

WSR 17-11-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

[Filed May 9, 2017, 8:25 a.m.]

Subject of Possible Rule Making: Washington small business retirement marketplace, chapter 365-65 WAC.

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: Commerce is responsible for operating the small business retirement marketplace in accordance with RCW 43.330.730 through 43.330.750. The legislature recently passed SSB 5675, chapter 69, Laws of 2017, amending elements of the statutes. Commerce intends to update the rules in chapter 365-65 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: Commerce is responsible for managing the Washington small business retirement marketplace in consultation with the state office of the insurance commissioner and department of financial institutions. The retirement plans to be offered on the marketplace are regulated by the United States Department of Treasury, Internal Revenue Service, and United States Department of Labor; this rule making will not impact how retirement plans are regulated by these federal entities. The affected Washington regulatory and administrative agencies will coordinate to implement the updates to the Washington small business retirement marketplace.

Process for Developing New Rule: Commerce will amend its rules in consultation with the department of financial institutions, office of the insurance commissioner, and organizations representing eligible employers, qualified employees, private and nonprofit sector retirement plan administrators and providers, and other interested individuals or entities.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carolyn McKinnon, Policy Advisor, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-3121, fax (360) 586-8440, TTY 711, email Carolyn.McKinnon@commerce.wa.gov, web site <http://www.commerce.wa.gov/growing-the-economy/business-services/small-business-retirement-marketplace/>. Twitter Hashtag: #WashSBRM.

Interested parties may also view updates on this and other commerce rule makings, and sign-up to receive information and participate in the formulation of proposed rules, at <http://www.commerce.wa.gov/about-us/rulemaking/>.

May 8, 2017
Jaime Rossman
Rules Coordinator

WSR 17-11-020**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF CORRECTIONS**

[Filed May 10, 2017, 11:12 a.m.]

Subject of Possible Rule Making: Amendments to WAC 137-25-170 Supplementary rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 72.65.100, and 72.09.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add **new** language to WAC 137-28-170(1) authorizing the superintendent to promulgate and implement pilot programs regarding offender prison discipline.

Adds **new** language to WAC 137-28-170(2) that requires approval in writing by the assistant secretary before pilot programs are put into effect.

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 department invites interested parties to review and provide input on the proposed rules. Comments may be sent to Maria Puccio, attorney at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maria Puccio, Attorney, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Tumwater, WA 98504-1114, phone (360) 725-8362.

May 10, 2017
Stephen D. Sinclair
Secretary

WSR 17-11-021**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed May 10, 2017, 11:14 a.m.]

Subject of Possible Rule Making: Petitions for review of the department's administrative decisions.

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: The department of retirement systems (DRS) is evaluating the petitions process, and may identify alternative methods for seeking resolution to some administrative decisions.

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, DRS, P.O. Box 48380, Olympia, WA 98504-8380, email Rules@drs.wa.gov, phone (360) 664-7291.

May 10, 2017
Jilene A. Siegel
Rules Coordinator

WSR 17-11-022
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed May 10, 2017, 11:20 a.m.]

Subject of Possible Rule Making: WAC 246-824-040 Application for examination, 246-824-060 Dispensing optician examination, 246-824-065 Duties and responsibilities of the dispensing optician examining committee, 246-824-070 Informal review of examination results, and 246-824-071 Licensing by endorsement. The department is considering updating and/or repealing requirements related to the dispensing optician state examination and licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.34.080, 43.70.040, 43.70.250, 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.34.080 requires the dispensing optician examining committee to approve an examination prepared or administered by a private testing agency or association of licensing authorities. The current dispensing optician examination prepared and administered by the committee, as required by WAC 246-824-065, was developed in the 1950s. There have been limited updates to the exam, and failure rates are high. The dispensing optician examining committee is considering adopting the national examination administered by the American Board of Optician and National Contact Lens Examiners.

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. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified via listserv and posting to the department of health web site. Contact Debra Mendoza, Program Manager, Department of Health, Dispensing Optician Program, P.O. Box 47852, Olympia, WA 98504-7852, email Debra.Mendoza@doh.wa.gov, phone (360) 236-4841 or fax (360) 236-2901.

May 10, 2017
 John Wiesman, DrPH, MPH
 Secretary

WSR 17-11-027
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed May 10, 2017, 3:03 p.m.]

Subject of Possible Rule Making: Combined fund drive. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.04.033.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are necessary to update procedures and clarify policies.

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 Heather Lucas, Combined Fund Drive, P.O. Box 40250, Olympia, WA 98504-0250, (360) 902-4181, Heather.lucas@sos.wa.gov.

