

WSR 18-11-006
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed May 2, 2018, 2:02 p.m.]

Subject of Possible Rule Making: Amend and update regulations pertaining to catch record cards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.090, 77.04.130, 77.32.430.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to update rules pertaining to catch record cards based on passage of ESSB 6127 during the 2018 legislative session. Furthermore, the department would like to update rules to offer more options for catch record card reporting and to clarify details regarding license documents.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Bird, P.O. Box 43153, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov.

May 2, 2018
 Scott Bird
 Rules Coordinator

WSR 18-11-023
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)

[Admin. #2018-02—Filed May 7, 2018, 8:51 a.m.]

Subject of Possible Rule Making: Enrollment and eligibility rules in chapters 182-08 and 182-12 WAC.

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: 1. The health care authority (HCA) will consider amendments and new rules to implement the following:

- Amend references to the public employees benefits board (PEBB) appeals committee and chapter 182-16 WAC as needed.
- Clarify that it is the PEBB program that sends the Consolidated Omnibus Budget Reconciliation Act (COBRA) election form, reviews COBRA eligibility, receives the election form and first payment in WAC 182-12-133 and 182-12-146. Also, determine if nonqualified COBRA beneficiaries who qualify for PEBB continuation coverage should be included in WAC 182-12-146.
- Review rules related to the administration of the medical flexible spending account (FSA) and dependent care assistance program (DCAP) programs in WAC 182-08-

- 197, 182-12-138, 182-12-141 and 182-12-146 to clarify notice requirements for employees after termination of employment and to ensure rules are consistent with Family Medical Leave Act and Uniformed Services Employment and Reemployment Rights Act requirements.
- Amend the definitions of employer contribution, special open enrollment, waive, premium surcharge and premium payment plan in WAC 182-08-015, 182-12-109, and 182-16-020. Add new definitions of transfer and break-in PEBB coverage to chapters 182-08, 182-12, and 182-16 WAC.
- Amend dependent enrollment verification during special enrollment in WAC 182-12-262.
- Amend WAC 182-12-262 to convey anti-rescission limitations in the PEBB program's discretion.
- Amend child eligibility consistent within policy adopted by PEBB and changes recommended to SEBBoard.
- Clarify that the employing state agency or the applicable contracted vendor must receive the employee form no later than thirty-one days after the employee becomes eligible for PEBB benefits in WAC 182-08-197.
- Clarify each employer's responsibility for payment of the employer contribution when an employee transfers from one employing agency to another, and that there will be no break-in PEBB coverage between transfer in WAC 182-08-200.
- Amend WAC 182-08-187 to correct numbering errors and address additional enrollment errors.
- Amend WAC 182-12-123 and 182-12-205 to make technical corrections.
- Amend language based on a rule change in WAC 182-12-171.
- Amend rules to account for the implementation of family and medical leave insurance program. Amend WAC 182-08-198 to address when coverage begins when a member enrolls in a medicare advantage plan.
- Clarify the enforcement of the national medical support notice (NMSN) when a terminated employee elects self-only COBRA in WAC 182-12-263.
- Clarify forty-five day rule related to premium payments and premium refunds by cross-referencing WAC 182-12-146 with WAC 180-08-180, clarify if WAC 182-08-180 is applicable to all or just employees eligible for the employer contribution.
- Review rules related to premium surcharge requirements.
- Amend the employer group application process by adding alternative requirements for employer groups that are not able to provide historical claims data and cost information as required in WAC 182-08-235 and review WAC 182-08-240 for readability.
- Clarify that the dependent of a retiree must be enrolled in the same medical and dental plan with narrow exceptions in chapter 182-12 WAC.
- Consider adding details regarding eligibility for judges and a cross-reference to the definition of separated employee in RCW 41.05.022 in WAC 182-12-171.
- Amend WAC 182-12-205 to add an exception regarding when PEBB insurance coverage will end for a member who enrolls in a medicare advantage plan. Clarify once a

retiree voluntarily terminates the coverage, the retiree cannot reenroll in PEBB benefits unless the retiree becomes newly eligible.

