

**WSR 17-10-006****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed April 20, 2017, 2:47 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-15-009 What is child abuse or neglect?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.04.050, 74.13.031, chapter 26.44 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PL 114-22 amended the Child Abuse Prevention and Treatment Act (CAPTA), a federal law for state receipt of federal funds, to require that a child be considered a victim of "child abuse and neglect" and of "sexual abuse" if the child is a victim of sex trafficking. To continue to qualify for federal funds, WAC 388-15-009 must be changed to incorporate sex trafficking, and this change must be implemented by May 29, 2017. These changes also align with anticipated changes to the Washington state criminal code.

In addition, the Washington state court of appeals has issued two published opinions related to RCW 26.44.020 (1) and (16): *Marcum v. Dep't. of Soc. and Health Svcs.*, 172 Wn. App. 546, 290 P.3d 1045 (2012), and *Brown v. Dep't. of Soc. and Health Svcs.*, 190 Wn. App. 572, 360 P.3d 875 (2015). Therefore, additional changes are being made to WAC 388-15-009 to clarify the department's interpretation of RCW 26.44.020 (1) and (16) in light of those published opinions.

Additional changes to WAC 388-15-009 will be made to strengthen and clarify the existing language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will continue to coordinate with the office of the attorney general.

Process for Developing New Rule: The department of social and health services (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 Stephanie Frazier, P.O. Box 45710, Olympia, WA 98504, phone (360) 902-7922, fax (360) 902-7903, email [Stephanie.frazier@dshs.wa.gov](mailto:Stephanie.frazier@dshs.wa.gov).

April 20, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-10-007****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed April 20, 2017, 3:02 p.m.]

Subject of Possible Rule Making: Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers, revising sections in parts one through thirteen in this chapter for clarity, to modernize language, and to make the rules consistent with current law and department practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 43.70.270, 43.70.280, 18.130.040, 18.130.050, 18.130.064, 18.130.075, and 18.130.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This chapter contains procedures that are used by all health care professions credentialed by the department, as well as licensed facilities. Many sections have not been updated since the 1990s. The department has completed a five year review of the chapter under RCW 43.70.041, and is considering revising sections in parts one through thirteen for clarity, to modernize the content, and to make the rules consistent with current law or department credentialing practice.

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. The department welcomes stakeholder input during rule development. Draft rules will be shared via listservs for each of the department programs, health care professions that use this chapter, and with health care profession boards, commissions, and advisory committees prior to a formal proposal. Individuals wishing to receive information or notices about this rule making may contact Nancy Elliott at the department of health, health systems quality assurance division, at [Nancy.Elliott@doh.wa.gov](mailto:Nancy.Elliott@doh.wa.gov) or (360) 236-4878.

April 20, 2017  
John Wiesman, DrPH, MPH  
Secretary

**WSR 17-10-009****PREPROPOSAL STATEMENT OF INQUIRY  
BIG BEND****COMMUNITY COLLEGE**

[Filed April 21, 2017, 8:40 a.m.]

Subject of Possible Rule Making: Amending chapter 132R-04 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On December 1, 2016, the court of appeals of the state of Washington Division III filed an opinion regarding full adjudicative proceedings required by the Washington Administrative Procedure Act (APA),

chapter 34.05 RCW in the *Arishi v. Washington State University* case (No. 33306-0-III). Big Bend Community College (BBCC) currently provides a full adjudicative process in situations where a student is alleged to have violated the standards of conduct for students and suspension of more than ten instructional days or dismissal/expulsion might be a result and also for all allegations of student sexual misconduct; however, BBCC will provide additional clarification regarding the adjudicative process and incorporate language from the APA and model rules of procedure (chapter 10-08 WAC) in its student conduct code WAC to ensure compliance with the court of appeals decision. Further clarification regarding the equal rights of a complainant in sexually violent conduct complaints will also be added for compliance with Title IX guidance from the United States Department of Education's Office for Civil Rights. Finally, clarification will be provided to the language throughout this chapter to improve readability and organization in general.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: All other Washington community and technical colleges under the jurisdiction of the Washington state board for community and technical colleges regulate student conduct through separate student codes of conduct. No coordination is necessary with other agencies since each student conduct code is specific to each college.