May 10, 2017
 Mark Neary
 Assistant Secretary of State

WSR 17-11-029
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 10, 2017, 3:58 p.m.]

Subject of Possible Rule Making: WAC 182-531A-0800 Applied behavioral analysis (ABA)—Provider requirements, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, SSB 5488.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 182-531A-0800, provider requirements must be modified to reflect new credentialing for ABA providers through the Washington state department of health under chapter 246-805 WAC. SSB 5488 of 2015 created three behavior analysis professions in Washington state to go into effect July 1, 2017. 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: The agency will revise WAC 182-531A-0800 to follow professional credentialing in Washington state department of health's chapter 246-805 WAC.

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 10, 2017
 Wendy Barcus
 Rules Coordinator

WSR 17-11-040
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 11, 2017, 12:45 p.m.]

Subject of Possible Rule Making: Updating office of superintendent of public instruction's (OSPI) complaint procedures for programs administered under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) in 2016. These complaint procedures are outlined in chapter 392-168 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.070, 34.05.220 (1)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSA's amendments to ESEA last year will require OSPI to make several changes to chapter 392-168 WAC, which spells out the agency's process for investigating and resolving citizen complaints regarding federally funded programs under ESEA. Among other things, the changes would (1) update the terms and references in the current rule to align with ESEA as amended by ESSA, and (2) establish a new timeline for OSPI to investigate and resolve complaints regarding federally funded services provided to private school students (so-called equitable services).

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paula Moore, Director, Title I, Part A/LAP/CPR, paula.moore@k12.wa.us with a cc to Estela Garcia at estela.garcia@k12.wa.us, (360) 725-6100.

May 11, 2017
 Chris P. S. Reykdal
 State Superintendent of
 Public Instruction

WSR 17-11-043
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 11, 2017, 3:44 p.m.]

Subject of Possible Rule Making: WAC 182-513-1350 Defining the resource standard and determining resource eligibility for SSI-related long-term care (LTC) services, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 1902 (r)(1)(A) of the Social Security Act, and 42 C.F.R. 435.725 and 435.726.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to correct an error in 182-513-1350 (6)(b)(i), which was recently filed. The subsection should have read "... no more than three months before the month of the medicaid applica-

tion." 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 Darcy Eliason, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, email darcy.eliason@hca.wa.gov.

May 11, 2017
 Wendy Barcus
 Rules Coordinator

WSR 17-11-044
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed May 11, 2017, 4:01 p.m.]

Subject of Possible Rule Making: WAC 182-504-0125 Washington apple health—Effect of reported changes, 182-523-0100 Washington apple health—Medical extension, 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 revising this rule to clarify that a "parent or caretaker relative" who received coverage must also be eligible for that coverage. 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: The department of social and health 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 Darcy Eliason, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, email Darcy.Eliason@hca.wa.gov.

May 11, 2017
 Wendy Barcus
 Rules Coordinator

WSR 17-11-054**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 15, 2017, 4:09 p.m.]

Subject of Possible Rule Making: WAC 192-310-010 What reports are required from an employer?, this rule-making action is related to the requirement that employers report an employee's social security number on their quarterly tax and wage reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule is being amended to permit employers to use an individual taxpayer identification number (ITIN) when reporting their quarterly tax and wage reports in cases when the individual employee has not yet been issued a social security number.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity and compliance with federal statutes, regulations, and guidance. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity and compliance are maintained. The proposed regulation will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Agency Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9605, email jmyers@esd.wa.gov. Please include your name, organization (if any), mailing and/or email address, and phone number.

May 15, 2017
Dale R. Peinecke
Commissioner

WSR 17-11-055**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 15, 2017, 4:09 p.m.]

Subject of Possible Rule Making: WAC 192-110-015 Applications by standby workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment will clarify that employers can make an initial request for up to eight weeks of standby by their employees who apply for unemployment benefits. As the rule is currently worded, employers can only make a request that an additional four weeks be

added to the employee's previously approved four-week standby period.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Agency Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9605, email jmyers@esd.wa.gov. Please include your name, organization (if any), mailing and/or email address, and phone number.

May 15, 2017
Dale R. Peinecke
Commissioner

WSR 17-11-060**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Veterinary Board of Governors)

[Filed May 16, 2017, 1:29 p.m.]