- Clarify that the subscriber must maintain continuous enrollment in one of the types of coverage allowed and clarify timelines for deferral upon retirement and postretirement in WAC 182-12-200 and 182-12-205.
- Amend rules to include elected officials in chapters 182-08, 182-12, and 182-16 WAC.
- Clarify whether enrollment forms should be submitted to the PEBB program or the employing agency in WAC 182-08-198.
- Consider separating court orders and NMSN into two special open enrollment events by evaluating impacts in chapters 182-08 and 182-12 WAC.
- Amend WAC 182-08-199 to clarify procedures during open enrollment and special open enrollment for FSA and DCAP and amend multiple rules to better align with salary reduction plan document language.
- Clarify COBRA and deferral processes for surviving dependents in WAC 182-12-265.
- Amend rules in chapter 182-12 WAC to clarify that an employee must provide evidence in addition to the required form to enroll in coverage during [a] special open enrollment event.
- Amend WAC 182-12-300 regarding whether subscribers who complete the well-being assessment to earn the \$25 gift card must also claim the gift card within the same calendar year and to clarify earned wellness incentives for subscribers who enroll in medicare parts A and B the following year.

2. HCA will conduct a full review of PEBB program rules in these chapters and make changes as necessary to provide technical corrections, implement legislation, implement PEBB policy, and to comply with federal or state regulations.

Process for Developing New Rule: HCA 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, HCA 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 Barbara Scott, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, TTY 1-800-848-5429, email Barbara.Scott@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0932, fax 360-586-9727, TTY 1-800-848-5429, email Stella.Ng@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>.

Additional comments: Individuals wishing to receive PEBB program rule-making notices are encouraged to join the PEBB rules and policy GovDelivery service available by following this path https://public.govdelivery.com/accounts/WAHCA/subscriber/new?topic_id=WAHCA_303.

May 7, 2018
Wendy Barcus
Rules Coordinator

WSR 18-11-024

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Employees and Retirees Benefits Division)

[Admin. #2018-01—Filed May 7, 2018, 8:51 a.m.]

Subject of Possible Rule Making: Eligibility rules in WAC 182-13-040.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.197, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) will consider amendments to rules related to medicare supplement coverage application requirements for residents in WAC 182-13-040.

Process for Developing New Rule: HCA 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, HCA 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 Barbara Scott, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, TTY 1-800-848-5429, email Barbara.Scott@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0932, fax 360-586-9727, TTY 1-800-848-5429, email Stella.Ng@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>.

Additional comments: Individuals wishing to receive public employees benefits board (PEBB) program rule-making notices are encouraged to join PEBB rules and policy GovDelivery service available by following this path https://public.govdelivery.com/accounts/WAHCA/subscriber/new?topic_id=WAHCA_303.

May 7, 2018
Wendy Barcus
Rules Coordinator

WSR 18-11-025

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin. #2018-03—Filed May 7, 2018, 8:57 a.m.]

Subject of Possible Rule Making: Appeal rules in chapter 182-16 WAC.

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 health care authority (HCA) will consider amending, recodifying, repealing, and adding new sections of rule in chapter 182-16 WAC to reflect changes the agency is making to its brief adjudicative proceedings and administrative hearing processes for the public employees benefits board (PEBB) program.

Process for Developing New Rule: HCA 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, HCA 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 Barbara Scott, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, TTY 1-800-848-5429, email Barbara.Scott@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>; or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0932, fax 360-586-9727, TTY 1-800-848-5429, email Stella.Ng@hca.wa.gov, web site <https://www.hca.wa.gov/about-hca/rulemaking>.

Additional comments: Individuals wishing to receive PEBB program rule-making notices are encouraged to join PEBB rules and policy GovDelivery service available by following this path https://public.govdelivery.com/accounts/WAHCA/subscriber/new?topic_id=WAHCA_303.

May 7, 2018
Wendy Barcus
Rules Coordinator

WSR 18-11-026

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed May 7, 2018, 10:01 a.m.]

Subject of Possible Rule Making: Bump-fire stock buy-back program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESB 5992 and chapter 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESB 5992 requires the Washington state patrol (WSP) to adopt rules to implement the bump-fire stock buy-back program, allowing a person in possession of a bump-fire stock to relinquish the device to WSP in exchange for a monetary payment.

Process for Developing New Rule: WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly Mathis, 106 11th Avenue S.W., phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, web site wsp.wa.gov/rules-development/.

John R. Batiste
Chief

WSR 18-11-029

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 7, 2018, 11:40 a.m.]

