

WSR 18-06-007
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)
[Filed February 22, 2018, 4:37 p.m.]

Subject of Possible Rule Making: WAC 246-919-XXX allopathic physicians and 246-918-XXX allopathic physician assistants, the medical quality assurance commission (commission) is considering creating two new rule sections that will establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision for allopathic physicians and physician assistants. The commission will consider amending other related rules as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.71.002, and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering creating two new rule sections, and revising related rule sections as appropriate, to establish a clinical support program (program), its criteria and procedures for allopathic physicians and physician assistants. The intent of the program is to assist practitioners with practice deficiencies related to consistent standards of practice and establish continuing competency mechanisms that will protect patients proactively through a plan of education, training and/or supervision. The commission may resolve practice deficiencies through the program at any point in a practitioner's period of licensure.

The program would allow for quick identification of issues requiring clinical support, through practitioner or employer inquiry, referral, and including complaints that may not rise to the level of a license sanction or revocation. These issues could be resolved with voluntary participation from the allopathic physician or physician assistant in the program. The commission is considering education, training, supervision, or a combination of the three as part of the program. Issues appropriate for clinical support would likely include but are not limited to practice deficiencies such as a failure to properly conduct a patient assessment or document treatment. This also allows an allopathic physician or physician assistant a structured process to quickly improve his or her clinical skills.

Finally, participation in this program places the commission in an active patient safety role.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Daidria Amelia Underwood, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-236-2727, fax 360-236-2795, TTY 360-833-6388 or 711, email daidria.underwood@doh.wa.gov.

Additional comments: Interested persons may sign up for the commission's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/>

subscriber/new. All commission rule-making notices will be emailed via GovDelivery and interested parties will be invited to participate in public rule meetings and submit written comments for consideration.

February 22, 2018
Melanie de Leon
Executive Director

WSR 18-06-009
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Nursing Care Quality Assurance Commission)
[Filed February 23, 2018, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 246-840 WAC, Practical and registered nursing, the nursing care quality assurance commission (commission) is considering permanently adopting the current emergency rule adopted on December 15, 2017, in WSR 18-01-079 regarding interim permits for graduates of nontraditional nursing programs.

In addition, the commission is considering rule making to establish interim permits for advanced registered nurse practitioner (ARNP) applicants to allow for completion of supervised clinical practice hours.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110 and 18.79.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.79.380 (Licensed practical nurse/nontraditional registered nurse program) was repealed by HB 1721 (chapter 203, Laws of 2017). The prior law allowed graduates of registered nurse (RN) programs, who did not complete clinical practice instruction during their degree program, to practice under the license of a preceptor RN to gain those clinical hours. With the repeal of RCW 18.79.380, a student currently enrolled in a nontraditional program can no longer practice under the license of another nurse, therefore no mechanism exists for these students to complete the required clinical practice experience to become licensed as an RN in Washington. The commission adopted an emergency rule on December 15, 2017 (WSR 18-01-079), to repeal WAC 246-840-035, since it is no longer authorized in statute, and to establish standards to ensure a student is able to complete the required clinical practice experience. The commission is considering making this rule permanent.

In addition, the commission is considering rule making to establish interim permits for ARNP applicants to allow for completion of supervised clinical practice hours. Currently, ARNP applicants who graduated more than one year prior to their licensure application must obtain supervised practice hours. ARNP interim permits would allow these applicants to practice at the full scope of an ARNP to obtain required clinical practice hours.

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 Amber Zawislak, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-4785, fax 360-236-4738, TTY 360-833-6388 or 711, email amber.zawislak@doh.wa.gov, web site <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission>.

Additional comments: Interested stakeholders may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

February 23, 2018
Paula R. Meyer, MSN, RN, FRE
Executive Director
Nursing Care Quality Assurance Commission

WSR 18-06-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Consumer Services)
[Filed February 28, 2018, 2:56 p.m.]