Subject of Possible Rule Making: WAC 246-933-XXX Temporary practice permit—Military spouse and state-registered domestic partner eligibility and issuance, the veterinary board of governors (board) is considering adding a new section to provide for temporary practice permits to be issued to military spouses or state-registered domestic partners who hold an out-of-state credential as a veterinarian.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 1.12.080, 18.92.030, and 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 18.340 RCW provides that military spouses may receive a temporary practice permit while completing any specific additional requirements in Washington that are not related to a profession's training or practice standard. RCW 1.12.080 requires that the term spouse be applied equally to state-registered domestic partners. The board is considering establishing requirements for a military spouse to obtain a temporary practice permit.

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 by contacting Lorelei Walker, Program Manager,

Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, email Lorelei.Walker@doh.wa.gov, phone (360) 236-4947, or fax (360) 236-2901. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified via listserv and posting to the web site.

May 16, 2017

Kathy Schmitt, Deputy Director
Office of Health Professions and Facilities

WSR 17-11-061

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed May 16, 2017, 1:30 p.m.]

Subject of Possible Rule Making: WAC 246-937-040, the veterinary board of governors (board) is considering amending the rule to allow additional options for veterinary medication clerk (VMC) applicants to meet their training requirements for registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, a VMC applicant must meet their training requirement through "completion of on-the-job training program following guidelines approved by the board." The board received a petition asking it to include "completion of equivalent training offered within an accredited veterinary assisting certification program following guidelines approved by the board" as an option for a VMC applicant to meet the training requirement. Adding additional training options may provide VMC applicants more options to meet their training requirements for registration.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorelei Walker, Program Manager, Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, email Lorelei.Walker@doh.wa.gov, phone (360) 236-4947, or fax (360) 236-2901. Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified via listserv and posting to the web site.

May 16, 2017

Kathy Schmitt, Deputy Director
Office of Health Professions and Facilities

WSR 17-11-063

PREPROPOSAL STATEMENT OF INQUIRY

ARTS COMMISSION

[Filed May 16, 2017, 3:21 p.m.]

Subject of Possible Rule Making: Title 30 WAC, implementation of SHB 1183 Creative Districts, passed in the regular 2017 session, establishes the Washington state arts commission as the authority to grant certification to local governments and other appropriate entities wishing to establish a state certified creative district.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.46.055 and SHB 1183, Section (5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a new statewide creative districts program. New rules are needed to give guidance to local governments and other appropriate entities wishing to create a state-certified creative district. Rules will include language on criteria; definitions; requirements; processes for review of applications and revocation; grants or incentives processes and any additional processes identified during public rules writing workshops.

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 agency welcomes the public to take part in developing these rules. If interested, please contact Terry J. West, Deputy Director, Washington State Arts Commission, P.O. Box 42675, Olympia, WA 98504, phone (360) 586-5350, fax (360) 586-5351 or email terry.west@arts.wa.gov. The arts commission will hold rules writing workshops at several locations this summer. Announcements about dates and locations will be made on the agency web site at arts.wa.gov and through the agency distribution list.

May 10, 2017

Karen Hanan
Executive Director

WSR 17-11-074

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF NATURAL RESOURCES

[Filed May 18, 2017, 8:41 a.m.]

Subject of Possible Rule Making: Topographic map requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Topographic surveys and the maps produced to document and display the results are a product of professional land surveying practice separate from boundary surveys. Our intention in drafting the proposed WAC is to provide a standard for a topographic map that can stand on its own apart from boundary standards. It may be

that maps produced by a professional land surveyor will have some elements of several or all of the different types of surveys. The proposed standards are specifically for topographic maps.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of licensing, board of registration for engineers and land surveyors. The rules developed and adopted by the department of natural resources are used by the board of registration to monitor professional practice and cases of discipline.

Process for Developing New Rule: Full rule-making process, notification via listserv, email to stakeholders, and hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick J. Beehler, PLS., 1111 Washington Street S.E., Mailstop 47030, Olympia, WA 98504-7030, direct (360) 902-1181, fax (360) 902-1778, email pat.beehler@dnr.wa.gov. WAC hearings are planned for Vancouver, Spokane, and Seattle.

May 12, 2017
Angus W. Brodie
Deputy Supervisor
for State Uplands

WSR 17-11-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 19, 2017, 8:43 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-449-0010 What evidence do we consider to determine disability?, 388-447-0005 What evidence does the department consider to determine incapacity?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.100, 74.04.770, 74.62.030, 41.05.021, 74.09.035, 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These proposed amendments are necessary to conform to new standards adopted by the Social Security Administration (SSA), DI 22505.003 Evidence from an Acceptable Medical Source (AMS), which expand the federal definition of an AMS. These amendments will ensure that eligibility standards adopted by the department are consistent with, and not more restrictive than, standards adopted by SSA.