Subject of Possible Rule Making: Chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers, amending the topics of education, recordkeeping, mandatory reporting, supervision, approved supervisor, continuing education, and other licensing standards and to make needed clarifications and technical changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040 and 18.225.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering developing new and revised requirements related to supervision of associates and the approved supervisor requirements in order to better prepare associates for independent licensure. In addition, the department is considering amending the recordkeeping, education, and continuing education requirements to strengthen the requirements and align them with current trends in practice. The department will also consider making clarifications and technical changes in other licensing standards, as needed.

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 Brad Burnham, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4912, TTY 360-833-6388 or 711, email brad.burnham@doh.wa.gov, web site www.doh.wa.gov.

May 5, 2018
John Wiesman, DrPH, MPH
Secretary

WSR 18-11-030

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed May 7, 2018, 12:26 p.m.]

Subject of Possible Rule Making: Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees, the department is considering amendments regarding chemical dependency professional trainee (CDPT) certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarifying and technical changes to other requirements, as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5779 (chapter 226, Laws of 2017) repealed the requirement that chemical dependency professionals (CDP) and CDPT must work within a state-

approved facility. Because CDPTs do not currently have clear regulations that apply to their supervision outside of state-approved facilities, the department is considering revising the CDPT certification requirements to align with current law. In addition, the department will make other revisions to the CDP and CDPT certification requirements in order to align the regulations with other related regulations, to add clarity, and to make technical changes.

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 Brad Burnham, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4912, TTY 360-833-6388 or 711, email brad.burnham@doh.wa.gov, web site www.doh.wa.gov.

May 5, 2018
John Wiesman, DrPH, MPH
Secretary

WSR 18-11-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 7, 2018, 2:33 p.m.]

Subject of Possible Rule Making: WAC 308-125-030 Examination prerequisite general classification, 308-125-040 Examination prerequisite state-certified residential classification, 308-125-045 Examination prerequisite state-licensed classification, and 308-125-070 Experience requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Change existing rules to ensure applicants are aware of and can clearly identify the current education and experience requirements to apply for an appraiser credential.

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

Process for Developing New Rule: Parties interested in the proposed rules may contact the person listed below. The director must have the advice and approval of the real estate appraiser commission to change rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dee Sharp, P.O. Box 9027, Olympia, WA 98507-9027, phone 360-664-6504, fax 360-570-7053, TTY 711, email dsharp@dol.wa.gov, web site <http://www.dol.wa.gov/business/appraisers>.

May 7, 2018
Damon Monroe
Rules Coordinator

WSR 18-11-034

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE HISTORICAL SOCIETY

[Filed May 8, 2018, 8:53 a.m.]

Subject of Possible Rule Making: Creating rules for acceptance of gifts, grants, conveyances, bequests, and devises, of real or personal property and to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 27.34.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 27.34.070 requires the adoption of rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all gifts, grants, conveyances, bequests, and devises received by the society.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the secretary of state governs the activities of charitable organizations in Washington. We will seek comment on the proposed rules from this office prior to adoption.

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 Misty Reese, Director of Administration and Human Resources, 1911 Pacific Avenue, Tacoma, WA 98402, phone 253-798-5901, fax 253-272-9518, email misty.reese@wshs.wa.gov, web site www.washingtonhistory.org.

May 4, 2018
Jennifer Kilmer
Director

WSR 18-11-037

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed May 8, 2018, 1:41 p.m.]

Subject of Possible Rule Making: On April 14, 2018, the fish and wildlife commission directed the Washington department of fish and wildlife (WDFW) to initiate a rule making to require individual hydraulic project approvals (HPA) for all suction dredge mineral prospecting. To accomplish this requirement, WDFW plans to amend two sections and create a new section under chapter 220-660 WAC. WAC 220-660-300 regulates common mineral prospecting methods authorized under WDFW's "Gold and Fish" pamphlet. WDFW's goal in this rule making is to modify existing rules and create new rules that will permit motorized and nonmotorized suction dredging activities in the state through individual HPAs while providing protection for fish life.

WDFW's objectives in this rule making include the following:

- Develop an individual HPA application method for suction dredging that is streamlined;
- Develop application and reporting methods to enable WDFW to determine:
 - The number of prospectors engaged in suction dredging; and
 - Where and how much suction dredging occurs; and
- Identify methods to prevent the spread of aquatic invasive species through the movement of suction dredging equipment into and around the state.

WDFW will develop rules in cooperation with the recreational mining community and other interested parties.

