

**WSR 17-17-003**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CENTRALIA COLLEGE**

[Filed August 2, 2017, 3:54 p.m.]

Subject of Possible Rule Making: Fees for public records requests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.56.120 and EHB 1595.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The passage of EHB 1595 authorizes state agencies to establish the costs of public records requests. The rule is necessary to adopt and implement a schedule of default fees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No coordination is necessary.

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 Julie D. Huss, Vice President, Human Resources and Legal Affairs, 600 Centralia College Boulevard, Centralia, WA 98531, phone 360-623-8474, fax 360-330-7103, email julie.huss@centralia.edu, web site www.centralia.edu.

Dr. Bob Mohrbacher  
 President

**WSR 17-17-006**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed August 3, 2017, 12:08 p.m.]

Subject of Possible Rule Making: This is in regard to amendments to fee provisions of the Public Records Act enacted as part of the 2017 legislative session under EHB 1595 - An Act Relating to costs associated with responding to public records requests. This bill required that by July 23, 2017, state agencies adopt one of two options for charging fees to requestors for producing copies of public records: (1) Charge the "actual cost" of producing records as calculated by the agency; or (2) charge based on a "default" statutory fee schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: EHB 1595; RCW 79A.05.030 Powers and duties—Mandatory, 42.56.070 Documents and indexes to be made public, and 42.56.120 Charges for copying.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To remain in compliance with RCW 42.56.070 and 42.56.120.

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

Process for Developing New Rule: An emergency rule was adopted by the Washington state parks and recreation commission on July 13, 2017, and finalized by the state of Washington office of the code reviser on July 25, 2017; this is to make WAC 352-40-135 Calculation of actual costs of

producing copies of public records declared to be unduly burdensome, adoption of statutory fee schedule a permanent rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Thrasher, 1111 Israel Road S.W., Tumwater, WA 98501, phone 360-902-8514, fax 360-586-6651, email Brian.Thrasher@parks.wa.gov.

August 3, 2017  
 Valeria Evans  
 Management Analyst

**WSR 17-17-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed August 4, 2017, 1:39 p.m.]

Subject of Possible Rule Making: WAC 182-545-200 Outpatient rehabilitation (occupational therapy, physical therapy, and speech therapy) 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 section to align with the department of health's current professional licensing requirements in RCW 18.35.040 for speech language pathologists. 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 Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, TTY 1-800-848-5429, email vance.taylor@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rule-making>.

August 4, 2017  
 Wendy Barcus  
 Rules Coordinator

**WSR 17-17-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed August 4, 2017, 2:26 p.m.]

Subject of Possible Rule Making: WAC 308-104-014 Application for driver's license or identicaid.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5382 (chapter 122, Laws of 2017) enacted during the 2017 legislative session, authorizes the department to create rules that allow the department to issue identicards at a reduced cost to applicants who are under the age of eighteen and without a permanent residence address. These rules will define homeless.

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: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Mukai, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, phone 360-902-0131, email gmukai@dol.wa.gov.

August 4, 2017  
Damon Monroe  
Rules Coordinator

#### WSR 17-17-014

##### PREPROPOSAL STATEMENT OF INQUIRY BOARD OF ACCOUNTANCY

[Filed August 7, 2017, 11:08 a.m.]

Subject of Possible Rule Making: WAC 4-30-010 Definitions, 4-30-024 What public records are available?, 4-30-038 Fees, 4-30-050 What are the requirements concerning records and clients confidential information?, 4-30-051 What are the requirements concerning client records, including response to requests by clients and former clients for records?, and 4-30-140 What are the authority, structure, and processes for investigations and sanctions?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy proposes amending:

WAC 4-30-010 to add a definition for authorized person to the section.

WAC 4-30-024 and 4-30-038 to rename and better conform the sections to: (1) Recent changes in the law concerning public records; (2) model rules recommended by the attorney general's office (chapter 44-14 WAC); and (3) current agency practices.

WAC 4-30-050 and 4-30-051 to rename and incorporate aspects of the AICPA Code of Professional Conduct into the sections.

WAC 4-30-140 to rename, clarify, and simplify the section by allowing for the establishment of policies to define the responsibilities, process, and procedures for performing investigations and resolving disciplinary matters.

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 Charles E. Satterlund, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-586-0785, fax 360-664-9190, TTY 1-800-833-6388, email customerservice@cpaboard.wa.gov, web site http://cpaboard.wa.gov.

August 8 [7], 2017  
Charles E. Satterlund, CPA, CIA  
Executive Director

#### WSR 17-17-020

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 7, 2017, 10:56 p.m.]

Subject of Possible Rule Making: Chapter 246-805 WAC, Applied behavior analysis, the department is considering rules to address temporary licensure for licensed behavior analysts, licensed assistant behavior analysts and certified behavior technicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.380 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health (department) adopted rules on April 27, 2017, to create three new applied behavior analysis (ABA) credentials: Licensed behavior analyst, licensed assistant behavior analyst, and certified behavior technician. The department is considering rules defining the requirements to obtain a temporary ABA credential, including fees, and the duration of the credential as authorized by chapter 18.380 RCW. Setting standards for temporary licensing will allow out-of-state ABA providers to support continuity of care or any increase of demand for ABA services to be provided to clients.

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 Brett Lorentson, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4611, fax 360-236-2901, TTY 360-833-6388 or 711, email brett.lorentson@doh.wa.gov.

August 4, 2017  
Jessica Todorovich  
Chief of Staff for  
John Wiesman, DrPH, MPH  
Secretary

**WSR 17-17-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 (Washington Apple Health)  
 [Filed August 8, 2017, 8:15 a.m.]

Subject of Possible Rule Making: WAC 182-503-0515 Washington apple health—Social Security number requirements and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes are being made to this policy to (1) update language, replacing all Washington apple health references to read as apple health services or coverage, (2) correct two WAC references, and (3) clarify situations in which no Social Security number is required. During the course of this review, the agency may identify additional related 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: 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 Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, fax 360-586-9727, TTY 1-800-848-5429, email [vance.taylor@hca.wa.gov](mailto:vance.taylor@hca.wa.gov), web site <https://www.hca.wa.gov/about-hca/rulemaking>.

August 8, 2017  
 Wendy Barcus  
 Rules Coordinator

**WSR 17-17-036**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
 [Order 17-01—Filed August 9, 2017, 1:01 p.m.]

Subject of Possible Rule Making: Amendment of chapter 173-166 WAC, Emergency drought relief.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.83B.420.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule enables the department of ecology to take timely and expeditious actions to alleviate hardships and reduce burdens on various water users and uses arising from drought conditions. This amendment is needed to eliminate conflict with statutory authority, reflect current practices, improve clarity, and to update agency information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal drought regulations and assistance programs are

separate, distinct, and have no bearing on the Washington state drought emergency relief rule.

Process for Developing New Rule: Ecology will follow the standard process for the amendment of rules under the Administrative 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 by contacting Rebecca Inman, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6450, TTY 877-833-6341, email [Rebecca.Inman@ecy.wa.gov](mailto:Rebecca.Inman@ecy.wa.gov), web site <http://www.ecy.wa.gov/programs/wr/rules/wac173166.html>. Sign up for the WRP listserv <https://listserv.wa.gov/cgi-bin/wa?SUBED1=WATER-RESOURCES&A=1>.

August 8, 2017  
 C. T. Laurie  
 Water Resources  
 Acting Program Manager

**WSR 17-17-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CENTRAL WASHINGTON UNIVERSITY**  
 [Filed August 10, 2017, 3:43 p.m.]