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

May 15, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-11-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Behavioral Health Administration)

[Filed May 19, 2017, 9:39 a.m.]

Subject of Possible Rule Making: The department is proposing to create new rules in Title 388 WAC regarding the certification of secure withdrawal management facilities used for substance use disorder involuntary treatment. The department may need to amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.05.760, 71.24.035, 71.24.037, 71.34.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2016 legislature passed E3SHB 1713 regarding integrating the treatment systems of mental health and substance use disorders, including the integration of substance use disorders into the existing statute that addresses mental health involuntary treatment. The bill amends multiple aspects of chapters 71.05 and 71.34 RCW, adding substance use disorders to the existing processes for investigation, detention, involuntary treatment, ongoing assessment, court process, and commitment. Section 248 of the bill amends RCW 71.05.560 to authorize the department of social and health services (DSHS) to write rules to establish procedures and standards for secure detoxification (withdrawal management) facilities. The bill creates new RCW 71.05.760 that directs the department and behavioral health organizations to develop a transition process and training for designated crisis responders who are authorized to carry out the functions identified in chapters 71.05 and 71.34 RCW (E3SHB 1713 §201). The department may need to amend other related rules as may be required as part of this project.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health, the health care authority, superior courts, and other government entities.

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 Stephanie Vaughn, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-833-6384, email stephanie.vaughn@dshs.wa.gov.

May 16, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-11-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 19, 2017, 11:08 a.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-106 WAC, Long-term care services and other related rules as may be required, specifically private duty nursing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-106-1000 through 388-106-1055 to clarify the definition for nurse services intervention, specifically private duty nursing, in order to define the scope of services to be authorized and the necessity for documentation to support the required services.

Other related rule changes that arise during this rule making may be incorporated. Other related WAC chapters may need to be updated as a result of this rule making.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, email angel.sullivan@dshs.wa.gov.

May 16, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-11-105

PREPROPOSAL STATEMENT OF INQUIRY EDMONDS COMMUNITY COLLEGE

[Filed May 22, 2017, 3:09 p.m.]

Subject of Possible Rule Making: The college wishes to adopt a WAC on the use of college facilities for first amendment purposes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Attorneys representing the Washington state community and technical college system drafted a model code for use of college facilities for first amendment activities. The purpose of this model code addressing time, place and manner is to establish policy and procedures for reasonable controls for the use of college facilities for both college and noncollege groups. It is intended to balance the college's responsibility to fulfill our mission as a state educational institution of Washington with the interests of college groups and noncollege groups who are interested in using college facilities for first amendment purposes.

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 Dennis Curran, Associate Vice President of Human Resources and Title IX Compliance Human Resources/Title IX, 20000 68th Avenue West, Lynnwood, WA 98036, edcc.edu, dennis.curran@email.edcc.edu, (425) 640-1647.

May 22, 2017
Dennis Curran
Associate Vice President
for Human Resources

WSR 17-11-107

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed May 22, 2017, 3:17 p.m.]

Subject of Possible Rule Making: Revisions to chapter 170-290 WAC to ensure child care subsidy programs comply with state and federal requirements and to promote program integrity. Changes may include, but are not limited to, rules regarding program violations and fraud, rules to better address overpayments, and rules updating subsidy rates and fees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to rules are necessary in order to align with federal policies and the department of early learning's (DEL) 2016-2018 child care development fund (CCDF) plan submitted to the United States Administration for Children and Families. These rule changes will also better reflect the administration of Washington state's working connections child care program.

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. 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 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, P.O. Box 49070, Olympia, WA 98504-0970, rules@del.wa.gov, fax (360) 725-4925.

May 22, 2017
Lori Anderson
Rules Coordinator

WSR 17-11-110
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed May 23, 2017, 8:34 a.m.]

Subject of Possible Rule Making: The department is proposing to create new sections in new chapter 388-829B WAC and amend or repeal other related rules as may be required related to enhanced case management.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to create new rules and amend or repeal other related [rules] as may be required in order to implement SB [E2SSB] 6564 (2016).

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 Chantelle Diaz, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA

98504-5310, phone (360) 407-1581, fax (360) 407-0955, TTY 1-800-833-6388, email DiazCM1@dshs.wa.gov.