The rule making as proposed would amend WAC 220-660-030 Definitions and 220-660-300 Mineral prospecting and create a new section under chapter 220-660 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.047, 77.55.021, 77.55.091, and 34.05.328.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WDFW proposes changes to sections under chapter 220-660 WAC to achieve the following outcomes:

- Modify existing rules or create new rules that will permit motorized and nonmotorized suction dredging activities in the state through individual HPAs while providing protection for fish life.
- Develop an individual HPA application method for suction dredging that is streamlined.
- Develop application and reporting methods to enable WDFW to determine the number of prospectors engaged in suction dredging and where and how much suction dredging occurs.
- Identify methods to prevent the spread of aquatic invasive species through the movement of mineral prospecting equipment around the state.
- Make other essential changes to WAC 220-660-030 and 220-660-300 that clarify language, intent or accommodate administrative changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WDFW is the sole authority regulating hydraulic projects under chapter 77.55 RCW, and the only state agency that regulates hydraulic projects solely for the protection of all fish life. The U.S. Army Corps of Engineers, Washington department of ecology, Washington department of natural resources, Washington state parks, and local governments also regulate certain aspects of hydraulic projects under their own authorities. National Marine Fisheries Service and U.S. Fish and Wildlife Service regulate the "take" of threatened or endangered species listed under the federal Endangered Species Act. Federal land managers, including U.S. Forest Service, National Parks Service, and Bureau of Land Management, regulate activities occurring on federal lands and have an interest in state hydraulic code regulations. Tribes regulate fisheries and certain aspects of construction projects on tribal lands. Each of these entities will be invited to comment on

draft rules during the rule-making process. Their comments and concerns will be carefully considered in rule change decisions. In addition to the public comment and hearing process, WDFW is coordinating with federal and state agencies having an identified interest in rules in WAC 220-660-300.

Process for Developing New Rule: WDFW determined that the standard process for the adoption of administrative rules under the Administrative Procedures [Procedure] Act (chapter 34.05 RCW) and the provisions for significant legislative rules (RCW 34.05.328) is the appropriate process for hydraulic code rule making. Negotiated rule making is not practicable because it would increase the time needed and the cost of rule making and provide little or no additional benefit while pilot rule making is not applicable because the proposed amendments apply statewide.

Consequently, WDFW will hold public meetings to solicit input from interested parties about the content of the proposed rule amendments prior to filing a notice of proposed rule making. Information about the status of the HPA rule-making process can be found on the HPA rule-making web site at <http://wdfw.wa.gov/licensing/hpa/rulemaking/>. When the proposal (CR-102) for the rule making is filed, the department will announce how and when interested parties can submit public comment on proposed rules, and announce when and where the fish and wildlife commission will hold a public hearing on the rule proposals via the department web site. The web site will also provide information about dates when the fish and wildlife commission will receive briefings on the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randi Thurston, P.O. Box 43234, Olympia, WA 98504-3234, phone 360-902-2602, fax 360-902-2946, TTY 800-833-6388, email HPARules@dfw.wa.gov, web site <http://WDFW.wa.gov>, HPA rule-making web site <http://wdfw.wa.gov/licensing/hpa/rulemaking/>.

May 8, 2018

Scott Bird

Rules Coordinator

WSR 18-11-040

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 8, 2018, 3:27 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0045 When will the department authorize my long-term care services? and 388-106-0047 When will the department terminate or deny long-term care services to me?, the department is also considering adding a new section and may amend other related rules as required specifically related to this change.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending

these rules in order to clarify that client services may be authorized prior to the client's signature on the service summary and that services are not required to be terminated when the department is unable to obtain the client's signature on the service summary.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

May 8, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-11-044
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 9, 2018, 12:37 p.m.]

The department of labor and industries is withdrawing the preproposal statement of inquiry for rule making related to the minimum clearance distance of vehicular or mechanical equipment when working around energized trolley lines under WAC 296-155-428, WSR 16-07-120, filed on March 22, 2016.

If you have any questions, please contact Maggie Leland, rules coordinator, at 360-902-4504.

Maggie A. Leland
Rules Coordinator

WSR 18-11-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed May 9, 2018, 12:58 p.m.]

Subject of Possible Rule Making: Amending current land boundary survey standards, adding new definitions and the use of relative accuracy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 58.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to the existing standards are necessary in order to accommodate changes in professional practice.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Board of registration for professional engineers and land surveyors will assist in reviewing the draft amendments.

