

WSR 17-23-023
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 6, 2017, 2:19 p.m.]

Subject of Possible Rule Making: The department is considering an amendment to an existing rule to establish a plastic license document.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.32.256.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 77.32.256 allows the director to set the conditions and fees on duplicates. The new license document option will be a plastic "hard card" that will be more convenient for anglers and hunters to carry than the current paper licenses. The "hard card" option will generate duplicate fees for the department from anglers and hunters who chose [choose] to purchase this new document in addition to the paper document.

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 Greg Sallis, WDFW Licensing Division, 600 Capitol Way North, Olympia, WA 98501, phone 360-902-2563, fax 360-902-2466, email Gregory.Sallis@dfw.wa.gov.

November 6, 2017
 Scott Bird
 Rules Coordinator

WSR 17-23-027
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed November 7, 2017, 10:18 a.m.]

Subject of Possible Rule Making: The agency is proposing to adopt a general rule of procedure that sets forth time frames for the filing of prehearing motions as well as guidelines for the filing of responses to prehearing motions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.58.050, 28B.52.065, 41.56.090, 41.59.110, 41.76.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adopting a rule that specifically sets forth the processes and procedures for the filing of prehearing motions will provide more stability and predictability to the prehearing process by precluding prehearing motions that could unnecessarily delay a scheduled hearing.

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 Dario de la Rosa, 112 Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-0919, phone 360-570-7328, fax 360-570-7334, email dario.delarosa@perc.wa.gov, web site www.perc.wa.gov.

November 7, 2017

Dario de la Rosa
 Representation Case Administrator

WSR 17-23-032
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE
SCHOOL DIRECTORS' ASSOCIATION

[Filed November 7, 2017, 2:17 p.m.]

Subject of Possible Rule Making: Public records organization, disclosure procedures, and collection of fees, rules in compliance with chapter 42.56 RCW, Public Records Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.345 RCW, Washington State School Directors' Association and chapter 42.56 RCW, Public Records Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, EHB 1595 authorized Washington state agencies to charge for copying and transmission of certain public records, including records stored in an electronic format. Under EHB 1595, these fees must be identified in agency rules or following an opportunity for notice and comment. Washington State School Directors' Association (WSSDA) is considering creating public record rules and adopting regulations associated with public records fee[s] as indicated by EHB 1595.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction.

Process for Developing New Rule: Early solicitations 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 Hector A. Yulo, 221 College Street N.E., Olympia, WA 98516, phone 360-252-3015, fax 360-252-3022, email H.Yulo@wssda.org, web site www.wssda.org; or Logan Endres, 221 College Street N.E., Olympia, WA 98516, phone 360-252-3018, fax 360-252-3022, email l.endres@wssda.org, web site www.wssda.org.

November 6, 2017

Tim Garchow
 Executive Director

WSR 17-23-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed November 8, 2017, 11:44 a.m.]