Subject of Possible Rule Making: Amending chapter 208-620 WAC under the Consumer Loan Act, chapter 31.04 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040, 31.04.165. Proposed in compliance with OFM Guidance 3.a. dated October 12, 2011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to clarify the roles of parties investing in, owning, and servicing residential mortgage loans. The rules will provide additional detail to industry to help them comply with the law. Additionally, technical changes are made. Amending the rules to clarify what residential mortgage loan servicing activities can be conducted outside the United States. Restructuring WAC 208-620-900 to make it easier to read. Amending the rules to detail the requirements of the compliance management system and provide resources to industry.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Currently, industry participants in federal housing programs must comply with those requirements. As Washington law allows and when federal regulations provide adequate consumer protection, the department of financial institutions (DFI) insures [ensures] that state regulations are consistent with the federal regulations.

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 Sara Rietcheck, P.O. Box 41200, Olympia, WA 98504-1200, phone 360-902-8793, email sara.rietcheck@dfi.wa.gov, web site www.dfi.wa.gov. Sign up for the GovDelivery email subscription system from the DFI web site. Access the rule-making page on the DFI web site [site].

February 28, 2018
Charles Clark, Director
Division of Consumer Services

WSR 18-06-037
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed March 1, 2018, 9:37 a.m.]

Subject of Possible Rule Making: Chapter 182-558 WAC, Premium payment program; and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending chapter 182-558 WAC to clarify and update eligibility criteria for clients receiving premium assistance subsidies for comprehensive health insurance. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, 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.

March 1, 2018
Wendy Barcus
Rules Coordinator

WSR 18-06-040
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed March 1, 2018, 11:03 a.m.]

On February 21, 2018, at 10:56 a.m., the state superintendent of public instruction filed a preproposal statement of inquiry form CR-101, WSR 18-05-095, concerning possible rule making for chapters 392-140 and 392-122 WAC, related to K-3 high poverty funding and class size.

Unfortunately, after the filing, we discovered an error in the "Reasons" section of the form. As a result, we are withdrawing the CR-101 (WSR 18-05-095) and will refile a CR-101 with the correct information.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 18-06-042
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 1, 2018, 12:48 p.m.]

Subject of Possible Rule Making: WAC 392-140-915 High poverty funding—Process and definition of eligible schools, 392-140-916 K-3 class size funding, 392-140-923 K-3 class size—Enrollment, 392-140-932 K-3 class size—Teacher, 392-140-934 K-3 class size—Supplemental FTE teachers, 392-140-936 K-3 demonstrated class size—High poverty schools, 392-140-939 K-3 demonstrated class size—Nonhigh poverty schools, 392-140-942 Weighted average class size—High poverty schools, 392-140-945 Weighted average class size—Nonhigh poverty schools, and 392-122-605 Apportionment of state moneys for the state learning assistance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.165.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering updating agency rules to address the elimination of K-3 high poverty school enhanced funding and clarify the process to determine K-3 class size compliance.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, OSPI, Enrollment Supervisor, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6306, fax 360-664-3683, TTY 360-664-3631, email becky.mclean@k12.wa.us, web site k12.wa.us.

March 1, 2018
 Chris P. S. Reykdal
 State Superintendent
 of Public Instruction

WSR 18-06-052
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2018-01—Filed March 2, 2018,
 12:41 p.m.]

Subject of Possible Rule Making: Short-term medical plans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, 48.46.200, 48.43.005 (26).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A federal executive order and rule making on short-term medical plans are anticipated to result in the need for further clarification of the insurance commissioner's process and standards relative to the filing of

short-term medical plans intended for sale to Washington consumers.

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

Process for Developing New Rule: Submit written comments by March 22, 2018.

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

March 2, 2018
 Mike Kreidler
 Insurance Commissioner

WSR 18-06-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

(Public Transportation Division)

[Filed March 5, 2018, 11:08 a.m.]

Subject of Possible Rule Making: Chapter 468-550 WAC, for safety oversight of rail fixed guideway public transportation systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 81.104.115(7) Rail fixed guideway public transportation system.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Federal Transit Administration (FTA) has adopted the rule, 49 C.F.R. Part 674, for state safety oversight (SSO) of rail fixed guideway public transportation systems. Section 674.25 states that a[n] SSO agency must establish minimum standards for the safety of all rail fixed guideway public transportation systems within its oversight. These minimum standards must be consistent with the National Public Transportation Safety Plan, the public transportation safety certification training program, the rules for public transportation agency safety plans and all applicable federal and state law. Additionally, Washington state's SSO program must establish these rules in order to become certified by FTA to implement a Part 674 compliant oversight program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FTA.