Process for Developing New Rule: Full rule-making process including public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Beehler, PLS, CFedS, 1111 Washington Street S.E., Olympia, WA 98504-7030, phone 360-902-1181, fax 360-902-1178, email pat.beehler@dnr.wa.gov, web site <https://www.dnr.wa.gov/>.

May 8, 2018
Duane Emmons
Acting Deputy Supervisor

WSR 18-11-060
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed May 11, 2018, 9:36 a.m.]

Subject of Possible Rule Making: Updating rules related to the address confidentiality program (ACP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.24.090, 40.24.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update definitions and processes for ACP.

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 ACP Program, P.O. [Box] 40220, Olympia, WA 98504, phone 360-902-4151, fax 360-586-5629, email ACPRules@sos.wa.gov.

May 11, 2018
Mark Neary
Assistant Secretary of State

WSR 18-11-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed May 15, 2018, 10:03 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-482-0005 How does being a student of higher education impact my eligibility for the Washington basic food program?, 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], 74.08.090, 74.08A.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes planned under this filing will amend WAC 388-482-0005 and other related rules to align with federal regulations allowing the department to average monthly employment hours for students of higher education for basic food eligibility.

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: 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 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.

May 10, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-11-069

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed May 15, 2018, 10:13 a.m.]

Subject of Possible Rule Making: The department is planning to add new sections and amend existing sections in chapter 388-78A WAC, including WAC 388-78A-3140, 388-78A-3150, 388-78A-3152, 388-78A-3160, 388-78A-3170, 388-78A-3180, 388-78A-3190, 388-78A-3200, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend chapter 388-78A WAC as required to assure compliance with requirements of HB [EHB] 2750 passed by the 2018 legislature. HB [EHB] 2750 requires a "tiered sanction grid that considers the extent of harm from the deficiency and the regularity of the occurrence of the deficiency when imposing civil fines." In addition, it requires that "all receipts from civil penalties imposed under this chapter must be deposited in the assisted living facility temporary management account created in RCW 18.20.430." This will require changes to the additional enforcement sections listed.

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 Jeanette Childress, Policy Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-407-1976, email childjk@dshs.wa.gov, web site <https://www.dshs.wa.gov/altsa>.

May 15, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-11-078

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 17, 2018, 12:00 p.m.]

Subject of Possible Rule Making: WAC 308-124A-815 Prohibited firm and assumed names.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On advice from the program assistant attorney general, the rule needs to be reviewed and rewritten. The current rule places liability upon the department to decide how a licensee may conduct business. The department will modify the rule to avoid repetition of the statute and to define the parameters licensees use to conduct business in offering real estate brokerage 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: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rule during the public comment period and will be able to preset 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 Jerry McDonald, Department of Licensing, Real Estate Program, P.O. Box 48053, Olympia, WA 98502, phone 360-664-6525, TTY 711, email jmcdonald@dol.wa.gov, web site dol.wa.gov.

May 17, 2018
Damon Monroe
Rules Coordinator

WSR 18-11-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed May 17, 2018, 12:03 p.m.]

Subject of Possible Rule Making: WAC 308-124A-713 Application for managing broker license examination—Other qualification or related experience and 308-124A-715 Unsuccessful managing broker applicants—Alternate qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The real estate commission wants to review this WAC as it has not changed since the real estate licensing law that went into effect on July 1, 2010. The department would like to update the rules to make it easier for applicants to understand alternative qualifications for examination approval.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rule during the public comment period and will be able to preset 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 Jerry McDonald, Department of Licensing, Real Estate Program, P.O. Box 48053, Olympia, WA 98502, phone 360-664-6525, TTY 711, email jmcdonald@dol.wa.gov, web site dol.wa.gov.

May 17, 2018
Damon Monroe
Rules Coordinator

WSR 18-11-080

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 17, 2018, 2:39 p.m.]

Subject of Possible Rule Making: WAC 260-70-675 Bicarbonate testing.

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 primary testing laboratory to accept the primary and split samples for screening on bicarbonate test samples.

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.

May 17, 2018
Douglas L. Moore
Executive Secretary

WSR 18-11-081

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed May 17, 2018, 2:40 p.m.]

Subject of Possible Rule Making: WAC 260-70-610 Storage and shipment of split samples.

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 add language to allow a different set of procedures for the shipment of bicarbonate test samples.