Subject of Possible Rule Making: The department is proposing to add new sections, repeal existing sections, and amend existing sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, including WAC 388-76-10005 License—Required, 388-76-10010 License—Valid and not transferable, 388-76-10015 License—Adult family home—Compliance required, 388-76-10020 License—Ability to provide care and services, 388-76-10025 License annual fee, 388-76-10030 License capacity, 388-76-10035 License requirements—Multiple family home providers, 388-76-10036 License requirements—Multiple adult family home management, 388-76-10037 License requirements—Multiple adult family homes—Additional homes, 388-76-10040 License requirements—Qualified person must live-in or be on-site, 388-76-10045 Licensing—Certain state employees and employee household members—Prohibited, 388-76-10050 License—Relinquishment, 388-76-10055 Application—Generally, 388-76-10057 Application—General qualifications, 388-76-10060 Application—Department orientation class—Required, 388-76-10063 Application—General training requirements, 388-76-10064 Adult family home administrator training requirements, 388-76-10065 Application—Required information, 388-76-10070 Application—Fees required, 388-76-10073 Application—Processing fees required, 388-76-10074 Application—Waiver of fees, 388-76-10075 Application—Becomes void, 388-76-10080 Application—Coprovider, 388-76-10085 Application—Individual or coprovider, 388-76-10090 Application—Entity application, 388-76-10095 Application—Identification of landlord—Required, 388-76-10100 Application—Identification of landlord—Required, 388-76-10105 Application—Change of ownership, 388-76-10106 Change of ownership—Notice to department and residents, 388-76-10107 Priority processing—Change of ownership and relocation, 388-76-10110 Application—Change of location or address, 388-76-10115 Granting or denying a license—Generally, 388-76-10120 License—Must be denied, 388-76-10125 License—May be denied, 388-76-10129 Qualifications—Adult family home personnel, 388-76-10130 Qualifications—Provider, entity representative and resident manager, 388-76-10135 Qualifications—Caregiver, 388-76-10140 Qualifications—Students—Volunteers, 388-76-10145 Qualifications—Licensed nurse as provider, entity representative, or resident manager, 388-76-10146 Qualifications—Training and home care aide certification, 388-76-10150 Qualifications—Assessor, 388-76-10191 Liability insurance required, 388-76-10192 Liability insurance required—Commercial general liability insurance or business liability insurance coverage, 388-76-10193 Liability insurance required—Professional liability insurance coverage, 388-76-10195 Adult family home—Staff—Generally, 388-76-10198 Adult family home—Personnel records, 388-76-10200 Adult family home—Staff—Availability—Contact information, 388-76-10205 Medicaid or state funded residents, 388-76-10210 Resident relocation

due to closure, 388-76-10215 Resident funds—Protection, liquidation or transfer, 388-76-10220 Incident log, 388-76-10225 Reporting requirement, 388-76-10230 Pets, 388-76-10235 Guardianship, 388-76-10240 Durable power of attorney for health care or financial decisions, 388-76-10245 Resident self-determination—Health care decision making, 388-76-10250 Medical emergencies—Contacting emergency medical services—Required, 388-76-10255 Infection control, 388-76-10260 Communicable disease—Preventing spread, 388-76-10315 Resident record—Required, 388-76-10320 Resident record—Content, 388-76-10325 Resident record—Legal documents—If available, 388-76-10330 Resident assessment, 388-76-10335 Resident assessment topics, 388-76-10340 Preliminary service plan, 388-76-10345 Assessment—Qualified assessor—Required, 388-76-10350 Assessment—Updates required, 388-76-10355 Negotiated care plan, 388-76-10360 Negotiated care plan—Timing of development—Required, 388-76-10365 Negotiated care plan—Implementation—Required, 388-76-10370 Negotiated care plan—Persons involved in development, 388-76-10375 Negotiated care plan—Signatures—Required, 388-76-10380 Negotiated care plan—Timing of reviews and revisions, 388-76-10385 Negotiated care plan—Copy to department case manager—Required, 388-76-10390 Admission and continuation of services, 388-76-10395 Emergency admissions, 388-76-10400 Care and services, 388-76-10405 Nursing care, 388-76-10410 Laundry services, 388-76-10415 Food services, 388-76-10420 Meals and snacks, 388-76-10425 Offsite food preparation, 388-76-10430 Medication system, 388-76-10435 Medication refusal, 388-76-10440 Medication—Assessment—Identification of amount of assistance needed when taking medications, 388-76-10445 Medication—Independent—Self-administration, 388-76-10450 Medication—Self-administration with assistance, 388-76-10455 Medication—Administration, 388-76-10460 Medication—Negotiated care plan, 388-76-10463 Medication—Psychopharmacologic, 388-76-10465 Medication—Altering—Requirements, 388-76-10470 Medication—Timing—Special directions, 388-76-10475 Medication—Log, 388-76-10480 Medication organizers, 388-76-10485 Medication storage, 388-76-10490 Medication disposal—Written policy—Required, 388-76-10495 Specialty care—Designations, 388-76-10500 Granting specialty care designation—Requirements, 388-76-10505 Specialty care—Admitting and retaining residents, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.128 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has worked collaboratively with external and internal stakeholders to plan revisions to chapter 388-76 WAC in order to protect the health and safety of residents in adult family homes, clarify rule language as requested by adult family home business owners, department staff, and those affiliated with adult family homes, as well as to update rule language to reflect current issues identified by adult family home business owners, individuals affiliated with the adult family home business, and department staff.

