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority.

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 pub-

lication by contacting Kathy Sayre, DBHR Rules Program Manager, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330, e-mail kathy.sayre@dshs.wa.gov, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-833-6384.

December 6, 2016
Katherine I. Vasquez
Rules Coordinator

December 6, 2016
Katherine I. Vasquez
Rules Coordinator

WSR 16-24-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)
[Filed December 6, 2016, 3:24 p.m.]

Subject of Possible Rule Making: The department proposes to amend and adopt new sections in chapter 388-877A WAC, Outpatient mental health services; chapter 388-877B WAC, Substance use disorder services; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.035, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB [2SSB] 6312 authorizes a supportive housing services program and a supported employment services program to be developed to serve individuals receiving behavioral health services. Programs for supportive housing services and supported employment services are included as part of Washington state's proposed medicaid transformation waiver. These proposed rules will allow the department to certify these services when a licensed behavioral health agency applies and qualifies for certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority (HCA) was appropriated funds in the 2016 supplemental operating budget (2ESHB 2376, section 204, chapter 36, Laws of 2016) for a supportive housing services program and supported employment services program. Through a cooperative agreement with HCA, the department's behavioral health administration is adopting rules that pertain to the certification of these services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, DBHR Rules Program Manager, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330, e-mail kathy.sayre@dshs.wa.gov, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-833-6384.

WSR 16-24-080
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed December 6, 2016, 3:47 p.m.]

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

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

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

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

Process for Developing New Rule: Negotiated rule making.

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

December 6, 2016
David Brenna
Senior Policy Analyst

WSR 16-24-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 16-11—Filed December 7, 2016, 8:25 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) plans to amend chapter 173-224 WAC, Wastewater discharge permit fees. The purpose of this chapter is to establish a fee system for state waste discharge and national pollutant discharge elimination system (NPDES) permits issued by ecology pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. Ecology may also amend the title of the chapter to "water quality permit fees" since the rule applies to fees for stormwater and wastewater permits, and update rule language to account for changes in current business practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.465, water pollution control.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.48.465, water pollution control, requires ecology to establish, by rule, annual fees that will fund the wastewater and stormwater permit programs. Ecology adopted chapter 173-224 WAC, Wastewater discharge permit fees, in response to this law.

This rule amendment allows for the continued recovery of ecology's expenses in operating and managing the permit programs. Ecology is proposing to increase fees for fiscal years 2018 and 2019 in order to collect the revenue needed to recover the costs of administering the wastewater and stormwater programs next biennium. Ecology may also propose changes to the structure of individual permit fee categories, beginning with the winery general permit fee category.

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

Process for Developing New Rule: Ecology will follow the standard process for adoption of rules under the Administrative Procedures [Procedure] Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can stay informed about the rule making and public involvement opportunities as described below. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

1. Visiting the agency web page at <http://www.ecy.wa.gov/programs/wq/ruledev/wac173224/1611ov.html>.

2. Signing up to receive e-mail notices at <https://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>.

3. Contacting Charles Gilman, Permit Fee Administrator, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6425, e-mail charles.gilman@ecy.wa.gov.

December 8 [7], 2016

Heather R. Bartlett
Water Quality Program Manager

WSR 16-24-085

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed December 7, 2016, 8:51 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc.; chapter 308-96A WAC, Vehicle licenses; chapter 308-57 WAC, Motor vehicle excise tax; chapter 308-59 WAC, Transportation benefit district administration; chapter 308-93 WAC, Vessel registration and certificates of title; and chapter 308-96B WAC, Individuals with disabilities vehicle license privileges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.16A.220, 88.02.070, 46.16.381, and 46.19.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments are needed

to align existing definitions, practices and resolve technical issues.

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 input, internal review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephanie Sams, Department of Licensing, P.O. Box 9020, Olympia, WA 98507, (360) 902-0131, ssams@dol.wa.gov.

December 7, 2016

Damon Monroe
Rules Coordinator

WSR 16-24-086

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed December 7, 2016, 9:12 a.m.]

Subject of Possible Rule Making: Environmental safety requirements for premises on which early learning programs are located. Specific subjects may include testing drinking water for lead and other hazards, evaluating facilities for paint and soil hazards, and requirements for outdoor gardens. Rule making will also establish remediation requirements a licensor must comply with when unsafe levels of hazards are confirmed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.020 and 43.215.201.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to Governor Inslee's Directive 16-06, the department of health (DOH) issued recommendations for the department of early learning (DEL) and other agencies that are intended to reduce exposure to lead and other environmental hazards where children live, learn, and play. DEL is engaging in rule making as recommended by DOH to reduce children's exposure to lead and other environmental hazards for all premises on which early learning programs operate. This rule making is also part of a larger effort to develop rules to implement a single set of licensing standards for child care and the early childhood education and assistance program as directed by section 3, chapter 7, Laws of 2015 3rd sp. sess. (see WSR 16-15-082). This rule making is proceeding separately because DEL believes that rules related to lead and environmental safety requirements are critical to the safety of children and need to be enacted before the rule making to align standards is expected to be completed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL collaborated with DOH and the office of financial management to assess the need for, and viability of, policy changes necessary to comply with Governor Inslee's Directive 16-06. As appropriate, DEL will coordinate development

of these rules with DOH and the department of ecology as well as the superintendent of public instruction.

Process for Developing New Rule: Negotiated rule making; and to the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules, hold a public hearing(s), and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 49070 [40970], Olympia, WA 98504-0970.

Coordinator, Department of Early Learning, P.O. Box 49070 [40970], Olympia, WA 98504-0970.

December 7, 2016
Lori Anderson
Rules Coordinator

December 7, 2016
Lori Anderson
Rules Coordinator

WSR 16-24-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed December 7, 2016, 10:35 a.m.]

Subject of Possible Rule Making: Updating health and safety standards relating to safe sleep practices for infants napping or sleeping while in the care of an early learning provider.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.070, and 43.215.201.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to update licensing rules pertaining to safe sleep practices in order to reduce sleep related incidents while in the care of early learning providers. This rule making is also part of a larger effort to develop rules to implement a single set of licensing standards for child care and the early childhood education and assistance program as directed by section 3, chapter 7, Laws of 2015 3rd sp. sess. (see WSR 16-15-082). This rule making is proceeding separately because the department of early learning (DEL) believes that rules related to safe sleep standards are critical to the safety of children and need to be enacted before the rule making to align standards is expected to be completed.

Process for Developing New Rule: Negotiated rule making; and to the extent practicable, DEL intends to seek stakeholder and public input during the rule drafting and development process. At a later date, DEL will file proposed rules, hold a public hearing(s), and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Individuals and organizations wishing to receive draft and proposed materials may join a DEL rules mailing list by contacting the DEL rules coordinator at rules@del.wa.gov, fax (360) 725-4925, or by writing to the DEL Rules