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.

May 17, 2018
Douglas L. Moore
Executive Secretary

WSR 18-11-082**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed May 17, 2018, 2:42 p.m.]

Subject of Possible Rule Making: WAC 260-28-030
Financial responsibility.

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 incorporate current policy
into what may be submitted to the stewards for a financial
complaint.

Process for Developing New Rule: Negotiated rule mak-
ing.

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

May 17, 2018
Douglas L. Moore
Executive Secretary

WSR 18-11-083**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed May 17, 2018, 2:46 p.m.]

Subject of Possible Rule Making: WAC 260-36-010
License required.

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 add language currently in
policy on who is required to obtain a license to be in a
restricted area, generally at nonprofit race meets which utilize
public facilities.

Process for Developing New Rule: Negotiated rule mak-
ing.

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

May 17, 2018
Douglas L. Moore
Executive Secretary

WSR 18-11-084**PREPROPOSAL STATEMENT OF INQUIRY
STATE INVESTMENT BOARD**

[Filed May 17, 2018, 2:46 p.m.]

Subject of Possible Rule Making: Amending chapter
287-02 WAC, relating to access to the state investment
board's public records.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 42.56.040, 42.56.070, 42.56.120.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The state investment board
proposes amending chapter 287-02 WAC to better conform
such chapter to: (1) Recent changes to chapter 42.56 RCW,
Public Records Act; (2) model rules recommended by the
attorney general's office (chapter 44-14 WAC); and (3) cur-
rent agency practices.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Negotiated rule mak-
ing.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Christopher Fournier, P.O. Box 40916,
Olympia, WA 98504-0916, phone 360-956-4742, email
Christopher.fournier@sib.wa.gov.

May 15, 2018
Christopher Fournier
Contracts and Public
Records Specialist

WSR 18-11-085**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed May 17, 2018, 2:47 p.m.]

Subject of Possible Rule Making: WAC 260-44-150
Horseshoes.

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 add language currently in
policy to address if a horse loses a shoe just prior to racing.

Process for Developing New Rule: Negotiated rule mak-
ing.

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

May 17, 2018
Douglas L. Moore
Executive Secretary

WSR 18-11-086**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed May 17, 2018, 2:48 p.m.]

Subject of Possible Rule Making: Chapter 260-08 WAC.

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 add language currently in policy on how commissioners and the public may be considered "attending" a meeting.

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.

May 17, 2018
Douglas L. Moore
Executive Secretary

WSR 18-11-087**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed May 18, 2018, 10:29 a.m.]

Subject of Possible Rule Making: Campus parking and traffic regulations for WSU Vancouver, chapter 504-19 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updating the parking and traffic regulations for the WSU Vancouver campus.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director and University Rules Coordinator, Office of Procedures, Records, and Forms, Washington State University, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, fax 509-335-3969, email prf.forms@wsu.edu, web site https://policies.wsu.edu/prf/index/wac/.

May 18, 2018
D. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

WSR 18-11-089**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed May 18, 2018, 2:30 p.m.]

Subject of Possible Rule Making: Chapter 246-101 WAC, Notifiable conditions, and WAC 246-100-011, communicable and certain other diseases definitions, the state board of health (board) and department of health (department) will consider adding notification and specimen submission requirements for "new conditions" and conditions currently identified as "other rare diseases of public health significance"; changing notification and specimen submission requirements for existing conditions; clarifying notification requirements for suspected cases; requiring electronic lab notification; revising reporting requirements for veterinarians and the Washington state department of agriculture; updating statutory references in the rules; updating references to the 2006 Security and Confidentiality Guidelines developed by the Centers for Disease Control and Prevention to the most recent publication; harmonizing definitions between WAC 246-100-011 and chapter 246-101 WAC; and improving clarity and usability.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20.050, 70.104.055, and 43.70.545.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board and department will consider amending the rules to better protect public health by improving our understanding of emerging conditions, allowing more thorough case investigations, and improving the public health response to disease. The public health goals for these changes are to reduce the risk of disease transmission and prevent serious complications or fatalities. The board and department are considering adding the following "new conditions" to the rules as these pose significant public health risk:

- Carbapenem-resistant Enterobacteriaceae (E.coli, Klebsiella species, and Enterobacter species)
- Coccidioidomycosis
- Zika
- MERS and other severe communicable coronavirus infections
- Hantaviral infections (Andes virus, Bayou virus, Black Creek Canal virus, Dobrava-Belgrade virus, Haantan virus, Seoul virus, Sin Nombre virus)
- Rickettsia prowazekii, Rickettsia typhi (typhus), and other nonspotted fever Rickettsia
- Ehrlichiosis
- B. cereus biovar anthracis
- Candida auris
- Histoplasmosis
- Fungal meningitis
- Amoebic meningitis
- Sleeping sickness
- Baylisascaris
- Chagas disease
- Mycobacterium tuberculosis complex
- Typhus

- Echinococcosis (*Echinococcus granulosus* or *E. multilocularis*)
- Taeniasis/cysticercosis. (*Taenia solium*)
- Occupational respiratory diseases
- Inpatient hospitalizations associated with a workplace injury.

The board and department are also considering including reporting and specimen submission requirements for the following conditions currently identified in the rule as "other rare diseases of public health significance" to simplify and improve usability of the rules in order to increase reporting for these conditions:

- Spotted fever rickettsiosis
- Babesiosis
- Anaplasmosis
- Tick paralysis.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board has broad authority to establish rules for notifiable conditions and the department has authority to establish requirements for some notifiable conditions within chapter 246-101 WAC; therefore board and department staff will work in collaboration through joint rule making while developing the proposed rules. The department of agriculture has authority to develop conditional notification requirements for veterinarians. Board and department staff will consult with the department of agriculture while developing the proposed rules to ensure that all notification requirements for veterinarians in the state are harmonized.

Process for Developing New Rule: The board and department will use a collaborative rule-making process in developing the proposed rules. The board and department will consult with an advisory committee to receive recommendations for rule revision. The advisory committee will include members of the regulated community, related associations, local health jurisdictions, and other interested stakeholders. Once draft rules are prepared, the board and department will use a broader informal review and comment process to gather further input prior to the formal proposal of rules and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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; or Vicki Bouvier, P.O. Box 47814, Olympia, WA 98504-7990 [98504-7814], phone 360-236-3011, TTY 360-833-6388 or 711, email vicki.bouvier@doh.wa.gov.

Additional comments: If you would like to be added to the listserv for this rule making email alexandra.montano@sboh.wa.gov with the subject line "Notifiable Conditions - Subscribe." For more information please view the web site at <https://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/NotifiableConditions/RuleMaking>.

May 18, 2018
Michelle A. Davis, MPA
State Board of Health

Executive Director
John Wiesman, DrPH, MPH
Secretary of Health

WSR 18-11-091

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed May 18, 2018, 3:30 p.m.]

Subject of Possible Rule Making: WAC 182-546-0200 Scope of coverage for ambulance transportation, 182-546-0250 Ambulance services the department does not cover, 182-546-0400 General limitations on payment for ambulance services, 182-546-0500 Payment for ground ambulance services in special circumstances, 182-546-0700 Payment limitations for air ambulance services, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, E2HB [E2SHB] 1358, 65th legislature, 2017 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement E2SHB 1358 which directs the agency to adopt standards for the reimbursement of health care services provided to eligible clients by fire departments pursuant to a community assistance referral and education services program under RCW 35.21.930. The standards must allow payment for covered health care services provided to individuals whose medical needs do not require ambulance transport to an emergency department. 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 Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1348, fax 360-586-9727, TTY 1-800-848-5429, email amy.emerson@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

May 18, 2018
Wendy Barcus
Rules Coordinator

WSR 18-11-093

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed May 18, 2018, 3:59 p.m.]

Subject of Possible Rule Making: WAC 182-543-9000 DME and related supplies, complex rehabilitation, prosthetics, orthotics, medical supplies and related services—General

reimbursement, 182-543-9100 Reimbursement method—Other DME, 182-543-9200 Reimbursement method—Wheelchairs, 182-543-9250 Reimbursement method—Complex rehabilitation technology, 182-543-9300 Reimbursement method—Prosthetics and orthotics, 182-543-9400 Reimbursement method—Medical supplies and related services, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.08.090, 74.04.050, 42 C.F.R. § 431.16, § 1903 (i)(27) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency intends to amend chapter 182-543 WAC to align with section 503 of the Consolidated Appropriations Act, 2016 and section 5002 of the 21st Century Cures Act of 2016, which added section 1903 (i)(27) to the Social Security Act. These changes prohibit federal medicaid reimbursement to states for certain durable medical equipment expenditures that are, in the aggregate, in excess of what medicare would have paid for such items. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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/rulemaking.