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 Sherise Baltazar, Adult Family Home Policy Program Manager, P.O. Box 45600, Olympia, WA 98504, phone 360-725-3204, fax 360-438-7903, email Sherise.Baltazar@dshs.wa.gov, web site <https://www.dshs.wa.gov/altsa/residential-care-services/information-adult-family-home-providers>.

November 8, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-23-044

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 8, 2017, 12:13 p.m.]

Subject of Possible Rule Making: The department is considering creating new and amending existing hunting and fishing rules that apply to individuals with disabilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department seeks to better define hunting and fishing privileges that apply to the disabled and designated licensed hunters.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife works with the United States Fish and Wildlife Service, the Department of Interior (Civil Rights Division), and the Department of Justice on Americans with Disabilities Act compliance.

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 Dolores Noyes, 600 Capitol Way North, Olympia, WA 98501, phone 360-902-2349, fax 360-902-2466, email Dolores.Noyes@dfw.wa.gov.

November 8, 2017
Scott Bird
Rules Coordinator

WSR 17-23-049

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed November 9, 2017, 10:42 a.m.]

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

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

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

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Brenna, 600 Washington, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

November 9, 2017
David Brenna
Senior Policy Analyst

WSR 17-23-070

PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed November 13, 2017, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 478-117 WAC, Parking and traffic rules of the University of Washington, Bothell.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.560 and 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington is considering amending the parking and traffic rules of the University of Washington, Bothell in order to update and clarify sections of this chapter.

The parking and traffic rules are needed to govern motorized and nonmotorized vehicle traffic and parking on lands and facilities of the University of Washington in Bothell, Washington. These rules protect and control pedestrian and vehicular traffic on the university campus, ensure access at all times for emergency vehicles and equipment, facilitate the operation of the university, minimize traffic disturbances, allocate and promote the efficient use of limited parking space, protect state property and encourage and support travel to the campus by means other than single occupancy vehicles.

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 University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210, email rules@uw.edu.

November 13, 2017
Barbara Lechtanski, Director
Rules Coordination

WSR 17-23-073

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed November 13, 2017, 1:43 p.m.]

Subject of Possible Rule Making: WAC 182-538-070 Payments to managed care organizations (MCOs), 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 WAC 182-538-070 Payments to managed care organizations (MCO), to align language regarding enhancement payments for MCO enrollees assigned to federally qualified health centers and rural health clinics with the agency's rules found in chapters 182-548 and 182-549 WAC. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, TTY 1-800-848-5429, email katherine.pounds@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

November 13, 2017
Wendy Barcus
Rules Coordinator

WSR 17-23-077

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 14, 2017, 7:19 a.m.]

Subject of Possible Rule Making: WAC 308-10-045 Costs of providing copies of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040 and 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making changes

department of licensing's published costs of providing copies of public records due to recent legislation.

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

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 David Bremer, P.O. Box 9020, Olympia, WA 98507, phone 360-902-3655, email dbremer@dol.wa.gov, web site dol.wa.gov.

November 14, 2017
Damon Monroe
Rules Coordinator

WSR 17-23-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed November 14, 2017, 12:13 p.m.]