Process for Developing New Rule: FTA issued a new rule, 49 C.F.R. Part 674 for state safety oversight of rail fixed guideway public transportation systems not regulated by the Federal Railroad Administration. The new rule requires revisions to chapter 468-550 WAC to meet the requirements outlined in 49 C.F.R. Part 674. This rule replaces the existing regulations for state safety oversight of rail fixed guideway public transportation systems in 49 C.F.R. Part 659 that have been in place for the past twenty years. This new rule signifi-

cantly strengthens states' authorities to prevent and mitigate accidents and incidents on public transportation systems.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Flood, 401 2nd Avenue South, Suite 300, Seattle, WA 98104, phone 206-464-1291, email FloodM@wsdot.wa.gov; or Steven Besaw, 401 2nd Avenue South, Suite 300, Seattle, WA 98104, phone 206-464-1271, email BesawSC@wsdot.wa.gov.

March 5, 2018
Streator Johnson
Administrative Risk Manager

WSR 18-06-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed March 5, 2018, 3:21 p.m.]

Subject of Possible Rule Making: Driver training schools: WAC 308-110-010 Definitions and 308-110-030 Administration of examinations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.82.450 and 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify rules related to driver training school test administration. Current rules are not consistent with department policy and exam proctoring guidelines are ambiguous.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Casey Schaufler, P.O. Box 9027, Olympia, WA 98507, phone 360-664-6692, fax 360-570-4976, TTY 711, email TSE@dol.wa.gov, web site dol.wa.gov; or Sirena Walters, P.O. Box 9027, Olympia, WA 98507, phone 360-664-6692, fax 360-570-4976, TTY 711, email TSE@dol.wa.gov, web site dol.wa.gov.

March 5, 2018
Damon Monroe
Rules Coordinator

WSR 18-06-073
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION

[Filed March 5, 2018, 5:39 p.m.]

Subject of Possible Rule Making: State Route (SR) 99 tunnel toll rates, fees and policies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.56.795, 47.56.850, and 47.56.-862.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 47.56.862, the tolling authority (commission) shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on this facility and to generate the necessary revenue sufficient to meet the redemption of bonds, to meet the obligations of the tolling authority under RCW 47.56.850, and interest payments on bonds and for those costs that are eligible under RCW 47.56.820. Therefore, in order to meet these requirements in state law, the commission will establish SR 99 tunnel toll rates, fees and policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The transportation commission will coordinate with the Washington state department of transportation on this rule-making process.

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 Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone 360-705-7070, fax 360-705-6802, email transc@wsdot.wa.gov, web site <http://www.wstc.wa.gov/>.

Additional comments: In consultation with the Washington state department of transportation, the transportation commission will hold public input meetings prior to issuing a toll rate proposal for the SR 99 tunnel. Public comment will also be taken at the final hearing.

March 5, 2018
Reema Griffith
Executive Director

WSR 18-06-074
PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION

[Filed March 5, 2018, 5:40 p.m.]

Subject of Possible Rule Making: Exemptions and fees on Washington state toll facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.46.100, 47.56.030, 47.46.105, 47.56.795, and 47.56.850.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 47.56.850, the commission is authorized to establish and make adjustments on exemptions for eligible toll facilities. Per RCW 47.56.795 and 47.46.105 the commission is authorized to adopt administrative fees as appropriate for toll collection processes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The transportation commission will coordinate with the Washington state department of transportation on this rule-making process.

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 Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone 360-705-7070, fax

360-705-6802, email transc@wsdot.wa.gov, web site <http://www.wstc.wa.gov/>.

Additional comments: In consultation with the Washington state department of transportation, the transportation commission will hold public input meetings prior to issuing a proposal for system-wide exemptions, fees and policies for Washington state toll facilities. Public comment will also be taken at the final hearing.

March 5, 2018
Reema Griffith
Executive Director

WSR 18-06-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 6, 2018, 8:02 a.m.]