Subject of Possible Rule Making: Central Washington University intends to adopt rules amending chapter 106-276 WAC pertaining to access to public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120 and the Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update, clarify, and streamline procedures governing access to public records of the university, as well as to incorporate recent amendments to the Public Records Act, chapter 42.56 RCW.

Process for Developing New Rule: Initial review by university administrators, followed by review through normal campus policy review procedures, publication in the campus newspaper, APA notice and public comment procedures, and final approval by board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly J. Dawson, Rules Coordinator, Office of the President, Central Washington University, 400 East University Way, Ellensburg, WA 98926-7501, phone 509-963-2111, fax 509-963-3206, email [Kimberly.Dawson@cwu.edu](mailto:Kimberly.Dawson@cwu.edu), web site [www.cwu.edu](http://www.cwu.edu).

August 10, 2017  
 Kimberly J. Dawson  
 Executive Assistant  
 to the President  
 Rules Coordinator

**WSR 17-17-051****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed August 11, 2017, 7:31 a.m.]

Subject of Possible Rule Making: Public access to information and records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the process and procedures, also to update the fee schedule per HB [ESHB] 1594.

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 Ashley Holmberg, P.O. Box 47410, Olympia, WA 98504-7410, phone 360-705-7320, email holmbea@wsdot.wa.gov, web site <http://www.wsdot.wa.gov/contact/public-disclosure>.

August 11, 2017

Kara Larsen

Director of Risk Management  
and Legal Services**WSR 17-17-064****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed August 14, 2017, 2:31 p.m.]

Subject of Possible Rule Making: WAC 260-40-140 Horses must be eligible at time of entry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16-020 [67.16.020].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To address the eligibility of horses while a steward[']s ruling or commission order is under appeal.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email [doug.moore@whrc.state.wa.us](mailto:doug.moore@whrc.state.wa.us), web site [www.whrc.wa.gov](http://www.whrc.wa.gov); or Amanda Benton, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email [amanda.benton@whrc.state.wa.us](mailto:amanda.benton@whrc.state.wa.us), web site [www.whrc.wa.gov](http://www.whrc.wa.gov).

August 14, 2017

Douglas L. Moore  
Executive Secretary**WSR 17-17-065****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed August 14, 2017, 2:31 p.m.]

Subject of Possible Rule Making: WAC 260-70-580 Official veterinarian's list.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16-020 [67.16.020].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the reciprocity procedure to incorporate a policy that was previously adopted.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email [doug.moore@whrc.state.wa.us](mailto:doug.moore@whrc.state.wa.us), web site [www.whrc.wa.gov](http://www.whrc.wa.gov); or Amanda Benton, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email [amanda.benton@whrc.state.wa.us](mailto:amanda.benton@whrc.state.wa.us), web site [www.whrc.wa.gov](http://www.whrc.wa.gov).

August 14, 2017

Douglas L. Moore  
Executive Secretary**WSR 17-17-066****PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed August 14, 2017, 2:32 p.m.]

Subject of Possible Rule Making: WAC 260-50-045 The riding crop.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16-020 [67.16.020].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the section to reflect updated model rules regarding the use of the riding crop which gives the board of steward[']s guidelines to ensure jockeys do not abuse the crop.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email [doug.moore@whrc.state.wa.us](mailto:doug.moore@whrc.state.wa.us), web site [www.whrc.wa.gov](http://www.whrc.wa.gov); or Amanda Benton, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email [amanda.benton@whrc.state.wa.us](mailto:amanda.benton@whrc.state.wa.us), web site [www.whrc.wa.gov](http://www.whrc.wa.gov).

August 14, 2017  
Douglas L. Moore  
Executive Secretary

**WSR 17-17-067**

**PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed August 14, 2017, 2:32 p.m.]

Subject of Possible Rule Making: WAC 260-70-630 Threshold levels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16-020 [67.16.020].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To consider amending the approved threshold levels to become more consistent with recommendations from Association of Racing Commissioners International and Racing Medication and Testing Consortium.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, phone 360-459-6462, fax 360-459-6461, TTY 360-459-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

August 14, 2017  
Douglas L. Moore  
Executive Secretary

**WSR 17-17-071**

**PREPROPOSAL STATEMENT OF INQUIRY  
OLYMPIC COLLEGE**

[Filed August 15, 2017, 8:30 a.m.]

Subject of Possible Rule Making: Amending chapter 132C-276 WAC relating to access to public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, 42.56.070, 42.56.100, 42.56.120 and 42.56.520; and chapter 304, Laws of 2017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Olympic College proposes amending chapter 132C-276 WAC to better conform such chapter to: (1) Recent changes in the law concerning public records; (2) model rules recommended by the attorney general's office (chapter 44-14 WAC), and (3) current practices.

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 Kim Abel, Public Records Manager, 1600 Chester Avenue, Bremerton, WA 98337, phone 360-473-2848, email kabel@olympic.edu, publicrecords@olympic.edu.

August 14, 2017  
Laurie Harmon  
Rules Coordinator

**WSR 17-17-072**

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

(Aging and Long-Term Support Administration)

[Filed August 15, 2017, 9:06 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections, repealing sections, and amending existing sections within chapter 388-113 WAC, including WAC 388-113-0005, 388-113-0010, 388-113-0030, 388-113-0040, and other related rules as may be required. The department is also considering adding new sections, repealing sections, and amending existing sections within chapter 388-71 WAC, including WAC 388-71-0500, 388-71-0505, 388-71-0510, 388-71-0512, 388-71-0513, 388-71-0514, 388-71-0515, 388-71-0516, 388-71-0523, 388-71-0540, 388-71-0543, 388-71-0544, 388-71-0546, 388-71-0551, 388-71-0553, 388-71-0556, 388-71-0560, 388-71-0836, 388-71-0839, 388-71-0860, 388-71-0870, 388-71-0875, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0911, 388-71-0932, 388-71-0936, 388-71-0975, 388-71-0980, 388-71-0985, 388-71-0990, 388-71-0991, 388-71-1001, 388-71-1026, 388-71-1055, 388-71-1066, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.39A.056, 43.43.832, 43.43.842.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for making changes is to clarify and consolidate rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability (CC&S) determinations for home and community services, residential care services, and the developmental disabilities administration (DDA). The changes will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language across programs, and help preserve the health and safety of our clients. Other provisions related to long-term care worker qualifications will also be clarified and consolidated. This notice supersedes the preproposal statement of inquiry filed on June 22, 2016, as WSR 16-13-153.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration and DDA will collaborate and coordinate with the DSHS back-

ground check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S determinations including chapters 388-06, 388-71, 388-76, 388-78A, 388-97, 388-101, 388-106, 388-107 and 388-825 WAC, and other related rules as may be required.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

August 9, 2017  
Katherine I. Vasquez  
Rules Coordinator

### WSR 17-17-073

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed August 15, 2017, 9:37 a.m.]

Subject of Possible Rule Making: Use of tobacco, electronic cigarettes, and related products on Eastern Washington University (EWU) property, WAC 172-122-310.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EWU has received a request for proposed rule making from the student body to consider making all or part of campus smoke-free.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health, Smoking in Public Places Act. No coordination is needed, as EWU's rule will reflect the requirements of chapter 70.160 RCW.

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 Joseph Fuxa, 314 Showalter Hall, EWU, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, web site <https://sites.ewu.edu/policies/>.

August 15, 2017  
Joseph Fuxa  
Labor Relations Manager

### WSR 17-17-074

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

(Aging and Long-Term Support Administration)

[Filed August 15, 2017, 9:54 a.m.]