Subject of Possible Rule Making: Revisions to chapter 16-470 WAC, Quarantine—Agricultural pests, as a result of a petition from the Washington state tree fruit association, the department is considering amending the apple maggot quarantine by adding soil in potted apple maggot host plants to the list of regulated commodities under the apple maggot quarantine rule. The department will also consider criteria for whether and how such plants may enter the pest-free area if risk is mitigated, whether special permits or other forms of documentation would allow transport of such plants into the pest-free area, and whether fees may be needed to cover department costs when any type of special permitting is allowed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011, 17.24.041, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency has identified soil in potted apple maggot host trees as a potential pathway for the introduction of apple maggot into the pest-free area. Potted apple maggot host trees that have previously fruited or have fruit present may be infested with apple maggot. Potted host trees shipped from the quarantine area where apple maggot occurs that have fruited could result in apple maggot pupating in the potting media. If those trees move to pest-free areas within the state, there is a risk of apple maggot becoming introduced into the pest-free area.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Jim Marra, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email JMarra@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

November 14, 2017
Brad White
Assistant Director

WSR 17-23-091
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed November 15, 2017, 9:51 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-25-0100 What are the department's responsibilities regarding financial assistance to support children in the department's foster homes and child placing agency foster homes?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend this rule in order to no longer exclude any youth over the age of eighteen, and to permit inclusion of the extended foster care population.

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

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 Michael Campbell, P.O. Box 45710, Olympia, WA 98504, phone 509-654-4940, email CampbMJ@dshs.wa.gov.

November 14, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-23-099
PREPROPOSAL STATEMENT OF INQUIRY
SHORELINE COMMUNITY COLLEGE

[Filed November 15, 2017, 1:37 p.m.]

Subject of Possible Rule Making: Repeal of admissions and registration in chapter 132G-160 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current admissions and registration code is not required to be codified under WAC for Shoreline Community College to complete the operational tasks of admitting and registering students per RCW 34.05.010(16).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None identified. The state board for community and technical colleges has general supervision and control over the state system of community and technical colleges but does not regulate each individual college's rule making.

Process for Developing New Rule: Agency study; and per WAC 131-12-060, the college's students will be involved in this rule-making process and will have a reasonable opportunity to review and express opinions on the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Veronica Zura, 16101 Greenwood Avenue North, Shoreline, WA 98133, phone 206-546-4769, fax 206-546-5850, email sccrulemaking@shoreline.edu.

November 15, 2017
Veronica Zura
Director of Human Resources

WSR 17-23-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed November 15, 2017, 2:26 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) is planning to amend WAC 388-14A-5007 If the paying parent has more than one case, can DCS apply support money to only one specific case?, and other related rules as may be required.

The proposed amendment serves two purposes dealing with distribution of support payments when a noncustodial parent (NCP) has more than one child support case: (1) To allow DCS to apply in the manner specified by an Indian tribe, when the tribe sends money to DCS representing a tribal benefit received by an NCP who is a member of that tribe; and (2) to clarify that DCS may apply money to a specific case when the allocation or distribution of funds is contained in a court order.

DCS is proposing the amendment at the request of several tribes who wish to have payments applied in a manner consistent with tribal law or custom, or an order from the

tribal court. DCS further seeks to clarify the procedures to be followed when a court order contains specific requirements as to how funds should be applied.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.035, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-14A-5000 through 388-14A-5015 contain the rules for the distribution of support collections by DCS. WAC 388-14A-5006 sets out the requirements for distribution when NCP has more than one case. As a general rule, most support collections are distributed among NCP's cases proportionally. However, WAC 388-14A-5007 sets out the conditions under which DCS can apply support collections to only one or more specific cases when such application would result in one or more of NCP's cases not getting any part of the collection. DCS proposes to add two more conditions under which a collection may be distributed in a way that does not proportionally share the payment among all of an NCP's cases.

(1) Because of the sovereign nature of Indian tribes, DCS does not have the authority or ability to require a tribe to withhold funds that are payable from the tribe or a tribal business. However, a tribe may choose to withhold all or part of an NCP's tribal benefit for child support purposes. Depending on the tribal law or custom, or an order from the tribal court, the tribe may designate that funds withheld from a tribal benefit not be applied proportionately among all of NCP's cases, but that the funds be applied only to one or more of NCP's child support cases. The proposed rule includes this as a reason why DCS would not apply this type of payment among all of an NCP's cases.