May 18, 2018
Wendy Barcus
Rules Coordinator

WSR 18-11-097

PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed May 18, 2018, 4:56 p.m.]

Subject of Possible Rule Making: To implement provisions of SHB 2824 (chapter 177, Laws of 2018) and to make changes to rule as needed, the state board of education is amending WAC 180-16-195, 180-16-225, chapters 180-18 and 180-90 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130. The authority for amendment of WAC 180-16-195 is RCW 28A.150.250. The authority for amendment of WAC 180-16-225 is RCW 28A.150.220, 28.305.130 [28A.305.130], and 28A.305.140. The authority for amendment of chapter 180-18 WAC is RCW 28A.305.-

140. The authority for amendment of chapter 180-90 WAC is RCW 28A.195.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2824 (chapter 177, Laws of 2018) exchanges specific powers, duties, and functions among the superintendent of public instruction and the state board of education, thus requiring rule making to implement the statutory change of roles. In particular, the exchange of roles in the private school approval process and in the one hundred eighty day waiver application process and the change of duty in basic education compliance require rule making to implement SHB 2824 (chapter 177, Laws of 2018).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction. State board of education staff will regularly engage the office of superintendent of public instruction staff regarding these rule changes in a series of meetings and by email.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6047, TTY 360-664-3631, email parker.teed@k12.wa.us, web site www.sbe.wa.gov.

March 26, 2018
Mr. Randy Spaulding
Executive Director

WSR 18-11-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed May 21, 2018, 7:58 a.m.]

Subject of Possible Rule Making: WAC 16-501-525 Unsigned ballot envelopes, advisory votes, referenda, and board member elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.24.035, 15.26.060, 15.28.023, 15.44.021, 15.65.240, 15.66.113, 15.88.050, 15.89.050, 15.115.060, and 16.67.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The director of agriculture is responsible for administering marketing order referenda under chapters 15.65 and 15.66 RCW and for administering elections for advisory votes and board member selection authorized in RCW 15.24.035, 15.26.060, 15.28.023, 15.44.021, 15.65.240, 15.66.113, 15.88.050, 15.89.050, 15.115.060, and 16.67.060. These rules set procedures for administrative functions for commodity commissions. Revising procedures for unsigned ballots will streamline and expedite the referendum process.

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 Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2043, fax 360-902-2092, TTY 711, email tnorman@agr.wa.gov, web site www.agr.wa.gov.

May 11, 2018
Patrick Capper
Deputy Director

WSR 18-11-105
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 21, 2018, 1:18 p.m.]

Subject of Possible Rule Making: WAC 182-531-0200 Physician and health care professional services requiring prior authorization, and other 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 WAC to remove the reference to consent forms and replace with "written acknowledgement." This amendment will align WAC 182-531-0200 with 42 C.F.R. 441.255(c), WAC 182-531-0050, RCW 7.70.060, and 7.70.065. 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 Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1348, fax 360-586-9727, TTY 1-800-848-5429, email amy.emerson@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

May 21, 2018
Wendy Barcus
Rules Coordinator

WSR 18-11-117
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed May 22, 2018, 11:04 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-828-9310 How does DDA

determine the number of community access services hours you may receive each month?, 388-828-9330 How does DDA determine your employment status?, 388-828-9335 How does DDD determine your employment service level?, 388-828-9350 Are there conditions when DDA will authorize additional hours to your monthly employment service hours?, 388-845-2100 What are supported employment services?, 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: These planned amendments align with waiver requirements, initiate a petition for rule making, and align with improvements to the CARE system.

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, 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.

May 21, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-11-129
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 23, 2018, 8:32 a.m.]

Subject of Possible Rule Making: Carryover and recovery calculation rules for learning assistance program (LAP) high poverty allocations for the 2017-18 school year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: WAC 392-122-900 General provision—Indirect cost limitations, carryover limitations and recoveries.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering revising the LAP carryover and recovery calculation rules for the purpose of ensuring that funding for students in need of additional support as appropriated by the legislature can be utilized as the legislature intended.

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

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 T. J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6301, fax 360-664-3683, TTY 360-664-3631, email thomas.kelly@k12.wa.us, web site www.k12.wa.us.

May 22, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction