

**WSR 18-04-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 (Securities Division)  
 [Filed January 26, 2018, 3:31 p.m.]

January 26, 2018  
 William M. Beatty  
 Securities Administrator

Subject of Possible Rule Making: The division is commencing the rule-making process to make ministerial updates to the exempt transaction rules contained in WAC 460-44A-300, 460-44A-503, and 460-44A-504. The public is welcome to submit comments that the division will consider while drafting rules to be proposed at a later date.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.320 (9), (17), 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 460-44A-300 sets forth an exemption from securities registration for offers and sales of securities to accredited investors only and is derived from North American Securities Administrators Association's model accredited investor exemption. The exemption is available to offerings that are made pursuant to Section 3(b) of the Securities Act of 1933 and has not been updated since Section 3(b) was amended by the JOBS Act of 2012 and the Securities and Exchange Commission (SEC) subsequently amended its rules thereunder in Regulation A. *See* SEC Release No. 33-9741, *available at* <https://www.sec.gov/rules/final/2015/33-9741.pdf>. In addition, WAC 460-44A-504 establishes a small offering exemption that may be relied upon in offerings exempt under SEC Rules 147 or 504. This provision has not been updated since SEC created a new intrastate offering exemption in Rule 147A. *See* SEC Release No. 33-10238, *available at* <https://www.sec.gov/rules/final/2016/33-10238.pdf>. Finally, while SEC repealed Rule 505 of Regulation D in 2017 and the division previously repealed its own corresponding exemption in WAC 460-44A-505, the filing requirements set forth in WAC 460-44A-503, as well as the disqualification provision in WAC 460-44A-504, continue to reference WAC 460-44A-505. *Id.* The division plans to make ministerial updates to these rules in light of the changes in federal law. Interested persons are welcome to submit comments at this time. Before amendments become final, however, the division will publish the text of the proposed amendments and request public comment.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Securities are subject to regulation by SEC under federal law. The amendments that the division is considering affect exempt securities transactions and further coordinate our rules with other federal and state agencies.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Anne Dorshimer, Department of Financial Institutions, Securities Division, 150 Israel Road S.W., phone 360-902-8785, fax 360-596-3891, TTY 360-664-8126 or 360-902-8824, email [Anne.Dorshimer@dfi.wa.gov](mailto:Anne.Dorshimer@dfi.wa.gov), web site <https://dfi.wa.gov/sd/rulemaking>.

**WSR 18-04-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
 [Filed January 29, 2018, 9:23 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2018.

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 publication by contacting Danitza M. Casselman, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email [danitzac@dor.wa.gov](mailto:danitzac@dor.wa.gov).

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting.

Written comments may be submitted by mail and should be directed to Danitza M. Casselman, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, or email [danitzac@dor.wa.gov](mailto:danitzac@dor.wa.gov).

Written and oral comments will be accepted at the public meeting on April 18, 2018, at 10:00 a.m., at Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

January 29, 2018  
 Erin T. Lopez  
 Rules Coordinator

**WSR 18-04-024**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 [Filed January 29, 2018, 1:19 p.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 15-22-009, distributed in the 15-22 State Register, regarding WAC 182-

550-2600. The agency intends to refile the preproposal statement of inquiry at a later date.

Wendy Barcus  
Rules Coordinator

**WSR 18-04-025**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed January 29, 2018, 1:48 p.m.]

Subject of Possible Rule Making: WAC 458-20-183 Recreational services and activities ~~Amusement, recreation, and physical fitness services~~, which explains the tax reporting instructions for persons who provide recreational services and activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing revisions to WAC 458-20-183 (Rule 183) to incorporate changes due to 2015 legislation (HB 1550). This legislation resulted in significant changes to the taxability of these activities and services. Amending Rule 183 will provide clarity to businesses who provide these recreational services and activities.

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

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 by 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 publication by contacting Leslie Mullin, 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: Written comments may be submitted by mail or email and should be directed to Leslie Mullin using one of the contact methods above. Written and oral comments will be accepted at the public meeting on March 21, 2018, at 1:00 p.m., in Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

January 29, 2018  
Erin T. Lopez  
Rules Coordinator

**WSR 18-04-027**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed January 30, 2018, 10:01 a.m.]

Subject of Possible Rule Making: Title 308 WAC, Licensing, department of.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.130, 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed for handling requests for "inactive" license status due to military transfers and for expedited licensing of military spouses being moved into Washington. Business and professions proposes to create a single broad rule which will apply to professions not regulated by a board. Board programs with appropriate authority would write rules to adopt the broad 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: Interested parties may send in their comments by mail, phone, facsimile, or email.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Skewis, P.O. Box 9020, Olympia, WA 98507, phone 360-664-1446, fax 360-586-1596, TTY 711, email nskewis@dol.wa.gov.

January 30, 2018  
Damon Monroe  
Rules Coordinator

**WSR 18-04-029**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed January 30, 2018, 10:38 a.m.]

Subject of Possible Rule Making: Title 98 WAC, Cemetery board, new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 68.05.105, chapter 68.60 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add a new chapter as outlined in HB 1907 the requirements of landowners to allow for burials; any records or documents related to an abandoned cemetery must be transferred to the state archives and any endowment care funds held when the cemetery was designated abandoned must be transferred to the department of archaeology and historic preservation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of archaeology and historic preservation.

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 Julie Konnersman, P.O. Box 9020, phone 360-664-1507, fax 360-570-7098, TTY 711, email jkonnersma@dol.wa.gov, web site <http://www.dol.wa.gov/business/funeralcemetery/>.

January 30, 2018  
Damon Monroe  
Rules Coordinator

**WSR 18-04-044**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)  
 [Filed January 31, 2018, 2:26 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 14-06-078 on March 3, 2014 (chapter 388-112 WAC), regarding residential long-term care services.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 18-04-046**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)  
 [Filed January 31, 2018, 3:08 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-07-147 on March 23, 2016 (chapter 388-827 WAC), regarding the state supplementary payment program.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 18-04-051**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Rehabilitation Administration)  
 [Filed February 1, 2018, 9:15 a.m.]

The rehabilitation administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 14-18-085 on September 3, 2014 (chapter 388-891 WAC), regarding vocational rehabilitation services.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 18-04-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 [Filed February 1, 2018, 9:22 a.m.]

Subject of Possible Rule Making: WAC 246-810-029(3) Acceptable continuing education courses for a certified counselor or certified adviser, the department of health (department) is considering rule language that will increase the

amount of allowable distance learning programs from twelve hours to up to twenty hours per reporting period.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.19.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: With modern technology such as webinars, there are more options of valuable and creditable online courses. Increasing the allowable distance learning programs from twelve hours to up to twenty hours per reporting period may help the rural area counselors lacking the same amount of access to in-person trainings.

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 Kim-Boi Shadduck, Program Manager, P.O. Box 47852, Olympia WA 98504, phone 360-236-2912, fax 360-236-2901, TTY 360-833-6388 or 711, email kimboi.shadduck@doh.wa.gov.

Additional comments: Interested parties may receive rule-making information and notifications by signing up for GovDelivery using <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

January 30, 2018  
 John Wiesman, DrPH, MPH  
 Secretary

**WSR 18-04-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 [Filed February 1, 2018, 10:27 a.m.]

Subject of Possible Rule Making: WAC 182-531-0250 Who can provide and bill for physician-related and health care professional services?, 182-531-1715 Teaching physicians (new section), 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: To establish rules for payment of services provided by resident physicians under the supervision of a teaching physician. 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 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 www.hca.wa.gov/about-hca/rulemaking.

February 1, 2018  
Wendy Barcus  
Rules Coordinator

**WSR 18-04-055**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed February 1, 2018, 10:30 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-19-160 on September 23, 2015 (chapter 388-825 WAC), regarding individual providers.

Katherine I. Vasquez  
Rules Coordinator

**WSR 18-04-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**  
[Filed February 1, 2018, 11:22 a.m.]

Subject of Possible Rule Making: Chapter 179-07 WAC, Standards of practice—Paraeducators standards of practice as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Classroom standards.

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 Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

February 1, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-04-062**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 1, 2018, 12:24 p.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 14-14-120 on July 2, 2014 (chapter 388-410 WAC), regarding overpayments.

Katherine I. Vasquez  
Rules Coordinator

**WSR 18-04-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
[Filed February 1, 2018, 2:48 p.m.]

Subject of Possible Rule Making: WAC 182-550-2600 Inpatient psychiatric services and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. 438.114, 42 C.F.R. 422.113(c).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-550-2600 to comply with 42 C.F.R. 438.114 and 42 C.F.R. 422.113(c) and to update and clarify policy regarding authorization of inpatient behavioral health services. 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: Washington state department of social and health services administers these rules and will be included in the rule-making process.

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.

February 1, 2018  
Wendy Barcus  
Rules Coordinator

**WSR 18-04-066****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed February 1, 2018, 3:58 p.m.]

Subject of Possible Rule Making: WAC 182-550-6300 Outpatient nutritional counseling; new chapter 182-555 WAC, Medical nutrition 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 striking the outdated language in WAC 182-550-6300 and creating new chapter 182-555 WAC to establish updated rules for the coverage and payment of medical nutrition therapy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services, department of health (children with special health care needs), women, infants, and children (WIC) nutrition program.

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 www.hca.wa.gov/about-hca/rulemaking.

February 1, 2018  
Wendy Barcus  
Rules Coordinator

**WSR 18-04-070****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Developmental Disabilities Administration)**

[Filed February 2, 2018, 9:18 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-823-0600 How do I show that I have another neurological or other condition similar to intellectual disability?, 388-823-0610 If I have another neurological or other condition similar to intellectual disability, how do I meet the definition of substantial limitations?, 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, 71A.10.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending these rules to align with the definition of developmental disability under RCW 71A.10.020.

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 Chantelle Diaz, Developmental Disabilities Administration, 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.

January 31, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-04-072****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Children's Administration)

[Filed February 2, 2018, 10:22 a.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-27 WAC, Child welfare services—Adoption services and adoption support and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.13A.020, 74.13A.025, 74.13A.030, 74.13.031, 74.13A.040, 74.13A.045, 74.13A.047, 74.13A.060, 74.13A.075, 74.13.080, 74.13A.085, 74.13A.100, 74.13A.-120, 74.13A.125, 74.15.020, 42 U.S.C. §671-675, 45 C.F.R. Sec. 1356.40.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to these rules are needed in order to help explain the adoption support program requirements and process. The department is planning to amend these WAC to reflect recent changes in legislation regarding the adoption support subsidy. Other changes are planned to clarify language and update the statutory authority.

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: 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 Melanie Meyer, P.O. Box 45710, Olympia, WA 98504, phone 360-902-7567, email MEYERME@DSHS.WA.GOV.

February 1, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-04-077**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION**

[Filed February 2, 2018, 1:21 p.m.]

Subject of Possible Rule Making: The Washington state department of archaeology and historic preservation (DAHP) is considering writing rules for the issuance of archaeological excavation and removal permits. In consultation with professional archaeologists, DAHP has identified the need to develop rules that simplify requirements for permits that propose archaeological monitoring.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.34.220, 27.53.140, 43.21C.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under WAC 25-48-060, application requirements for archaeological excavation and removal permits are based on the needs of intensive scientific data-recovery efforts, including lengthy and detailed context statements and research designs. Archaeological monitoring work does not require the context and level of detail currently required for permit applications under WAC 25-48-060. Simplifying the application requirements for archaeological monitoring permit applications will reduce the time and effort needed to produce applications by professional archaeologists and project proponents, and the time and effort to review applications by agency and tribal staff.

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

Process for Developing New Rule: DAHP will hold meetings and consult with affected parties to discuss the new rules. DAHP will request, record and respond to all comments before drafting final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allyson Brooks, Ph.D., P.O. Box 48343, Olympia, WA, phone 360-586-3065, fax 360-586-3067, email allyson.brooks@dahp.wa.gov, web site www.dahp.wa.gov; or Lance Wollwage, P.O. Box 48343, Olympia, WA, phone 360-586-3536, fax 360-586-3067, email lance.wollwage@dahp.wa.gov, web site www.dahp.wa.gov.

Allyson Brooks  
Director

**WSR 18-04-078**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
(Dental Quality Assurance Commission)**

[Filed February 2, 2018, 2:19 p.m.]

Subject of Possible Rule Making: WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision, the dental quality assurance commission (commission) is considering adding certain tasks from WAC 246-817-520 to the list of allowable tasks that a dentist can delegate to dental hygienists under general supervision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.29.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission considered a rule request in July 2017 to allow dental hygienists to perform certain tasks listed in WAC 246-817-520 under general supervision. WAC 246-817-520 details what tasks dental assistants can perform under close supervision. Dental hygienists can also perform the same duties under close supervision. Close supervision requires the dentist to be physically present in the treatment facility during the performance of a delegated task while general supervision does not. The commission determined some tasks listed in WAC 246-817-520 may be allowed for dental hygienists under the general supervision of a dentist.

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

Additional comments: Interested stakeholders may sign up for the dental commission or dental hygiene interested parties list GovDelivery at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed to the dental commission and dental hygiene interested parties list, GovDelivery, Washington State Dental Association, and Washington Dental Hygienists' Association.

February 2, 2018  
Trina Crawford  
Executive Director

**WSR 18-04-083**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed February 5, 2018, 1:15 p.m.]

**Subject of Possible Rule Making:** The department is planning to amend WAC 388-406-0010 How do I apply for cash assistance or basic food benefits?, 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, 74.04.57 [74.04.057], 74.62.030, 74.09.035, 74.08.090, 74.09.530, 41.05.021.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Changes planned under this filing will amend WAC 388-406-0010 and other related rules as may be required to clarify the acceptable means an applicant for basic food can use to sign their application for benefits. This change is necessary to implement a state option for basic food authorized by the USDA Food and Nutrition Service (FNS) allowing applicants to sign their application via electronic means.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** USDA, FNS, enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

**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 Ezra Paskus, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4611, fax 360-725-4905, email paskuet@dshs.wa.gov.

February 5, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-04-084**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Children's Administration)**

[Filed February 5, 2018, 1:23 p.m.]

**Subject of Possible Rule Making:** The department is planning to amend chapter 388-165 WAC, Children's administration child care subsidy programs, and other related rules as may be required.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 74.12.340, 74.04.050, 74.04.055, 74.08.090.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is planning to amend these rules in order to help clarify when the children's administration (CA) will pay for child care and what rates will be used. Other changes are being made to reflect current CA practice.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** Department of early learning.

**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 Shelley Arneson, P.O. Box 45710, Olympia, WA 98504, phone 360-902-8109, email ArnesSC@dshs.wa.gov.

February 2, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-04-093**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed February 6, 2018, 7:48 a.m.]

**Subject of Possible Rule Making:** WAC 458-20-15503 Digital products.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 82.01.060.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department has received comments and questions regarding the administration of WAC 458-20-15503, including in the areas of the advertising services exclusion, using a digital automated service for both taxable and nontaxable purposes, the manufacturing of digital products, and the effects of marketplace fairness legislation (EHB 2163). The department is considering updating the rule the [to] clarify these areas as well as possibly other parts of the rule based on comments received.

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

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 by 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 publication by contacting Aaron Deggs, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1574, fax 360-534-1606, TTY 800-833-6384, email aarond@dor.wa.gov, web site www.dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Aaron Deggs using one of the contact methods above. Written and oral comments will be accepted at the public meeting on March 22, 2018, at 1:00 p.m., at Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

February 6, 2018  
Erin T. Lopez  
Rules Coordinator

**WSR 18-04-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**EARLY LEARNING**

[Filed February 6, 2018, 9:42 a.m.]

Subject of Possible Rule Making: Early support for infants and toddlers (ESIT) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.020 (2)(f).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Better clarify program definitions and improve service delivery for ESIT program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: As appropriate, the department of early learning (DEL) will coordinate development of these rules with the state department of health, the office of superintendent of public instruction and the United States Department of Education, Office of Special Education Programs.

Process for Developing New Rule: To the extent practicable, DEL intends to seek stakeholder and public input when drafting rule language. DEL will file proposed rules no later than April 18, 2018, hold a public hearing, and accept written comments before adopting permanent rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, P.O. Box 40970, Olympia, WA 98501, phone 360-725-4670, fax 360-586-0052, email rules@del.wa.gov, web site www.del.wa.gov.

February 7, 2018  
Lori Anderson  
Rules Coordinator

**WSR 18-04-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 6, 2018, 10:07 a.m.]

Subject of Possible Rule Making: Amendments to the electrical rules, WAC 296-46B-555 Special occupancies—Marinas, boatyards, and commercial and noncommercial docking facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.010 and 19.28.031.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending the electrical rules, WAC 296-46B-555 Special occupancies—Marinas, boatyards, and commercial and non-commercial docking facilities, based on a petition for rule making. The petitioner has requested the 100 mA ground-fault level allowance for feeders in the existing rule be extended beyond July 1, 2018. The proposal for consideration would amend the existing rule requirements and the 2017 National Electrical Code (NEC) 555.3 ground-fault protection requirements in marinas.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@lni.wa.gov, web site www.lni.wa.gov.

February 6, 2018  
Joel Sacks  
Director

**WSR 18-04-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed February 6, 2018, 11:14 a.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 fifth rules package will likely go before the commission at their meeting in March.

Process for Developing New Rule: Negotiated rule making; and interested parties can participate in the discussion of this proposed rules change by attending a gambling commission public meeting to talk with staff or commissioners for present public testimony on any proposed rule or they may contact the rules coordinator at the contact information below.

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, web site www.wsgc.wa.gov.

February 6, 2018  
 Brian J. Considine  
 Legal and Legislative Manager

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

Process for Developing New Rule: Parties interested in the rule may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robert Mayer, Health Services Analysis, Department of Labor and Industries, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-5021, fax 360-902-4249, email robert.mayer@lni.wa.gov.

February 6, 2018  
 Joel Sacks  
 Director

**WSR 18-04-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 6, 2018, 1:02 p.m.]

Subject of Possible Rule Making: Chapter 296-20 WAC, Medical aid rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.36.080, 7.68.030, 7.68.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 296-20-1101 defines when the department or self-insurer is responsible for replacement or repair of hearing aids damaged or lost due to an industrial accident; when the department or self-insurer will replace or repair authorized hearing aids; replacement of linear analog hearing aids; and that masking devices for accepted tinnitus are adjudicated using the same provisions as hearing aids due to hearing loss. The rule was last updated March 22, 2008.

Concerns have been raised that the department's criteria for replacing hearing instruments are out of date and don't take into consideration updated research or current technology. Members of the legislature have asked the department to initiate rule making to consider amendments to this rule by convening a workgroup of experts and interested parties to understand the issues and develop criteria reflecting current technology, taking into consideration insurance coverage best practices.