Subject of Possible Rule Making: The securities division is considering mandating the filing of applications for registration of franchise offerings and franchise brokers, as well as for franchise exemption notice filings, through the securities division's electronic franchise filing system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.100.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2013, the securities division announced the availability of its online electronic franchise filing system (efiling system). The efilings system was intended to facilitate electronic submission of franchise registration and renewal applications, and post-effective amendments online, eliminating the need to make any paper or other physical submissions to the securities division. Since then, the securities division has expanded its efilings system capabilities to accept franchise broker and franchise exemption filings.

A significant number of applicants have utilized the efilings system since its inception. In 2017 alone, the securities division received nine hundred ninety-one franchise registration filings through the efilings system. Although the securities division currently accepts filings through the efilings system and paper submissions, paper submissions require the securities division to manually receive, process and scan the filings, which may result in delays to the applicant receiving any follow-up correspondence or notice of effective registration. Requiring franchisors and franchise brokers to use the efilings system will eliminate inefficiencies and result in a streamlined process for both applicants and the securities division.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Trade Commission (FTC) requires franchisors to provide prospective franchisees with certain disclosure. The securities division requires a franchisor to prepare a disclosure document that coordinates with FTC required disclosures. FTC does not, however, require registration or filings in connection with franchise offerings. A handful of

states regulate franchise offerings and franchise brokers, however, no coordination is necessary to require franchisors to use the securities division's efilings system.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Webster, Esq., P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8760, fax 360-902-0524, TTY 360-664-8126, email michelle.webster@dfi.wa.gov, web site <https://dfi.wa.gov/securities>.

March 5, 2018
William M. Beatty
Securities Administrator

WSR 18-06-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 6, 2018, 8:19 a.m.]

Subject of Possible Rule Making: The securities division is considering mandating that notice filings concerning securities offerings exempt under Rule 506 of federal Regulation D be made through the North American Securities Administrators Association's (NASAA) online electronic filing depository (EFD) system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.327, 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule 506 of Regulation D provides an exemption from securities registration under the federal Securities Act of 1933. Federal law preempts state laws that would otherwise require registration of these securities offerings, but states are permitted to require notice filings in connection with offerings in their own jurisdictions. Notice filings on Form D are required for these offerings in Washington pursuant to RCW 21.20.327(2) and WAC 460-44-503 (1)(a)(i)(A) and (B).

EFD, an online system developed by NASAA, allows an issuer to submit electronic notices on Form D concerning Rule 506 offerings to state securities regulators and pay related fees. EFD also enables the public to search and view, free of charge, Form D filings made with state securities regulators through EFD. In 2017, the EFD system processed sixty-nine thousand eight hundred twelve total Form D notice filings throughout all NASAA jurisdictions utilizing the system.

Although the securities division currently accepts notice filings through EFD as well as paper submissions, paper submissions require the securities division to manually process and scan the notice filings, which may result in delays to the issuer in receiving an acknowledgment of its filing or any follow-up correspondence. Requiring issuers to use the EFD system to file Rule 506 notice filings would eliminate ineffi-

ciencies and result in a streamlined process for both issuers and the securities division.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Issuers seeking to rely on Rule 506 must file a Form D with the Securities and Exchange Commission (SEC) and applicable state securities regulators. The securities division's rules currently prescribe use of the Form D to coordinate its filing requirements with SEC's filing requirements. The division is merely considering mandating this form to be filed electronically through the EFD system.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Webster, Esq., P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8760, fax 360-902-0524, TTY 360-664-8126, email michelle.webster@dfi.wa.gov, web site <https://dfi.wa.gov/securities>.

March 5, 2018
William M. Beatty
Securities Administrator

WSR 18-06-082

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed March 6, 2018, 10:23 a.m.]

Subject of Possible Rule Making: Chapter 246-272A WAC, On-site sewage systems, the state board of health (board) is considering revisions to the chapter. Priority issues include local management plans, property sale inspections, treatment levels, ultraviolet disinfection, and licensing of operations and maintenance providers. The board may consider other technical and editorial changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-272A-0425 requires the Washington state department of health (department) to review the chapter every four years. The purpose of the review is to determine the overall effectiveness of the rules and areas needing revision, and to report the results and recommendations back to the board and local health officers. The department used three overlapping methods to review the rules, replicating previous reviews: (1) An online survey of local health jurisdictions; (2) discussion and input on technical issues by the department's on-site sewage system technical advisory group; and (3) facilitated discussion with a stakeholder panel. The department developed a report identifying issues for possible rule making and the board directed the department to begin rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local health jurisdictions have a role in implementing on-site sewage system rules. The department will convene a

broad based stakeholder workgroup and invite local health jurisdictions to participate.