May 23, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-11-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 23, 2017, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance, RCW 51.16.035 requires the department to classify all occupations or industries by degree of hazard in accordance with recognized insurance principles. The department will consider repealing and amending some store classifications to address concerns about equity and homogeneity in the classification plan.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies according to the degree of hazard and recognized insurance principles as described in WAC 296-17-31029. A study conducted by the department found that some store classifications are not aligned with insurance principles that require classifications be homogenous [homogeneous] and equitable.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other agency regulates the workers' compensation classification plan in the state of Washington.

Process for Developing New Rule: Agency study, this preproposal follows a classification study. The study recommended rule making to maintain the integrity of the classification plan. The department contacted employers affected by the rule making, including the Washington Retail Association. The employer services rule-making web site was updated with information about this possible rule making. Another notification will be mailed to the affected businesses when proposals are ready. Interested parties may participate by commenting before proposals are made, by testifying at the public hearing, or by providing written comment after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Prior to adoption, there will be a formal comment period followed by hearings for public testimony. Information on this will be included with the filing of the proposal. Anyone wanting to ask questions or provide comment prior to the proposal filing can contact Richard Bredeson, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4985, fax (360) 902-4988, email Richard.Bredeson@lni.wa.gov.

May 23, 2017
Joel Sacks
Director

WSR 17-11-124
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed May 23, 2017, 2:26 p.m.]

Subject of Possible Rule Making: WAC 363-116-078 Training program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: All provisions in this rule will be reviewed, including but not limited to, stipend payments, initial route description, length of the training program, housekeeping modifications, etc.

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

Process for Developing New Rule: Discussions regarding proposed amendments to this rule will occur at regular session board meetings as well as trainee evaluation committee and legislative/WAC committee meetings. Stakeholder comments are welcome. Upon review and consideration of recommended revisions, a public hearing will be scheduled pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Executive Director, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, email LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

May 19, 2017
Peggy Larson
Executive Director

WSR 17-11-125
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed May 23, 2017, 2:27 p.m.]

Subject of Possible Rule Making: WAC 363-116-301 New revenue collection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is complying with the legislative intent through the passage of ESB 5096 which stipulates certain conditions in order for the board to receive a transfer of funds from the state multimodal transportation

account solely for self-insurance liability premium expenditures. This new rule defines these three stipulated conditions.

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 board will be adopting this new rule under emergency provisions in order to promptly comply with the provisos described in ESB 5096 Section 108, effective May 18, 2017. A public hearing will be held at a future date in order to adopt the rule permanently.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Executive Director, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

May 23, 2017
Peggy Larson
Executive Director

WSR 17-11-133
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed May 24, 2017, 9:40 a.m.]

Subject of Possible Rule Making: Washington state patrol retirement system (WSPRS) overtime.

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: Implementing SB 5274 which amends the definition of "salary" to include up to seventy hours of voluntary overtime earned on or after July 1, 2017.

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, email Rules@drs.wa.gov, phone (360) 664-7291.

May 24, 2017
Jilene A. Siegel
Rules Coordinator

WSR 17-11-134
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed May 24, 2017, 9:47 a.m.]

Subject of Possible Rule Making: WAC 308-125-095 (1)(h)(i) Responsibilities of the appraiser supervisor.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030 (1), (7), (8), (11), and (15).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modify rule to allow more flexibility in the training and supervision of appraiser trainees by giving supervisory appraisers more latitude to determine when a trainee is competent to inspect subject properties in accordance with the national standards. Rule change suggested by the real estate appraiser commission appraisal subcommittee.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Appraisal Subcommittee, 1401 H Street N.W., Suite 760, Washington, DC 20005.

Process for Developing New Rule: The director must have the advice and approval of the real estate appraiser commission to change or create rules. Interested parties may contact the individual listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dee Sharp, Real Estate/Appraiser Program, Department of Licensing, P.O. Box 9021, Olympia, WA 98507-9021, phone (360) 664-6504, email dsharp@dol.wa.gov.

May 24, 2017
Damon Monroe
Rules Coordinator

May 23, 2017
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 17-11-142

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed May 24, 2017, 11:14 a.m.]

Subject of Possible Rule Making: Chapter 392-105 WAC, Access to public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW; EHB 1595 (2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, EHB 1595 authorized the office of superintendent of public instruction (OSPI), along with other Washington state agencies, to charge for the copying and transmission of certain public records, including records stored in an electronic format. Under EHB 1595, these fees must be identified in agency rules or following an opportunity for notice and comment. OSPI is considering adopting fees under EHB 1595 and making additional changes to its public records rules in chapter 392-105 WAC, including technical revisions.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Brown, Privacy and Records Governance Manager, Michael.brown@k12.wa.us, (360) 725-6372.