(2) Although the current rule specifies that DCS may distribute support collections to only one case among all of an NCP's cases when the collection results from a judgment lien or contempt order, DCS seeks to amend the rule to provide that, when the allocation or distribution of funds is contained in a court order that arose from any other type of proceeding, DCS may apply the money as provided in the order and not as provided in WAC 388-14A-5006.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the department of social and health services (DSHS) DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS economic services administration's *Policy Review* web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>.

Rule-making forms and draft rules may also be found on the DSHS *Filings and Rules* page at <https://www.dshs.wa.gov/sesa/rpau/filings-and-rulings>.

DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, DCS HQ, P.O. Box 9162, Olympia, WA 98507-9162, phone 360-664-5065, fax 360-664-5342, TTY 1-800-833-6384, email nkoptur@dshs.wa.gov, web site www.childsupportonline.wa.gov.

November 15, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-23-120

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed November 17, 2017, 10:39 a.m.]

Subject of Possible Rule Making: WAC 260-48-960 Handicapping contests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To allow the racing association to conduct handicapping contests through a licensed ADW firm.

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, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

November 17, 2017
Douglas L. Moore
Executive Secretary

WSR 17-23-124

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed November 17, 2017, 1:19 p.m.]

Subject of Possible Rule Making: WAC 246-817-420 Specialty representation, the dental quality assurance commission (commission) is considering amendments to recognized specialties to include the American Board of Dental Specialties (ABDS) boards/areas of specialty and other potential specialties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.32.0365, and 18.32.665.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received a

rules petition requesting the commission to recognize ABDS boards/areas of practice specialty in rule. The current rule lists American Dental Association recognized specialties only. There are additional specialty areas in dentistry that could be considered. Rule amendments would establish clear standards for licensed dentists when advertising a specialty. Rule amendments would also provide the public with information to prevent fraud or deceiving advertisements related to the skills or method of practice of the dentist. Advertising of dental specialty provides the public with perception related to the education and skill of the dentist. Clear standards will assist in ensuring the public is not deceived through advertising.

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 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email jennifer.santiago@doh.wa.gov, web site doh.wa.gov.

Additional comments: Stakeholders may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

November 17, 2017
Trina Crawford
Executive Director

WSR 17-23-126
PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed November 17, 2017, 1:27 p.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to adopt new chapter 374-100 WAC.

The new chapter 374-100 WAC will establish PLIA's policies and procedures for implementing the State Environmental Policy Act (SEPA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.21C.120, WAC 197-11-902, 197-11-904.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Each agency is required to adopt its own rules, policies and procedures for implementing SEPA into the various programs under their jurisdiction. PLIA also plans to adopt rules in chapter 197-11 WAC by reference. As additional programs have been authorized to be implemented by PLIA, it is now appropriate for the agency to clarify in rule the process for SEPA review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: The department of ecology has been charged with adoption of rules of interpretation and implementation of SEPA (RCW 43.21C.110). Throughout the rule-making process, PLIA will collaborate with the department of ecology's SEPA policy unit.

Process for Developing New Rule: PLIA 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 phone 1-800-822-3905, email rules@plia.wa.gov.

November 17, 2017
Cassandra Garcia
Deputy Director

WSR 17-23-134
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed November 20, 2017, 8:18 a.m.]

Subject of Possible Rule Making: Paid family and medical leave codified in chapter 50A.04 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.04.215.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are required by statute. Additionally, some clarification is needed for employers and employees to effectively take advantage of this program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agency and no other state agencies regulate this program as it is a new state entitlement with authority granted solely to the employment security department (ESD) and its commissioner.

Process for Developing New Rule: ESD will involve stakeholders to ensure, to the best of its ability, comprehensive, integrated and easy to follow rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Adrienne Stuart, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-584-5975, fax 360-407-4750, TTY Teresa Eckstein, State EO Officer, 711 or 360-902-9354, email astuart@esd.wa.gov, web site www.esd.wa.gov, TBD.

Additional comments: The external engagement site is in the process of being built. ESD will redirect folks to that site from its main site once it is built. A singular CR-101 is being filed for the entire rule-making process. Several CR-102 filings will be forthcoming.

November 2, 2017
Dale Peinecke
Commissioner

WSR 17-23-149
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 21, 2017, 9:30 a.m.]

Subject of Possible Rule Making: WAC 182-531-1500 Sleep studies, 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 this rule to revise the requirements for a sleep center to become an agency-approved center of excellence. The agency plans to reduce the number of documents that must be submitted for each sleep center. The agency will instead use the sleep center's certification by the American Academy of Sleep Medicine, which requires the same documentation as listed in the current rule. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, TTY 1-800-848-5429, email Melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rule-making.

November 21, 2017
 Wendy Barcus
 Rules Coordinator

WSR 17-23-155
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 21, 2017, 10:31 a.m.]

Subject of Possible Rule Making: Chapter 246-224 WAC, Radiation protection—Radiation machine assembly and registration and chapter 246-254 WAC, Radiation protection—Fees. The department of health (health) is considering revising the fee structure for the registration of all X-ray radiation machines, which includes a facility base fee and a fee per tube and clarifying the definition of an "X-ray facility."

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250, 43.20B.020, 70.98.080, and 43.70.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department's X-ray program is fully funded by the fees the registrants pay. An X-ray inspector must inspect every registered facility. The department is considering changing the rule language to remove the exception allowing a "flat" facility fee and instead charge a

fee per tube for every X-ray machine. This change would allow the department to adequately charge for its services and to cover the cost of administering the program. As part of this rule making, the department is considering clarifying the definition of an "X-ray facility" throughout chapters 246-224 and 246-254 WAC. Similarly, the department is also considering changing WAC 246-224-0040 to simplify and explain facility and machine registration. The department filed a pre-proposal statement of inquiry (CR-101), WSR 17-20-062, on October 2, 2017. The CR-101 identified several WAC sections for possible amendments. The department has since identified additional sections to include in this rule making. Therefore, the department is withdrawing the CR-101 and refiling to broaden the scope of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate with the department of revenue's business licensing service throughout the rule-making process because the potential changes could affect the business licensing service's registration and fee collection processes.

Process for Developing New Rule: The department will use the collaborative rule-making approach. The department will inform stakeholders and interested parties with email and web postings. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication Michelle K. Austin, Rules Coordinator, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3250, TTY 360-833-6388 or 711, email michelle.austin@doh.wa.gov, web site www.doh.wa.gov; or Daniel Van Gent, Manager, X-ray Section, P.O. Box 47827, Olympia, WA 98504-7820, phone 360-236-3231, TTY 360-833-6388 or 711, email daniel.vangent@doh.wa.gov, web site <https://www.doh.wa.gov/CommunityandEnvironment/Radiation/RuleMakingActivities>.

November 20, 2017
 John Wiesman, DrPH, MPH
 Secretary

WSR 17-23-156
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 21, 2017, 10:34 a.m.]

The department of health (department) is withdrawing the preproposal statement of inquiry (CR-101) for WSR 17-20-062, filed on October 2, 2017. The department is beginning rule making to consider revising the fee structure for the registration of all X-ray radiation machines, in WAC 246-224-0010, 246-224-0040, 246-254-010, and 246-254-053.

The department identified the WAC sections listed above for the rule making, but since have identified additional sections that may need to be revised during this rule

making. Therefore, the department needs to file a new pre-proposal statement of inquiry (CR-101) to include the additional sections of rule.

Any questions about this withdrawal or rule making, contact Michelle K. Austin, rules coordinator, at michelle.austin@doh.wa.gov or 360-236-3250.

Tami M. Thompson
Regulatory Affairs Manager

WSR 17-23-160
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed November 21, 2017, 10:46 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-823-0025 Who can apply for DDA eligibility determination?, 388-823-0050 For DDA eligibility, who is considered to be a resident of the state of Washington?, 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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to update the list of people who may apply for an eligibility determination and to clarify who may be considered a Washington state resident. During the course of this review, developmental disabilities administration (DDA) may identify additional changes that are necessary 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: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

November 20, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-23-166
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed November 21, 2017, 11:07 a.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-832 WAC, Individual and family services program, 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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules in order to clarify language, update policy, and correct references to the individual and family services (IFS) request list. As directed by the legislature under SSB 6387 (2014), DDA no longer requires clients to be added to the IFS request 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: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

November 20, 2017
Katherine I. Vasquez
Rules Coordinator

WSR 17-23-185
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed November 22, 2017, 9:41 a.m.]

Subject of Possible Rule Making: Consideration of potential changes to the method in WAC 194-37-140(2) of determining whether a utility's weather-adjusted load is growing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.285.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of commerce received a request from the state auditor for an interpretation of the "no-growth" provision in WAC 194-37-140(2) and the associated statute, RCW 19.285.040 (2)(d)(i). The auditor's letter identifies an alternative calculation proposed by a utility during the course of an audit. After reviewing this request,

commerce believes that it would be appropriate to consider the existing rule provision along with a number of other possible calculation methods. The inquiry will allow commerce to identify a calculation method that is a reasonable and permissible construction of the statutory provision and furthers the overall purpose of the Energy Independence Act (chapter 19.285 RCW).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state auditor reviews compliance by municipal utilities and public utility districts that are subject to RCW 19.285.040. The utilities and transportation commission (UTC) oversees compliance with RCW 19.285.040 by investor-owned utilities. Commerce will consult with UTC and the state auditor during the rule-making process.

Process for Developing New Rule: Standard rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Glenn Blackmon, Department of Commerce, P.O. Box 42525, Olympia, WA 98504, phone 360-725-3115, email glenn.blackmon@commerce.wa.gov, web site commerce.wa.gov/eia.

Additional comments: Commerce intends to limit this rule-making inquiry to WAC 194-47-140(2) [194-37-140(2)].

November 22, 2017

Jaime Rossman
Rules Coordinator

WSR 17-23-190
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed November 22, 2017, 10:06 a.m.]

The office of insurance commissioner is withdrawing the CR-101 for R 2017-07: Rules regarding contractual arrangements to minimize prior authorization requirements at the point of care. The code reviser's office published this rule in WSR 17-14-024.

Our agency's reason for writing the rule was to create clear requirements for unique carrier-provider prior authorization arrangements. As we progressed through the stakeholder process for this proposed rule, we became aware that these arrangements are continuing to evolve in the market, and that stakeholders do not view the current state of the programs as causing a clear-cut problem for consumers. As a result, our agency has decided that withdrawing the CR-101 and engaging with stakeholders in further observation and study makes more sense than progressing forward with rule making at this time.

We will contact individuals that provided comments during the CR-101 comment period to notify them that we have withdrawn the CR-101.

Mike Kreidler
Insurance Commissioner

WSR 17-23-197
PREPROPOSAL STATEMENT OF INQUIRY
WENATCHEE VALLEY COLLEGE

[Filed November 22, 2017, 11:07 a.m.]

Subject of Possible Rule Making: Updating chapter 132W-277 WAC to reflect recent legislative changes to RCW 42.56.120 and 42.56.080.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13), 42.56.120, 42.56.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 132W-277 WAC is in need of updating (including WAC 132W-277-080 Requests for public records and 132W-277-090 Copying) due to recent legislative changes to RCW 42.56.120 and 42.56.080. Needed changes include how Wenatchee Valley College can and will charge for copies of public records and how the records may be requested. The college is considering charging for records in accordance with RCW 42.56.120 (2)(a) since calculating and charging for actual costs associated with producing public records under RCW 42.56.120 (2)(a) would be unduly burdensome.

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 Reagan Bellamy, 1300 Fifth Street, Wenatchee, WA, phone 509-682-6445, email rbellamy@wvc.edu.

November 22, 2017
Jim Richardson
President