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. BBCC welcomes employees, students, donors, and the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, BBCC 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 BBCC internet site [www.bigbend.edu](http://www.bigbend.edu). Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dawna Haynes, 7662 Chanute Street N.E., Moses Lake, WA, [dawnah@bigbend.edu](mailto:dawnah@bigbend.edu).

April 21, 2017  
Melinda Dourte  
Executive Assistant  
to the President

#### WSR 17-10-015

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 24, 2017, 10:45 a.m.]

Subject of Possible Rule Making: Chapter 308-20 WAC, Cosmetology, barber, manicurist, esthetician rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.16.030 and 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will amend rules for schools to clarify requirements for initial school

licensure, facilities, school closure, school catalogs, enrollment contracts, and cancellation and refund policies. We will also update language by adding the words hair design and master esthetician throughout the chapter to be consistent with chapter 18.16 RCW.

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 stakeholder and all active licensees under chapter 18.16 RCW. Details will be posted on our web site and distributed through the cosmetology listserv.

To receive information by email, please sign up on the cosmetology listserv at <http://www.dol.wa.gov/business/cosmetology/maillinglist.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cameron Dalmas, Business and Professions Division, Cosmetology Program, Department of Licensing, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-6651, email [plssunit@dol.wa.gov](mailto:plssunit@dol.wa.gov), fax (360) 664-2550. Additional information will be posted on the cosmetology web site as it becomes available at <http://www.dol.wa.gov/business/cosmetology/lawsrules.html>.

April 24, 2017  
Damon Monroe  
Rules Coordinator

#### WSR 17-10-038

##### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed April 27, 2017, 10:22 a.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 the 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).

April 26, 2017  
Mark Neary  
Assistant Secretary of State

**WSR 17-10-039**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed April 27, 2017, 10:23 a.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 the WAC to reflect recent legislative changes related to ballot return box placement.

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.

April 26, 2017  
 Mark Neary  
 Assistant Secretary of State

**WSR 17-10-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed April 27, 2017, 5:29 p.m.]

Subject of Possible Rule Making: Governor Inslee recently signed a bill amending the Washington small business retirement marketplace. The marketplace is codified at RCW 43.330.730 through 43.330.750, and 43.320.180. The department of financial institutions intends to amend the rules in chapter 208-710 WAC in order to reflect the legislative amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5675, chapter 69, Laws of 2017; RCW 43.330.-732, 43.330.735, 43.330.750, 43.320.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of financial institutions is responsible for verifying that the retirement plans that apply to be listed on the Washington small business retirement meet the requirements set forth in RCW 43.330.-732(7) and 43.330.735. The legislature recently passed a bill amending the Washington small business retirement marketplace. The department of financial institutions intends to update the rules in chapter 208-710 WAC in order to incorporate these amendments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of commerce is responsible for designing and managing the Washington small business retirement marketplace in consultation with the office of insurance commissioner and the department of financial institutions. The retirement plans to be offered on the marketplace are also subject to regulation by the United States Department of Treasury and the United States Department of Labor. The affected Washington regulatory agencies will coordinate to

implement the updates to the Washington small business retirement marketplace.

Process for Developing New Rule: The department of financial institutions will amend its rules in consultation with the department of commerce and the office of insurance commissioner, and after considering comments received from interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jill Valley, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 902-8801, jill.valley@dfi.wa.gov.

April 27, 2017  
 William M. Beatty  
 Securities Administrator

**WSR 17-10-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed April 28, 2017, 9:29 a.m.]

Subject of Possible Rule Making: WAC 246-12-XXX Closure of abandoned incomplete health care credential applications, the department is considering a new rule to allow closing a health care credential application that has remained incomplete for more than three hundred days.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department receives about eight thousand health care profession or facility credential applications each year that have incomplete or missing elements that prevent the department from processing the application and issuing the applicant a registration, certification or license. Despite sending notices to the applicants, the department was holding open several thousand applications that remained incomplete for several years. As a result, the department established an internal procedure to close an application as "abandoned" if it remains incomplete for more than three hundred calendar days. The department is now considering adopting elements of the internal procedure into rule, including reapplication requirements.

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. The department welcomes stakeholder input during rule development. Draft rules will be shared via listservs for each of the department programs, health care professions that use this chapter, and with health care profession boards, commissions, and advisory committees prior to a formal proposal. Individuals wishing to receive information or notices about this rule making may contact Nancy Elliott, department

of health, health systems quality assurance division,  
Nancy.Elliott@doh.wa.gov or (360) 236-4878.