Process for Developing New Rule: The board and department will use a collaborative rule-making approach. The department will convene a broad based stakeholder workgroup. The department will also keep stakeholders and interested parties informed of the rule development through email, and posting information on the department's rule-making web sites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and at the board's public hearing. The department may also hold workshops throughout the rule-making process to solicit feedback.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeremy Simmons, Wastewater Section Manager, Department of Health, P.O. Box 47824, Olympia, WA 98504-7824, phone 360-236-3346, TTY 360-833-6388 or 711, email Jeremy.Simmons@doh.wa.gov, web site <https://www.doh.wa.gov>; or Stuart Glasoe, Policy Advisor, State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4111, email Stuart.Glasoe@sboh.wa.gov, web site <http://sboh.wa.gov>.

Additional comments: Interested parties may sign up to receive rule-making notices by emailing their request to wastewatermgmt@doh.wa.gov.

March 5, 2018
Michelle A. Davis
Executive Director

WSR 18-06-090

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF HEALTH

[Filed March 6, 2018, 4:05 p.m.]

Subject of Possible Rule Making: Chapter 246-105 WAC, Immunization of child care and school children against certain vaccine-preventable diseases, the state board of health (board) will consider updating the rule regarding documentation of immunization status, the process for students who are in conditional status, the reference to the national immunization standards set by the advisory committee on immunization practices (ACIP), and improving clarity and usability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.140, 28A.210.080, 28A.210.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will consider updating the rules to improve documentation of immunization status for school and child care entry. The current rule requires parents to report their child's immunizations on the certificate of immunization status before entry into schools and child care. This creates the need for immunization data entry and reentry at multiple points in the process, and creates a system where health care providers are not required to verify that these immunizations are medically valid. Eliminating additional data handoffs and ensuring immunizations are

medically valid will help reduce immunization documentation errors in the immunization information system. Updating the rules will improve immunization documentation for children entering school or child care, help schools and child care accurately determine immunization compliance, and provide accurate information for schools and child care to determine if a child is adequately protected in case there is an outbreak of a vaccine-preventable disease.

The board also received requests from several school nurses in 2016 asking to change its rule (chapter 246-105 WAC) to require students to be fully immunized before school entry. The board decided at the time not to engage in rule making and instead suggested that board and department of health (department) staff continue the discussion with stakeholders about strategies to reduce the administrative burden to schools while decreasing the number of children who are out of compliance with school immunization requirements. As board and department staff engage with stakeholders and partners to discuss the potential immunization compliance rule making, staff will use these conversations to also discuss topics and issues related to conditional status and determine if rule making is necessary.

In addition, staff will consider updating the reference to the national immunization standards set by ACIP from the 2017 publication to the current publication. The intent is to provide clarity and consistency for stakeholders by pointing existing guidelines referenced in rule to the most current national immunization standards published by ACIP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department and the board will work collaboratively to update the rule. This will be coordinated through in-person meetings that will include the department of health, office of immunization and child profile senior policy analyst, subject matter experts, and the OICP director. This process will include a rule-making timeline and work plan to help guide this collaborative work.

The board and department will also consult with the office of the superintendent of public instruction, the Washington state department of early learning throughout the rule-making process, and the United States Department of Defense school liaison officer(s).

Process for Developing New Rule: The board and department will use a collaborative rule-making process in developing the proposed rules. The board may consult with an advisory committee to receive recommendations for rule revision. If an advisory committee will be used, it will include school and child care personnel, parents, and other interested stakeholders. Once draft rules are prepared, the board will use a broader informal review and comment process to gather further input prior to the formal proposal of rules and public hearing. The board and department will also take advantage of any standing meetings with stakeholder organizations to inform and involve them in the rule-development process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Weatherly, P.O. Box 47843, Olympia, WA 98504-7843, phone 360-236-3483, fax 360-236-3591, TTY 360-833-6388 or 711, email michelle.

weatherly@doh.wa.gov; or Alexandra Montano, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4106, fax 360-236-4088, TTY 360-833-6388 or 711, email alexandra.montano@sboh.wa.gov.

Additional comments: If you would like to be added to the listserv for this rule making email WSBOH@SBOH.WA.GOV with the subject line "Immunizations - Subscribe."

March 6, 2018
Michelle A. Davis
Executive Director

WSR 18-06-100

PREPROPOSAL STATEMENT OF INQUIRY WHATCOM COMMUNITY COLLEGE

[Filed March 7, 2018, 9:04 a.m.]

Subject of Possible Rule Making: Chapter 132U-125 WAC, Whatcom Community College (WCC) student rights and responsibilities policy and chapter 132U-300 WAC, WCC discrimination and harassment; delete chapter 132U-125 WAC because the existing policy and procedures must be entirely rewritten; add chapter 132U-126 WAC based on assistant attorney general (AAG) statewide model policy and procedure recommendations; and edit chapter 132U-300 WAC based on AAG statewide model policy recommendations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW, Community and technical colleges; RCW 28B.50.100 Board of trustees—Generally, 28.50.140 Board of trustees—Power and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing chapter 132U-125 WAC, Student rights and responsibilities and chapter 132U-300 WAC, Discrimination and harassment, have out-of-date definitions, jurisdiction, and procedures that must be updated and revised based upon the AAG model policies and procedures and a statewide review of best practices among community and technical colleges. The existing chapter 132U-125 WAC does not address the recent federal and state regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Education added new Title IX and Violence Against Women Act regulations which require expanded rights for victims of sexual harassment and crimes. These rights must be outlined in WCC student rights and responsibilities, and discrimination and harassment.

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 Barbara Nolze, 237 West Kellogg Road, LDC 208, Bellingham, WA 98226, phone 360-383-3077, email bnolze@whatcom.edu, web site www.whatcom.edu.

March 7, 2018
B. Nolze
Administrative Assistant

WSR 18-06-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Behavioral Health Administration)
 [Filed March 7, 2018, 9:25 a.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-875 WAC, Criminally insane person committed to the care of the department of social and health services—Evaluation, placement, care and discharge; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 10.77 RCW, RCW 72.01.090, 70.02.290, 70.02.340, 71.05.560, 71.24.035 (5)(c), 71.34.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Many of these rules have not been updated since 2000. The department intends to bring this chapter up-to-date by clarifying rule language and ensuring that these rules are consistent with statute, other rules, any forthcoming legislation, and with current department organization and procedures. Specifically, the department intends to update outdated terms such as "mental health division," revise the rules to more clearly reflect the changes that have occurred since the implementation of 2E2SSB 5177 (chapter 7, Laws of 2015) including clarification of maximum payment for forensic evaluation in WAC 388-875-0040, and clarify the role and function of the office of forensic mental health services.

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 Jason Karpen, P.O. Box 45050, Olympia, WA 98504-5050, phone 360-725-3529, email Jason.karpen@dshs.wa.gov, web site <https://www.dshs.wa.gov/bha/office-service-integration/office-forensic-mental-health-services>.

March 5, 2018
 Katherine I. Vasquez
 Rules Coordinator

WSR 18-06-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed March 7, 2018, 9:42 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0040 Can I get my benefits replaced?; 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], 74.04.510, 74.08.090, 74.04.770, 74.12.260, 74.08.580, 7 C.F.R. 274.6 and 273.16.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 388-412-0040 and other related rules as may be required to describe the department's adoption of federal optional regulations requiring the withholding of replacement electronic benefit transfer cards when a recipient requests an excessive number of replacement cards.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (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.

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.

March 5, 2018
 Katherine I. Vasquez
 Rules Coordinator

WSR 18-06-109
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed March 7, 2018, 10:58 a.m.]

Subject of Possible Rule Making: Spirit distributor license fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to clarify who is responsible for paying spirit distributor license fees.

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 Karen McCall, P.O. Box 43098, Olympia, WA 98504, phone 360-664-1631, fax 360-664-9689, email rules@lcb.wa.gov, web site lcb.wa.gov.

March 7, 2018
Jane Rushford
Chair