Subject of Possible Rule Making: The department is considering adding a new section to chapter 388-71 WAC related to overpayment for individual providers, and creating, repealing, or amending other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20B.675, 74.09.220, 74.09.290, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for adding a new overpayment section for individual providers to chapter 388-71 WAC is to define the circumstances in which an individual provider is subject to an overpayment, clarify the department's authority to collect an overpayment, clarify an individual provider's right to an administrative hearing when they receive an overpayment notice, and provide information about how an individual provider requests an administrative hearing related to an overpayment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration is coordinating these efforts with the developmental disabilities administration and with 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 publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

August 9, 2017  
Katherine I. Vasquez  
Rules Coordinator

### WSR 17-17-075

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 15, 2017, 10:45 a.m.]

Subject of Possible Rule Making: Amendments to WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The electrical program is considering amendments to WAC 296-46B-920 Electrical/telecommunications/license/certificate types and scope of work. The amendments for consideration will modify the scope of work for residential (02) and signs (04) electrician specialties. The department received a petition for rule making on June 2, 2017, to modify the (04) work scope to include energy efficient retrofitting of exterior luminaires that are mounted on a pole or other structure. A second petition for rule making was received on August 9, 2017, to modify the residential (02) specialty to allow electrical work in multi-family occupancies of buildings up to seven stories. The department has accepted these petitions. This rule making will review the existing rule for possible modifications to both electrician specialty scopes of work.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. All rule proposals will be reviewed by the electrical board.

For more information on this rule making, visit the labor and industries web site at <http://www.lni.wa.gov/TradesLicensing/Electrical/LawRulePol/RuleDev/default.asp> or contact the individual below. Interested parties can sign up for email updates at <http://www.lni.wa.gov/Main/Listservs/Electrical.asp>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email [Alicia.Curry@Lni.wa.gov](mailto:Alicia.Curry@Lni.wa.gov), web site [www.lni.wa.gov](http://www.lni.wa.gov).

August 15, 2017

Joel Sacks  
Director

### WSR 17-17-077

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF ECOLOGY

[Order 16-07—Filed August 16, 2017, 7:15 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) plans to amend chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. This rule making will set forth revised fresh and marine water quality standards for the protection of water contact recreational use in state waters.

This rule making will:

- Include new indicators and numeric criteria to protect water contact recreational uses in WAC 173-201A-200(2) and 173-201A-210(3).
- Review current water contact recreational use categories and modify WAC 173-201A-600 and 173-201A-610 if necessary.
- Improve the location information in use designation tables listed in this chapter - Table 602—Use designations for fresh waters and Table 612—Use designations for marine waters.

The rule making will amend the following sections of chapter 173-201A WAC:

- WAC 173-201A-020 Definitions.
- WAC 173-201A-200(2), recreational uses.
- WAC 173-201A-210(3), recreational uses.
- WAC 173-201A-600 Use designations—Fresh waters.
- WAC 173-201A-602 Table 602—Use designations for fresh waters by water resource inventory area (WRIA).
- WAC 173-201A-610 Use designations—Marine waters.
- WAC 173-201A-612 Table 612—Use designations for marine waters.

Other sections of chapter 173-201A WAC may be amended, as necessary, to support new water contact recreational use criteria and improved use designation location information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.48.035 provides clear and direct authority to ecology to revise the water quality standards. Additionally, 40 C.F.R. 131.20 requires states and tribes (with primacy for clean water actions) to periodically review and update the water quality standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2012, the Environmental Protection Agency (EPA) completed revisions to the national recommended recreational water quality criteria. The recommendations include the latest science, which quantifies the link between illness and fecal contamination in recreational waters. The recommended criteria are based on two bacterial indicators of fecal contamination, *E. coli* and enterococci.

Washington's current bacterial indicator for contact recreation, fecal coliform, was removed from EPA's recommendations in 1986. This method of determining compliance with water quality standards is outdated. EPA has instructed states that still rely on fecal coliform as an indicator to revise their recreational use criteria and align them with the current national recommendations.

Ecology intends to improve the water quality standards by:

- Including new science to protect recreational uses of state waters.
- Establishing indicators that are better correlated with illness and can more accurately determine the presence of human-caused fecal pollution.
- Aligning Washington's recreational use categories with EPA recommendations.

- Providing improved location information to allow the public to better understand which water quality criteria apply in their local waters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will work with tribes to discuss, and seek input on, rule-making activities. Other coordinating federal and state agencies include the Washington state department of health and the United States EPA.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative 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 by contacting Bryson Finch, Water Quality Program, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-7158, fax 360-407-6426, TTY 877-833-6341, email [bryson.finch@ecy.wa.gov](mailto:bryson.finch@ecy.wa.gov), web site [www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1607/1607timedocs.html](http://www.ecy.wa.gov/programs/wq/ruledev/wac173201A/1607/1607timedocs.html), other <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>.

August 15, 2017  
Heather R. Bartlett  
Water Quality Program Manager

### WSR 17-17-078

#### PREPROPOSAL STATEMENT OF INQUIRY WESTERN WASHINGTON UNIVERSITY

[Filed August 16, 2017, 11:00 a.m.]

Subject of Possible Rule Making: Amending chapter 516-09 WAC relating to public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Western Washington University proposes amending chapter 516-09 WAC to better conform to recent changes in the law concerning public records.

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 Jennifer Sloan, Rules Coordinator, 516 High Street, mailstop 9015, phone 360-650-3117, fax 360-650-6197, TTY 1-800-833-6384, email [Jennifer.Sloan@wwu.edu](mailto:Jennifer.Sloan@wwu.edu), web site <https://www.wwu.edu/rules/>; or Dolapo Akinrinade, Public Records Officer, 516 High Street, mailstop 9015, phone 360-650-2728, fax 360-650-6197, TTY 1-800-833-6384, email [Dolapo.Akinrinade@wwu.edu](mailto:Dolapo.Akinrinade@wwu.edu), web site <http://www.wwu.edu/publicrecords/>.

August 17 [16], 2017  
Jennifer L. Sloan  
Rules Coordinator

### WSR 17-17-080

#### PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

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

Subject of Possible Rule Making: WAC 446-10-090 and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB [EHB] 1595 law effective July 23, 2017, amending RCW 42.56.070(7) and 42.56.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement measures of HB [EHB] 1595 allowing for charges for electronic copies of records provided in response to public records requests submitted to the agency pursuant to chapter 42.56 RCW.

Rules will change the current status of no charges for electronic records and implement the authorized charges allowable under HB [EHB] 1595.

Affected stakeholders will include any Washington state patrol (WSP) public record requestors.

Process for Developing New Rule: WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP 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 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 Gretchen Dolan, P.O. Box 42631, Olympia, WA 98504-2631, phone 360-596-4137, email [Gretchen.Dolan@wsp.wa.gov](mailto:Gretchen.Dolan@wsp.wa.gov).

August 15, 2017  
John R. Batiste  
Chief

### WSR 17-17-083

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

[Filed August 16, 2017, 3:06 p.m.]

Subject of Possible Rule Making: The department needs to adopt a permanent rule to clarify the limits around keeping salmon for personal use during an open commercial salmon fishery.

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: The purpose of this rule is to allow commercial fishermen to take home a daily limit of three salmon for personal use during commercial salmon fishing activity. The rule is needed to clarify limits for salmon taken for personal use during an open commercial salmon fishery.

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 Scott Bird, P.O. Box 43200, phone 360-902-2403, fax 360-902-2155, TTY 800-833-6388, email scott.bird@dfw.wa.gov, web site www.wdfw.wa.gov.

August 16, 2017  
Scott Bird  
Rules Coordinator

#### WSR 17-17-084

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed August 16, 2017, 4:01 p.m.]

Subject of Possible Rule Making: Chapter 246-843 WAC, Nursing home administrators, the board of nursing home administrators (board) is reopening the chapter to consider adding the health service executive certification as a new option for licensure. The board will also consider clarifying other rules as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering updating the nursing home administrators' chapter to: (1) Add the National Association of Long Term Care Administrator Board's Health Services executive certification as a new option for licensure in Washington state; and (2) consider other topics that may arise that are necessary to obtain licensure. The board will consider amending other rules as required.

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

Process for Developing New Rule: None.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kendra Pitzler, P.O. Box 47852, phone 360-236-4723, fax 360-236-2901, TTY 360-833-6388 or 711, email kendra.pitzler@doh.wa.gov.

Additional Comments: The department of health intends to hold one or more rule-making workshops. The workshops may involve audience participation through video conferencing or other electronic means to allow attendance in both eastern and western Washington. Interested parties will be notified through the nursing home administrator distribution list and information will be posted on the nursing home administrator web site.

August 16, 2017  
Blake T. Maresh  
Executive Director

#### WSR 17-17-085

##### PREPROPOSAL STATEMENT OF INQUIRY

##### DEPARTMENT OF

##### FISH AND WILDLIFE

[Filed August 16, 2017, 4:31 p.m.]

Subject of Possible Rule Making: The department needs to adopt a permanent rule to clarify the types of endangered animals that are defined as covered animal species under RCW 77.08.010.

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: The purpose of this rule is to further define and clarify by scientific classification the covered animal species that are subject to RCW 77.08.010 and also referred to in Appendix I and II of the Convention on International Trade in Endangered Species and the International Union for Conservation of Nature "Red List."

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 Scott Bird, P.O. Box 43200, phone 360-902-2403, fax 360-902-2155, TTY 800-833-6388, email scott.bird@dfw.wa.gov, web site www.wdfw.wa.gov.

August 16, 2017  
Scott Bird  
Rules Coordinator

#### WSR 17-17-087

##### PREPROPOSAL STATEMENT OF INQUIRY

##### HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed August 17, 2017, 8:58 a.m.]

Subject of Possible Rule Making: WAC 182-550-3600 Diagnosis-related group (DRG) payment—Hospital transfers, 182-550-3700 DRG high outliers, 182-550-3800 Rebasing, 182-550-3830 Adjustments to inpatient rates, 182-550-7300 OPPS—Payment limitations, 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 these rules to align with medicare changes to outlier transfer pricing and to reflect changes to the rebasing process and inpatient and outpatient payment methodologies. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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, phone 360-725-1346, fax 360-586-9727, TTY 1-800-848-5429, email katherine.pounds@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>.

August 17, 2017  
Wendy Barcus  
Rules Coordinator

### WSR 17-17-089

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed August 17, 2017, 1:56 p.m.]

Subject of Possible Rule Making: WAC 246-817-701 through 246-817-790, administration of anesthetic agents for dental procedures. The dental quality assurance commission (commission) is considering amendments to update general requirements. In addition to general updates, the commission is also considering amendments to address twenty-four hour on-call availability after a complex dental procedure, on-site inspections for all dentists holding sedation permits, and creation of a pediatric sedation endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.32.0365, and 18.32.640.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules have had several recent modifications and a complete review is necessary. Creating a pediatric sedation endorsement may be needed to provide safeguards for the unique sedation needs of pediatric patients. Stakeholders have expressed concern with lack of twenty-four hour on-call availability after complex dental procedures. Current rule requires twenty-four hour on-call availability only when anesthesia is used, there are complex dental procedures that do not involve anesthesia. On-site inspections for dentists holding sedation permits may be necessary to correct who can perform these inspections. There may be instances where an inspection will need to be completed by someone not permitted at the same level as required in current rule.

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 Jennifer Santiago, P.O. Box 47852, Olympia, WA, 98504, phone 360-236-4893, TTY 360-833-

6388 or 711, email [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov), web site <https://public.govdelivery.com/accounts/WADOH/subscribe/r/new>.

Additional Comments: Interested stakeholders may sign up for the commission's interested parties list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed to the dental commission's interested parties list (dental govdelivery) and appropriate state associations. Rule drafting will take place in open p/public [public] meetings where comments will be accepted verbally and in writing.

August 17, 2017  
Trina Crawford  
Executive Director

### WSR 17-17-092

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FINANCIAL INSTITUTIONS

(Securities Division)

[Filed August 17, 2017, 4:26 p.m.]

Subject of Possible Rule Making: The securities division is planning to amend WAC 460-42A-030, which provides that certain municipal securities are exempt from registration under RCW 21.20.310(1), if they receive requisite ratings from designated ratings agencies, in order to correct an inadvertent drafting error. The public is welcome to submit comments to be considered by the securities division in the drafting of rules to be proposed at a later date.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450, 21.20.310(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2014, the securities division amended WAC 460-10A-160 to update references to securities manuals for the purpose of the "manual exemption." As part of this update, Moody's Investors Service was replaced with a reference to Mergent's Investor Service to reflect current publishers of securities manuals. In an early 2017 update to our rules to remove references to discontinued securities manuals, the securities division inadvertently replaced a reference to Moody's Investors Service with a reference to Mergent, Inc., in WAC 460-42A-030, the exemption for municipal securities that receive requisite ratings from designated ratings agencies. However, Mergent, Inc., does not publish such municipal securities ratings, while Moody's Investors Service, Inc., is a well-known ratings organization.

The securities division had no intent to disqualify offerings with the requisite rating from Moody's Investors Service, Inc., from relying on the municipal securities exemption in WAC 460-42A-030. Accordingly, the securities division is planning to amend WAC 460-42A-030 to replace references to Mergent, Inc., with references to Moody's Investors Service, Inc.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The amendments that the division is considering affect

the regulation of securities and exempt securities transactions. Securities are subject to regulation by other state regulatory agencies and the Securities and Exchange Commission. The amendments under consideration would better coordinate our rules with other state and federal agencies.

Process for Developing New Rule: The securities division is soliciting comments from interested persons and will adopt rules only after the consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Webster, Esq., P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8736, fax 360-704-6491, TTY 360-664-8126, email michelle.webster@dfi.wa.gov, web site <http://www.dfi.wa.gov/agency-rulemaking>.

August 17, 2017  
William M. Beatty  
Director

#### WSR 17-17-094

#### PREPROPOSAL STATEMENT OF INQUIRY CONSOLIDATED TECHNOLOGY SERVICES

[Filed August 18, 2017, 9:58 a.m.]

Subject of Possible Rule Making: Rules implementing the Public Records Act and amending chapter 143-06 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040 and 43.105.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EHB 1595 enacts new requirements for charging for records under the Public Records Act. The amendments allow agencies to charge for scanning and digitizing records and to provide them via email, thumb drive, or compact disk. The agency plans to adopt the proposed legislature statutory default fee schedule, as the expenses associated with calculating the actual cost are unduly burdensome.

The agency is amending its rules relating to public records to conform with EHB 1595 (65th legislature, 2017 regular session) and to make other updates relating to data ownership and electronic production of records. During the course of this review, consolidated technology services (CTS) 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: None.

Process for Developing New Rule: To the extent practicable, CTS intends to seek stakeholder and public input during the rule drafting and development process. At a later date, CTS will file proposed rules, hold a public hearing(s), and accept written comments before adopting permanent rules. Interested parties should contact the staff person identified below. 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 Rebekah O'Hara, 1500 Jefferson

Street, Olympia, WA 98501, phone 360-407-8818, email Rebekah.ohara@watech.wa.gov, web site [www.watech.wa.gov](http://www.watech.wa.gov).

Additional Comments: Anyone interested can participate in the development of the proposed rule before publication. Information about the rule making will be posted on the agency rule-making web site [www.watech.wa.gov](http://www.watech.wa.gov). In addition, you can identify yourself as an interested party by sending an email to Rebekah.ohara@watech.wa.gov with your contact information and typing "Interested party - rulemaking" in the subject line or contacting the staff person identified.

August 18, 2017  
Rebekah O'Hara  
Chief Legal Services Officer  
Rules Coordinator

#### WSR 17-17-096

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 18, 2017, 1:12 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending and simplifying its current licensing fee structure in Title 230 WAC. This will also include amending how licensees report their activities and pay their licensing fees under Title 230 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission has approximately one hundred ninety-four different fees for commercial and nonprofit organizations and individuals. This fee schedule is typically based on a "class" system, which can be cumbersome for licensees and agency staff. The gambling commission is looking to simplify this current system to allow it to be easier to navigate and have a licensing fee schedule that is more predictable for both the agency and its licensees. Staff will bring forward the rules in several rule packages/filings. The second rules package will likely go before the commission at their meeting in October.

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 Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3447, fax 360-486-3624, TTY 360-486-3637, email [rules.coordinator@wsgc.wa.gov](mailto:rules.coordinator@wsgc.wa.gov), web site [www.wsgc.wa.gov](http://www.wsgc.wa.gov).

Additional comments: We anticipate the second batch of rule proposals will be on the commission agenda at the October meeting, and the commissioners and agency will discuss all changes at its public meetings until a final decision is made, most likely in the first quarter of 2018. To discuss these rule proposals in person with commissioners and staff, please attend an upcoming commission meeting. Check our web site [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for agendas, meeting dates, locations and start times.

August 18, 2017  
Michelle Rancour  
Acting Rules Coordinator

**WSR 17-17-101**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 18, 2017, 3:35 p.m.]

**Subject of Possible Rule Making:** The department is proposing to amend WAC 388-478-0015 Need standards for cash assistance and other related rules as may be required.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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

**Process for Developing New Rule:** 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 Anna Minor, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4894, fax 360-725-4905, email [anna.minor@dshs.wa.gov](mailto:anna.minor@dshs.wa.gov).

August 15, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Services and Enterprise Support Administration)  
[Filed August 18, 2017, 3:37 p.m.]

**Subject of Possible Rule Making:** The department is proposing to amend chapter 388-01 WAC and other related rules as may be required.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 42.56.040.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Chapter 388-01 WAC contains the department's procedure for receiving, processing,

and producing public records. The chapter is outdated and requires updates to comply with new statutes and procedures.

**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 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 Natasha House, DSHS Public Records Officer, P.O. Box 45135, Olympia, WA 98504, phone 360-902-8484, fax 360-902-7855, email [DSHSPublicDisclosure@dshs.wa.gov](mailto:DSHSPublicDisclosure@dshs.wa.gov).

August 15, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 18, 2017, 3:41 p.m.]

**Subject of Possible Rule Making:** The department is proposing to amend WAC 388-450-0162 How does the department count my income to determine if my assistance unit is eligible and how does the department calculate the amount of my cash and basic food benefits?, 388-418-0005 How will I know what changes to report?, and other related rules as may be required.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.010, and 74.08A.250.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** 2ESSB 5890 (chapter 20, Laws of 2017) repeals means testing for income eligibility for child-only temporary assistance for needy families assistance units, effective July 1, 2018.

**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 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 pub-

lication by contacting Jage Curl, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4589, fax 360-725-4905, email Jage.Curl@dshs.wa.gov.

August 21, 2017  
Joseph Fuxa  
Labor Relations Manager

August 16, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed August 21, 2017, 3:01 p.m.]

Subject of Possible Rule Making: Revising chapter 172-137 WAC, Use of university facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update university standards and processes to better reflect current practices regarding the use of university facilities.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, web site <https://sites.ewu.edu/policies/>.

August 21, 2017  
Joseph Fuxa  
Labor Relations Manager

**WSR 17-17-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed August 21, 2017, 3:01 p.m.]

Subject of Possible Rule Making: Revising WAC 172-122-200 Notice of trespass.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update university standards and processes regarding the issuance of a notice of trespass.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, web site <https://sites.ewu.edu/policies/>.

**WSR 17-17-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed August 21, 2017, 3:03 p.m.]

Subject of Possible Rule Making: Revising WAC 172-122-210 Restriction of access.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update university standards and processes regarding the restriction of access to university property.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, web site <https://sites.ewu.edu/policies/>.

August 21, 2017  
Joseph Fuxa  
Labor Relations Manager

**WSR 17-17-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed August 21, 2017, 3:59 p.m.]

Subject of Possible Rule Making: Public records fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the department's rule concerning fees for copying and providing public records, in compliance with EHB 1595 (chapter 304, Laws of 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, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email jilenes@drs.wa.gov, web site [www.drs.wa.gov/rules](http://www.drs.wa.gov/rules).

August 21, 2017  
Jilene Siegel  
Rules Coordinator

**WSR 17-17-120**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed August 21, 2017, 3:59 p.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' (LEOFF) Plan 2 disability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify and update rules concerning the administration of LEOFF Plan 2 nonduty, duty and catastrophic disability retirement benefits.

Process for Developing New Rule: Agency study; and collaboration between the department of retirement systems (DRS) and LEOFF Plan 2 board representatives.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, DRS, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, web site www.drs.wa.gov/rules.

August 21, 2017  
 Jilene Siegel  
 Rules Coordinator

**WSR 17-17-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed August 22, 2017, 8:00 a.m.]

Subject of Possible Rule Making: WAC 458-276-030 Availability of public records—Centralized administration—Public records requests and processing—Contact information and hours—Index—Costs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW (Public Records Act) and RCW 82.01.060(2)(department of revenue's rule-making authority).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 458-276-030 to reflect new legislation, EHB 1595, passed in 2017. This legislation reflects the costs associated with responding to public records requests. Updating WAC 458-276-030 will provide clarity on the fee schedule and the procedures used by the department when providing access to public records.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The attorney general has adopted model public records disclosure rules that provide information about the Public Records Act and its interpretation (chapter 44-14 WAC).

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

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

lication by contacting Leslie Mullin, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1589, fax 360-534-1606, TTY 800-833-6384, email LeslieMu@dor.wa.gov.

Additional comments: A preliminary draft of the proposed rule will be made available prior to the public meeting via the department's online Rulemaking Agenda.

Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of her contact methods above.

Written and oral comments will be accepted at the public meeting.

Public Meeting Date: September 20, 2017, at 2:00 p.m.

Public Meeting Location: Conference Room 252, 6400 Linderson Way S.W., Tumwater, WA 98501.

August 22, 2017  
 Kevin Dixon  
 Rules Coordinator

**WSR 17-17-125**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**ARTS COMMISSION**

[Filed August 22, 2017, 9:29 a.m.]

Subject of Possible Rule Making: Amendments to existing rules: WAC 30-01-040 Commission's purpose, 30-02-010 Definitions, 30-04-060 Copying, 30-08-030 Board meetings, 30-12-015 Grants, 30-12-016 Rosters, 30-12-017 Applications, 30-40-050 Funding, 30-40-060 Collections management, 30-40-100 Art acquisition committees, 30-40-110 Acquisition of works of art, and 30-44-030 Eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.46.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to twelve existing rules including updates on definitions, clarifying language and recent changes. The amendments will ensure the rules are easy to understand.

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 Terry J. West, 711 Capitol Way South, Suite 600, phone 360-586-5350, email terry.west@arts.wa.gov, web site arts.wa.gov.

Additional comments: Rules writing session to be held on September 14, 2017, 711 Capitol Way South, Suite 600, Olympia, from 11:00 a.m. - noon. Participants may attend in person, send in written comments to address above or attend by conference call. Conference call attendees must notify the agency the day before to allow time for conference call logistics.

August 22, 2017  
 Karen Hanan  
 Executive Director

**WSR 17-17-127**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CASCADIA COLLEGE**

[Filed August 22, 2017, 9:34 a.m.]

Subject of Possible Rule Making: Cascadia College intends to adopt rules amending chapter 132Z-276 WAC pertaining to access to public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and the Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update, clarify, and streamline procedures governing access to public records of the college, as well as to incorporate recent amendments to the Public Records Act, chapter 42.56 RCW.

Process for Developing New Rule: Initial review by college administrators, followed by review through normal campus policy review procedures, APA notice and public comment procedures, and final approval by the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vicki L. Newton, Rules Coordinator, Office of the President, Cascadia College, 18345 Campus Way N.E., Bothell, WA 98011, phone 425-352-8252, fax 425-352-8313, email vnewton@cascadia.edu, web site www.cascadia.edu.

August 22, 2017  
 Vicki L. Newton  
 Executive Assistant  
 to the President  
 Public Records Officer  
 Rules Coordinator

**WSR 17-17-134**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 22, 2017, 10:11 a.m.]

Subject of Possible Rule Making: Chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing rule making to amend existing sections and create several new sections in chapter 296-67 WAC that will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over twenty years and do not reflect current industry practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Environmental Protection Agency's (EPA) risk management program regulations also apply to petroleum

refineries. EPA's rules will not be impacted by this rule making.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tari Enos, Administrative Regulations Analyst, P.O. Box 44620, Olympia, WA 98504, phone 360-902-5541, fax 360-902-5619, email tari.enos@lni.wa.gov.

August 22, 2017  
 Joel Sacks  
 Director

**WSR 17-17-136**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed August 22, 2017, 1:06 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-71-0105 and other related rules as may be required in order to strike the term "willful" from the definitions list in WAC 388-71-0105.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to strike the term "willful" from the definitions list in WAC 388-71-0105 in order to comply with an order issued by the Division III Court of Appeals in *Crosswhite v. DSHS* that invalidated the current definition of "willful." The department may also make similar amendments in chapters 388-76, 388-78A, 388-101, and 388-111 WAC as necessary to comply with the *Crosswhite v. DSHS* decision.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal regulations govern long-term care facilities, including intermediate care facilities for individuals with intellectual disabilities and nursing facilities that participate in medicare or medicaid. Federal regulations define "willful" abuse at 42 C.F.R. § 483.5.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-

8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

August 22, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-137**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed August 22, 2017, 1:08 p.m.]

The developmental disabilities administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 17-13-107 on June 20, 2017 (chapters 388-825 and 388-101D WAC) regarding background checks.

Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-139**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Osteopathic Medicine and Surgery)  
[Filed August 22, 2017, 2:42 p.m.]

Subject of Possible Rule Making: Chapters 246-853 and 246-854 WAC, the board of osteopathic medicine and surgery (board) is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by osteopathic physicians and osteopathic physician assistants as directed by ESHB 1427. The board will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.57A.020, and ESHB 1427 (chapter 297, Laws of 2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1427 directs the board, as well as the podiatric medical board, dental quality assurance commission, medical quality assurance commission, and the nursing care quality assurance commission to adopt rules establishing requirements for prescribing opioid drugs for seven health professions. ESHB 1427 allows exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment. These rules will pertain to osteopathic physicians and osteopathic physician assistants. The board will also review its current pain management rules for possible revisions consistent with the new opioid prescribing rules. The five boards and commissions intend to coordinate their efforts as much as possible to promote consistency.

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 Brett Cain, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4766, TTY 360-833-6388 or 711, email brett.cain@doh.wa.gov.

Additional comments: Interested persons will be notified via GovDelivery and asked to participate in public rules meetings and submit written comments for consideration. There is a department of health web site dedicated to the implementation of ESHB 1427 that includes updates on the rule-making activities, <http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionalsandFacilities/PainManagement/ESHB1427Implementation>. Email inquiries can be sent to painmanagement@doh.wa.gov.

August 22, 2017  
Blake T. Maresh  
Executive Director

**WSR 17-17-140**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Dental Quality Assurance Commission)  
[Filed August 22, 2017, 2:44 p.m.]

Subject of Possible Rule Making: Chapter 246-817 WAC, the dental quality assurance commission (commission) is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by dentists as directed by ESHB 1427. The commission will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.32.0365, and ESHB 1427 (chapter 297, Laws of 2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1427 directs the commission, as well as the podiatric medical board, medical quality assurance commission, board of osteopathic medicine and surgery, and the nursing care quality assurance commission to adopt rules establishing requirements for prescribing opioid drugs for seven health professions. ESHB 1427 allows exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment. These rules will pertain to dentists. The commission will also review its current pain management rules for possible revisions consistent with the new opioid prescribing rules. The five boards and commissions intend to coordinate their efforts as much as possible to promote consistency.

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 Jennifer Santiago, P.O. Box 47852,



Olympia, WA 98504, phone 360-236-4893, TTY 360-833-6388 or 711, email Jennifer.santiago@doh.wa.gov.

Additional comments: Interested persons will be notified via GovDelivery and asked to participate in public rules meetings and submit written comments for consideration. There is a department of health web site dedicated to the implementation of ESHB 1427 that includes updates on the rule-making activities, <http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/PainManagement/ESHB1427Implementation>. Email inquiries can be sent to [painmanagment@doh.wa.gov](mailto:painmanagment@doh.wa.gov).

August 22, 2017  
Trina Crawford  
Executive Director

Additional comments: Interested stakeholders may sign up for the commission's interested parties list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed to the nursing commission's interested parties list (nursing GovDelivery) and appropriate state associations. Individuals will be able to participate in open public meetings where comments will be accepted verbally and in writing. There is a department of health web site dedicated to the implementation of ESHB 1427, <http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/PainManagement/ESHB1427Implementation>, that includes updates on the rule-making activities. Email inquiries can also be sent to [painmanagment@doh.wa.gov](mailto:painmanagment@doh.wa.gov).

August 22, 2017  
Paula R. Meyer MSN, RN, FRE  
Executive Director

### WSR 17-17-142

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed August 22, 2017, 3:29 p.m.]

Subject of Possible Rule Making: Chapter 246-840 WAC, the nursing care quality assurance commission (commission) is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by advanced registered nurse practitioners (ARNP) as directed by ESHB 1427. The commission will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.79.400, and ESHB 1427 (chapter 297, Laws of 2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1427 directs the commission, as well as the podiatric medical board, dental quality assurance commission, medical quality assurance commission, and board of osteopathic medicine and surgery to adopt rules establishing requirements for prescribing opioid drugs for seven health professions. ESHB 1427 allows exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment. These rules will pertain to ARNPs. The commission will also review its current pain management rules for possible revisions consistent with the new opioid prescribing rules. The five boards and commissions intend to coordinate their efforts as much as possible to promote consistency.

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 Carole Reynolds, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504, phone 360-236-4785, fax 360-236-4738, TTY 360-833-6388 or 711, email [carole.reynolds@doh.wa.gov](mailto:carole.reynolds@doh.wa.gov).

### WSR 17-17-145

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed August 22, 2017, 4:01 p.m.]

Subject of Possible Rule Making: Revising WAC 172-90-100 Student academic integrity, violations and sanctions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update language regarding sanctions.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email [jfuxa@ewu.edu](mailto:jfuxa@ewu.edu), web site <https://sites.ewu.edu/policies/>.

August 22, 2017  
Joseph Fuxa  
Labor Relations Manager

### WSR 17-17-146

#### PREPROPOSAL STATEMENT OF INQUIRY EASTERN WASHINGTON UNIVERSITY

[Filed August 22, 2017, 4:03 p.m.]

Subject of Possible Rule Making: Revising WAC 172-121-210 Student conduct code, sanctions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update language regarding sanctions related to student conduct code violations.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email [jfuxa@ewu.edu](mailto:jfuxa@ewu.edu), web site <https://sites.ewu.edu/policies/>.

August 22, 2017  
Joseph Fuxa  
Labor Relations Manager

**WSR 17-17-147**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Podiatric Medical Board)  
[Filed August 22, 2017, 4:51 p.m.]

Subject of Possible Rule Making: Chapter 246-922 WAC, the podiatric medical board (board) is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by podiatric physicians as directed by ESHB 1427. The board will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.005, 18.22.015, and ESHB 1427 (chapter 297, Laws of 2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1427 directs the board, as well as the dental quality assurance commission, medical quality assurance commission, board of osteopathic medicine and surgery, and the nursing care quality assurance commission to adopt rules establishing requirements for prescribing opioid drugs for seven health professions. ESHB 1427 allows exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment. These rules will pertain to podiatric physicians. The board will also review its current pain management rules for possible revisions consistent with the new opioid prescribing rules. The five boards and commissions intend to coordinate their efforts as much as possible to promote consistency.

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 Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 360-833-6388 or 711, email [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov).

Additional comments: Interested persons will be notified via GovDelivery and asked to participate in public rules meetings and submit written comments for consideration. There is a department of health web site dedicated to the implementation of ESHB 1427 that includes updates on the

rule-making activities. Email inquiries can be sent to [painmanagement@doh.wa.gov](mailto:painmanagement@doh.wa.gov).

August 22, 2017  
Blake T. Maresh  
Executive Director

**WSR 17-17-148**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 22, 2017, 5:32 p.m.]

Subject of Possible Rule Making: Chapter 246-490 WAC, Vital statistics, the department of health (department) is considering creating a new rule regarding changes to sex designation on birth certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.150 Registration of vital statistics.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adopting a new rule that will formalize the department procedure for changing sex designation on birth certifications; create a "change of gender designation" request form similar to the form used by the department of licensing; establish a list of medical and mental health providers who can attest to the gender change based on the scope of practice for each profession; and add an option for a "nonbinary" sex designation. Because some people identify as neither male nor female, this rule making will consider changing sex designation to include male, female, and nonbinary options when requesting a change to the sex designation on one's birth certification.

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

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rule. The department will post the draft rule on the department web site and notify interested parties of the opportunity to provide informal comments. Staff will evaluate comments and edit the draft rule consistent with the intent of this rule making prior to proposing the rule for adoption. The proposed rule will be shared with interested parties via email and the department web site. Formal comments will be taken in writing during the formal comment period and in person 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 Vicki Bouvier, P.O. Box 47814, phone 360-236-4233, fax 360-753-4135, TTY 360-833-6388 or 711, email [GenderChangeRuleMaking@doh.wa.gov](mailto:GenderChangeRuleMaking@doh.wa.gov), web site <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Individuals can send comments and questions to [GenderChangeRuleMaking@doh.wa.gov](mailto:GenderChangeRuleMaking@doh.wa.gov).

August 22, 2017  
John Wiesman, DrPH, MPH  
Secretary

**WSR 17-17-151**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed August 23, 2017, 8:04 a.m.]

Subject of Possible Rule Making: WAC 308-408C-020 Ethics—Statement of purpose.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.280.050 and 18.280.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending WAC 308-408C-020 to:

- Clarify disclosure requirements when any relationship or other conflict of interest exists between the home inspector and other parties to the transaction; and
- Renumber the affected section.

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 rule 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 Lynn Briscoe, Department of Licensing, Real Estate and Home Inspector Programs Manager, P.O. Box 48053, Olympia, WA 98502, phone 360-664-1399, fax 360-902-3802, TTY 711, email lbriscoe@dol.wa.gov, web site dol.wa.gov.

August 23, 2017  
 Damon Monroe  
 Agency Rules Coordinator

**WSR 17-17-152**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed August 23, 2017, 8:05 a.m.]

Subject of Possible Rule Making: Chapter 98-12 WAC, Endowment care cemeteries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 68.05.105, 68.05.150, 68.44.020, 68.44.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cemeteries would have the option of using the "total return distribution method" of investing to maintain healthy endowment care fund accounts with the ability to increase their fund principal over time. These funds maintain the normal operations of the cemeteries throughout the state and these increases would benefit the overall functionality of these cemeteries.

Process for Developing New Rule: Direct notice will be made to stakeholders and all active licensees under chapters 68.05 and 68.44 RCW. Details will be posted on our web site and distributed through the funeral and cemetery board and board staff.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Konnersman, P.O. Box 9020, Olympia, WA 98507-9020, phone 360-664-1507, fax 360-570-7098, TTY 711, email jkonnersman@dol.wa.gov, web site <http://www.dol.wa.gov/business/funeralcemetery/>.

August 23, 2017  
 Damon Monroe  
 Agency Rules Coordinator

**WSR 17-17-156**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Medical Quality Assurance Commission)

[Filed August 23, 2017, 9:06 a.m.]

Subject of Possible Rule Making: Chapter 246-918 WAC, Physician assistants and chapter 246-919 WAC, Physicians (allopathic), the medical quality assurance commission (commission) is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by allopathic physicians and physician assistants as directed by ESHB 1427. The commission will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.71A.020, ESHB 1427 (chapter 297, Laws of 2017).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1427 directs the commission, as well as the podiatric medical board, dental quality assurance commission, board of osteopathic medicine and surgery, and the nursing care quality assurance commission to adopt rules establishing requirements for prescribing opioid drugs for seven health professions. ESHB 1427 allows exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment. These rules will pertain to allopathic physicians and physician assistants. The commission will also review its current pain management rules for possible revisions consistent with the new opioid prescribing rules. The five boards and commissions intend to coordinate their efforts as much as possible to promote consistency.

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 Daidria Amelia Underwood, P.O. Box 47866, phone 360-236-2727, fax 360-236-2795, TTY 360-833-6388 or 711, email daidria.underwood@doh.wa.gov.

Additional comments: Interested persons will be notified via GovDelivery and asked to participate in public rules meetings and submit written comments for consideration. There is a department of health web site dedicated to the implementation of ESHB 1427 that includes updates on the

rule-making activities, <http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/PainManagement/ESHB1427Implementation>. Email inquiries can be sent to [painmanagement@doh.wa.gov](mailto:painmanagement@doh.wa.gov).

August 23, 2017  
Melanie de Leon  
Executive Director

**WSR 17-17-161**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 23, 2017, 10:12 a.m.]

Subject of Possible Rule Making: WAC 392-344-080 Construction documents—Bids and contract provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.525.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-344-080 requires school districts to provide the office of superintendent of public instruction (OSPI) proof of insurance for school construction assistance program-funded school projects under construction. OSPI is considering amending this rule for the purpose of more accurately reflecting the correct insurance coverage required by OSPI. Currently, the rule requires school districts to demonstrate to OSPI that they carry commercial all risk property insurance as a condition to receiving school construction assistance program funding. As an alternative, OSPI is considering requiring evidence of builder's risk insurance, which provides coverage while a school is under construction.

Process for Developing New Rule: OSPI welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Black, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6268, fax 360-586-3946, TTY 360-664-3631, email [Schoolfacilitiesrules@k12.wa.us](mailto:Schoolfacilitiesrules@k12.wa.us).

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

**WSR 17-17-163**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 23, 2017, 10:12 a.m.]

Subject of Possible Rule Making: Highly capable program, chapter 392-170 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.185.030, 28A.185.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EHB 2242 (2017) amended chapter 28A.185 RCW to require that school district practices for identifying the most highly capable students must prioritize equitable identification of low-income students. The office of superintendent of public instruction is considering amending the highly capable program rules, chapter 392-170 WAC, to address this change in statute.

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 Estela Garcia, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6100, TTY 360-664-3683, email [estela.garcia@k12.wa.us](mailto:estela.garcia@k12.wa.us); or Gayle Pauley, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6170, TTY 360-664-3683, email [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us).

Additional comments: Please send comments to Estela Garcia, who will coordinate with Gayle Pauley.

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

**WSR 17-17-164**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 23, 2017, 10:13 a.m.]

Subject of Possible Rule Making: Chapter 392-162 WAC, Learning assistance program and WAC 392-122-605 Apportionment of state moneys for the state learning assistance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.165.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EHB 2242 (2017) amended chapter 28A.165 RCW, Learning assistance program and RCW 28A.150.260, the prototypical funding formula statute that among other things, created a new learning assistance program (LAP) allocation for high poverty-based schools. The office of superintendent of public instruction is considering amending LAP rules to align them with the statutory changes.

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 Estela Garcia, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6100, TTY 360-664-3683, email [estela.garcia@k12.wa.us](mailto:estela.garcia@k12.wa.us); or Gayle Pauley, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6170, TTY 360-664-3683, email [gayle.pauley@k12.wa.us](mailto:gayle.pauley@k12.wa.us).

Additional comments: Please send comments to Estela Garcia, who will coordinate with Gayle Pauley.

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

**WSR 17-17-172**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed August 23, 2017, 10:38 a.m.]

Subject of Possible Rule Making: The department is proposing to amend chapters 388-825 and 388-101D WAC; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120, 43.43.842, 74.39A.056, 43.20A.710, 43.43.837.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is amending rules recently recodified in chapter 388-101D WAC from chapter 388-101 WAC to correct cross-references and align with amendments to chapter 388-825 WAC. Other amendments to chapter 388-825 WAC and chapter 388-101D WAC clarify and consolidate rules related to background checks, disqualifying convictions, negative actions, and character, competence, and suitability determinations. DDA is also adding requirements for background checks at residential habilitation centers. The changes will clarify the rules and reduce the amount of WAC language across programs, and help preserve the health and safety of clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DDA and the aging and long-term support administration will collaborate and coordinate with the DSHS background check central unit to consolidate and coordinate rules related to negative actions and character, competence, and suitability reviews including chapters 388-71, 388-76, 388-78A, 388-97, 388-101, 388-106, and 388-825 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, 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.

August 22, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-173**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed August 23, 2017, 10:43 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA?, 388-436-0050 Determining financial need and benefit amount for CEAP, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.08A.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2017-2019 operating budget (chapter 1, Laws of 2017 3rd sp. sess.) authorized a 2.5 percent increase in the payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) programs, the financial need and benefit amount limits for the consolidated emergency assistance program, and the maximum earned income limits for the TANF, SFA, RCA and the pregnant women assistance (PWA) programs. These changes take effect on July 1, 2018.

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 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 Miranda Adams, P.O. Box 45440 [45470], Olympia, WA 98504-5470, fax 360-725-4904, TTY 360-790-5611, email miranda.adams@dshs.wa.gov.

August 22, 2017  
Katherine I. Vasquez  
Rules Coordinator

**WSR 17-17-175**

**PREPROPOSAL STATEMENT OF INQUIRY**

**EASTERN WASHINGTON UNIVERSITY**

[Filed August 23, 2017, 10:54 a.m.]

Subject of Possible Rule Making: Revising WAC 172-10-090 Review of denial of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed to update language regarding who receives a petition for review.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email [jfuxa@ewu.edu](mailto:jfuxa@ewu.edu), web site <https://sites.ewu.edu/policies/>.

August 23, 2017  
Joseph Fuxa  
Labor Relations Manager

### WSR 17-17-178

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed August 23, 2017, 11:26 a.m.]

Subject of Possible Rule Making: WAC 246-933-340 Practice management, the veterinary board of governors rule related to consumer notification of risks associated with certain drugs, including nonsteroidal antiinflammatory drugs (NSAIDs).

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: The veterinary board of governors (board) received a petition requesting [requesting] rule making to require veterinarians to provide counseling and/or client information sheets when dispensing or administering certain drugs, including NSAIDs. The board is considering revisions to these rules to determine whether the petitioners' suggestions could improve and help assure patient safety. If the board supports changes suggested by the petitioner, rule making is necessary in order for the board to enforce the rules.

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, P.O. Box 47852, phone 360-236-4947, fax 360-236-2901, TTY 360-833-6388 or 711, email [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov).

Additional comments: Interested persons may sign up for the veterinary email list and will be notified and asked to participate in public rules meetings and submit written comments for consideration.

August 23, 2017  
Kathy J. Schmitt  
Deputy Director  
Office of Health  
Professions and Facilities

### WSR 17-17-179

#### PREPROPOSAL STATEMENT OF INQUIRY

#### OFFICE OF

#### INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2017-11—Filed August 23, 2017, 11:45 a.m.]

Subject of Possible Rule Making: Adjusting geographic rating areas to increase market stability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.733, 45 C.F.R. 147.102.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 284-43-6680 and 284-43-6700 establish geographic rating areas for individual and small group health plans. In this rule, the office of the insurance commissioner (OIC) will revise those WAC to address more recent risk pool information, making adjustments to the current rating area designations and ratio restrictions as necessary to more accurately reflect the risk pool.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Center for Medicare and Medicaid Services (CMS) regulates this issue at the federal level. To comply with 45 C.F.R. 147.102 (b)(4), OIC may need to receive approval from CMS before modifying existing geographic rating areas.

Process for Developing New Rule: Submit written comments by October 6, 2017.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bianca Stoner, P.O. Box 40258, Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241 or 360-725-7087, email [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), web site <https://www.insurance.wa.gov/>.

August 23, 2017  
Mike Kreidler  
Insurance Commissioner

### WSR 17-17-180

#### PREPROPOSAL STATEMENT OF INQUIRY

#### OFFICE OF

#### INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2017-12—Filed August 23, 2017, 11:47 a.m.]

Subject of Possible Rule Making: Update to pharmacy benefit manager rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.02.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In this rule-making process, the office of the insurance commissioner (OIC) will revise existing sections or add new sections to the rules regarding pharmacy benefit managers (PBM) in chapter 284-180 WAC to incorporate minor technical additions that the agency has identified as being necessary to fully implement 2016 c 210 §§ 1 and 2 through 7. As an example of one of these changes, OIC will require each PBM to provide the name of the person

who will serve as the single point of contact between PBM and OIC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Submit written comments by October 6, 2017.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bianca Stoner, P.O. Box 40258, Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241 or 360-725-7087, email [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), web site <https://www.insurance.wa.gov/>.

August 23, 2017  
Mike Kreidler  
Insurance Commissioner