April 8, 2017

John Wiesman, DrPH, MPH  
Secretary

### WSR 17-10-052

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

(Aging and Long-Term Support Administration)

[Filed May 1, 2017, 2:13 p.m.]

Subject of Possible Rule Making: The department is proposing to create new rules in a new chapter 388-79A WAC, Guardian fees and related administrative costs, and amend, create, or repeal other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20B.460, 11.92.180, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS), in coordination with the health care authority, is creating new rules in a new chapter 388-79A WAC, Guardian fees and related administrative costs. As part of this effort, the department and the health care authority will consider fees allowed for establishing and maintaining guardianships for individuals who must participate in the cost of their health care under chapters 182-513 and 182-515 WAC. The department expects to revise the rules in chapter 388-79A WAC to clarify the process in place prior to the adoption of the permanent rules that will be in chapter 182-513 WAC. During the course of that review, the department may identify additional WAC changes that will be required in order to improve rule clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington 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 publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 438-8633, TTY (360) 493-2637, email angel.sullivan@dshs.wa.gov.

May 1, 2017

Katherine I. Vasquez  
Rules Coordinator

### WSR 17-10-054

#### PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION COMMISSION

[Filed May 2, 2017, 7:18 a.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by law, the transportation commission is reviewing the need to adjust ferry fares for 2017-2019.

The Washington state ferries' vessel charter rates in WAC 468-300-220 need revision to reflect current vessel operating costs.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Ray Deardorf, Senior Planning Manager, Washington State Department of Transportation, Ferries Division, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

May 1, 2017

Reema Griffith  
Executive Director

### WSR 17-10-057

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 2, 2017, 9:58 a.m.]

Subject of Possible Rule Making: Chapter 182-502A WAC, Program integrity; 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: The agency is amending chapter 182-502A WAC, Program integrity, to update definitions and clarify processes. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

May 2, 2017  
Wendy Barcus  
Rules Coordinator

**WSR 17-10-067**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed May 3, 2017, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 16-700 WAC, State fair fund—Proration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 15.76 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 16-700 WAC contains the requirements for agricultural fairs receiving allocations from the state fair fund. The department is considering amendments to the chapter to clarify qualifications and requirements for all categories of agricultural fairs.

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

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 Teresa Norman, Fairs Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2043, email [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov).

May 2, 2017  
Kirk Robinson  
Deputy Director

**WSR 17-10-070**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 3, 2017, 9:54 a.m.]

Subject of Possible Rule Making: The department is considering rule changes for the following topics: Spring bear hunting seasons and regulations, hoof disease, and auctions and raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, 77.32.090, 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, mitigate wildlife conflicts, and reduce the risk of spread-

ing wildlife disease, while maintaining sustainable game populations.

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

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, email [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov). Contact by June 13, 2017. Expected proposal filing on or after June 20, 2017.

May 3, 2017  
Scott Bird  
Rules Coordinator

**WSR 17-10-071**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 3, 2017, 10:06 a.m.]

Subject of Possible Rule Making: Amending coastal Dungeness crab and electronic fish ticket rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes relative to the coastal buoy tag program are needed to streamline the program; clarification of rules relative to the transport of coastal Dungeness crab gear from another state are needed to improve efficiency for stakeholders and regulatory enforceability for the Washington department of fish and wildlife (WDFW); rule changes are needed to consider a broader application of the electronic fish ticket program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coastal commercial Dungeness crab is managed by WDFW but includes management coordination with Oregon and California through the Tri-State Dungeness Crab Committee which is facilitated under the umbrella of the Pacific States Marine Fisheries Commission. The Tri-State Dungeness Crab Committee does not have regulatory authority but will be notified regarding changes that affect Oregon and California.

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 Heather Reed, Intergovernmental Ocean Policy, Natural Resources Building, Olympia, WA 98501, (360) 902-2487, [Heather.Reed@dfw.wa.gov](mailto:Heather.Reed@dfw.wa.gov). Contact by June 15. Expected proposal filing on or after June 26, 2017.

May 3, 2017  
Scott Bird  
Rules Coordinator