

**WSR 18-17-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 1, 2018, 3:31 p.m.]

Subject of Possible Rule Making: WAC 182-533-0370 Infant case management—Client eligibility, 182-533-0390 Childbirth education (CBE) classes, and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising WAC 182-533-0370 to allow an infant's parent who becomes pregnant during the infant's infant case management (ICM) eligibility period to receive maternity support services and WAC 182-533-0390 to reduce the minimum hours of CBE instruction required from eight to six. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Vance Taylor, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services 711, email vance.taylor@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

August 1, 2018  
 Wendy Barcus  
 Rules Coordinator

**WSR 18-17-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed August 2, 2018, 7:36 a.m.]

Subject of Possible Rule Making: Chapter 352-66 WAC, rule changes will establish a system of aids to navigation including regulatory markers compatible with the United States Aids to Navigation System.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.60.500 Uniform waterway marking system.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 33 C.F.R. Subpart 66.10 expired on December 31, 2003, at which time the lateral system of buoyage became the United States Aids to Navigation System which replaced the old Uniform Waterway Marking System. This update is needed to ensure our state and private aids to navigation are referencing and compatible with 33 C.F.R. Subpart 66.10. The update is also needed to ensure state and local marine law enforcement officers and our citi-

zens better understand the federal, state, local and private aids to navigation within Washington state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Coast Guard (USCG) is the federal agency tasked with regulating the waterway marking system within the country through 33 C.F.R. Subpart 66.10. Coordination is done through the USCG District 13 Recreational Boating Safety Specialist.

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 Hoyle Hodges, 1111 Israel Road S.W., phone 360-902-8835, fax 360-586-6603, TTY 800-833-6388, email hoyle.hodges@parks.wa.gov, web site http://www.parks.wa.gov/.

August 2, 2018  
 Valeria Veasley  
 Management Analyst

**WSR 18-17-030**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed August 6, 2018, 3:09 p.m.]

Washington state parks and recreation commission has filed two CR-101s that are dated October 11, 2017, and July 26, 2018. The preproposal WSR 17-21-033 relates to chapter 352-37 WAC, Seashore Conservation Area, and WSR 18-16-055 relates to chapter 352-32 WAC, Public use of Washington state parks; chapter 352-12 WAC, Moorage and use of marine and inland water facilities; and chapter 352-20 WAC, Use of motor driven vehicles in state parks—Parking restrictions—Violations.

At the request of the program specialist, the agency is requesting that the above preproposals are withdrawn. The agency will refile a preproposal covering these chapters after a thorough consultation with division staff.

Valeria Veasley  
 Management Analyst

**WSR 18-17-032**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 7, 2018, 8:30 a.m.]

The health care authority (HCA) requests withdrawal of the preproposal statement of inquiry filed as WSR 18-11-024 on May 7, 2018, and distributed in the 18-11 State Register. HCA is expanding the scope of this rule making and will refile the preproposal statement of inquiry shortly.

Wendy L. Barcus  
 Rules Coordinator

**WSR 18-17-034****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

(Employees and Retirees Benefits Division)  
[Admin. #2018-02—Filed August 7, 2018, 10:48 a.m.]

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

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 for state residents in chapter 182-13 WAC.

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, telecommunication relay services 711, email Barbara.Scott@hca.wa.gov, web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, phone 360-725-0852, fax 360-586-9727, telecommunication relay services 711, email Stella.Ng@hca.wa.gov, web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

Additional comments: Individuals wishing to receive public employee benefits board (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](https://public.govdelivery.com/accounts/WAHCA/subscriber/new?topic_id=WAHCA_303).

August 7, 2018  
Wendy Barcus  
Rules Coordinator

**WSR 18-17-041****PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR AND CANNABIS  
BOARD**

[Filed August 8, 2018, 11:12 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is changes to [changing] rules in chapter 314-55 WAC regarding cannabis quality assurance testing and products requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to make further adjustments to rules in an effort to seek more alignment with the department of health's (DOH) compliant products rules (chapter 246-70 WAC) and to take the next

incremental step in testing requirements for cannabis in Washington. These changes will seek to increase efficiencies in testing adult-use and compliant products, as well as increase the availability of compliant products or products of a similar nature and quality of testing. Requests from the industry have also been received regarding testing requirements and changes in testing requirements in other states have prompted further review of WSLCB rules for potential adjustment. Additionally, WSLCB has heard from the medical marijuana patient community that they would like to see additional product types or levels of potency that are not currently supported by the regulatory structure. For these reasons, changes to products, serving amounts in packaging, and other related requirements may be considered as part of this rule making.

WSLCB will consider the following topics for potential rule-making changes:

- Lot and batch sizes;
- Fields of testing and pass/fail level adjustments;
- Potency testing requirements;
- Pesticide testing requirements for all cannabis products;
- Heavy metals testing requirements;
- Sample deduction requirements;
- General testing rule adjustments;
- Product, THC serving limits, and packaging requirements; and
- Other related rule changes that may be necessary or advisable.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSLCB will coordinate with DOH, department of agriculture, and department of ecology [as] needed on proposed rule changes.

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 Joanna Eide, Policy and Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, TTY 711 or 1-800-833-6388, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), web site [www.lcb.wa.gov](http://www.lcb.wa.gov).

Additional comments: The CR-102 with proposed rule changes is expected to be filed on or after October 31, 2018.

August 8, 2018  
Jane Rushford  
Chair

**WSR 18-17-042****PREPROPOSAL STATEMENT OF INQUIRY  
LIQUOR AND CANNABIS  
BOARD**

[Filed August 8, 2018, 11:29 a.m.]

Subject of Possible Rule Making: Chapter 314-02 WAC, Requirements for retail liquor licensees and chapter 314-03 WAC, Allowed activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.010, 66.24.320, 66.24.350, 66.24.420, 66.24.590, 66.24.600, 66.44.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will be reviewed to revise and update requirements for barriers and designation of areas where minors are not allowed in liquor licensed establishments. Rules will also be reviewed and updated for clarity to ensure enforceability and proper intent.

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 Janette Benham, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1760, fax 360-664-9689, email rules@lcb.wa.gov, web site www.lcb.wa.gov.

August 8, 2018  
Jane Rushford  
Chair

### WSR 18-17-045

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 8, 2018, 1:26 p.m.]

Subject of Possible Rule Making: Chapter 246-320 WAC, Hospital licensing regulations (construction standards only), the department of health (department) is considering amending the hospital licensing regulations to align with current federal and national construction standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering aligning the construction requirements of chapter 246-320 WAC with current national construction standards, so as to comply with RCW 70.41.030. The current rules reference the 2014 edition of the Guidelines for Design and Construction of Health Care Facilities, a more recent version was published in 2018. Adopting current standards would allow facilities to take advantage of newer construction methods. This change would also provide the opportunity to be consistent with widely-recognized standards that are vital to the health and safety of hospital patients and staff.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will closely coordinate with the Centers for Medicaid and Medicare Services, national code writing bodies, and the state building code council to avoid conflict and duplication with other built environment requirements. This will be accomplished through the department's ongoing involvement with construction code development.

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 John Williams, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2950, fax 360-236-2901, TTY 360-833-6388 or 711, email john.williams@

doh.wa.gov; or Susan Upton, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2948, fax 360-236-2901, email susan.upton@doh.wa.gov.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the department's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, attending workshops, and providing input on draft and proposed materials.

August 7, 2018  
John Wiesman, DrPH, MPH  
Secretary

### WSR 18-17-050

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed August 8, 2018, 3:18 p.m.]

Subject of Possible Rule Making: Chapter 246-915A WAC, Physical Therapy Licensure Compact, the board of physical therapy (board) is considering adding a new section to chapter 246-915A WAC to implement provisions of HB 1278 (chapter 108, Laws of 2017). This law approved Washington state membership in the interstate physical therapy licensure compact (PTLC) and requires the board to adopt rules to implement the compact.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023 and 18.74.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The law requires at least ten states to pass legislation to establish a PTLC. Washington was the 10th state to enact the PTLC. The compact's provisions are now in effect, and creates an interstate commission, to which Washington will send a delegate to provide oversight to the compact. Rules are being considered by the board to comply with HB 1278, which requires the board to review the rules adopted by the commission. The compact commission rules are not effective in Washington unless the board adopts them. The PTLC will allow well-qualified physical therapists and physical therapist assistants to obtain expedited practice privileges across any or all compact member states. The goal of the PTLC is to promote license portability and facilitate telehealth, which will provide greater access to physical therapy services, especially in rural and underserved areas in Washington.

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 Kris Waidely, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4847, fax 360-236-2901, TTY 360-833-6388 or 711, email kris.waidely@doh.wa.gov, web site doh.wa.gov.

Additional comments: Notices will be emailed through GovDelivery <https://public.govdelivery.com/accounts/WADOH/subscriber/new> to the board's interested parties list. At the formal proposal stage of rule making, proposed rule language will be posted on the department's rules comments web site for public comment up to the date of the public hearing. All members of the public are invited to participate in the rule-making rules workshops and attend the rules public hearing to provide comments and testimony.

August 8, 2018  
Blake T. Maresh  
Executive Director

**WSR 18-17-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket TP-180402—Filed August 8, 2018, 3:21 p.m.]

Subject of Possible Rule Making: The purpose of this rule making is to implement SSB 6519, chapter 107, Laws of 2018, enacted during the 2018 legislative session, and effective on July 1, 2019. This rule making is recorded as Docket TP-180402 at the commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 81.116.020, 81.116.900.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2018, the legislature passed SSB 6519, chapter 107, Laws of 2018, which transferred marine pilotage rate-setting authority from the board of pilotage commissioners (BPC) to the commission effective July 1, 2019. The legislation also transfers to the commission consideration of the Grays Harbor port district's tariff rate recommendations for pilotage services, and authorizes the commission to include in rates the reasonable costs for setting tariff rates. To ensure the timely adoption of rules, RCW 81.116.900 allows the commission to adopt rules prior to July 1, 2019. This rule making will establish rules for general rate proceedings for marine pilotage services, including a detailed description of the information required for such filings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The BPC currently has rate-setting authority.

Process for Developing New Rule: The commission will ask for initial written comments on the CR-101 by September 14, 2018.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Executive Director and Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, phone 360-664-1160, email [records@utc.wa.gov](mailto:records@utc.wa.gov), web site [www.utc.wa.gov](http://www.utc.wa.gov).

August 8, 2018  
Mark L. Johnson  
Executive Director  
and Secretary

**WSR 18-17-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed August 9, 2018, 10:41 a.m.]

Subject of Possible Rule Making: WAC 260-44-010 Equipment changes.

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 update language referring the [to] a jockey's crop, amending the word "whip" to the industry standard "crop."

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

August 9, 2018  
Douglas L. Moore  
Executive Secretary

**WSR 18-17-057**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed August 9, 2018, 10:50 a.m.]

Subject of Possible Rule Making: WAC 260-12-010 Definitions and WAC 260-24-520 Racing secretary.

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 update language regarding the racing secretary's duties in updating registration papers for thoroughbreds and to add a definition to address digital registration certificates.

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

August 9, 2018  
Douglas L. Moore  
Executive Secretary

**WSR 18-17-058**

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

(Aging and Long-Term Support Administration)

[Filed August 9, 2018, 11:19 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-19-060 on September 19, 2016 (chapter 388-76 WAC), regarding adult family home minimum licensing requirements.

Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-063**

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

(Aging and Long-Term Support Administration)

[Filed August 9, 2018, 1:17 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-19-063 on September 19, 2016 (chapter 388-97 WAC), regarding nursing homes.

Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-059**

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

(Aging and Long-Term Support Administration)

[Filed August 9, 2018, 11:32 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-19-061 on September 19, 2016 (chapter 388-78A WAC), regarding assisted living facilities.

Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-077**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed August 13, 2018, 9:19 a.m.]

Subject of Possible Rule Making: WAC 308-12-055 What is the application process if I am already licensed? and 308-12-081 Do I need a stamp or seal?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.08.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 308-12-055, add requirement to provide proof of completion of an intern development program at time of application to ensure applicants are qualified to be licensed.

WAC 308-12-081, align the signature requirements for stamps, seals, and electronic and digital signatures with those of other design programs regulated by the regulatory boards section to ensure consistency across programs; requested by Washington state board of architects.

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

Process for Developing New Rule: Interested parties may send in their comments by mail, phone, fax, or email.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Konnersman, P.O. Box 9025, phone 360-664-1507, fax 360-596-7098, TTY 711, email architects@dol.wa.gov, web site https://www.dol.wa.gov/business/architects/.

August 13, 2018  
Damon Monroe  
Rules Coordinator

**WSR 18-17-060**

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

(Aging and Long-Term Support Administration)

[Filed August 9, 2018, 12:39 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-19-062 on September 19, 2016 (chapter 388-107 WAC), regarding licensing requirements for enhanced services facilities.

Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-087****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 14, 2018, 9:55 a.m.]

Subject of Possible Rule Making: The department is planning to add new sections, repeal existing sections, and amend sections in chapter 388-78A WAC, Assisted living facility licensing rules, related to tuberculosis screening including WAC 388-78A-2480, 388-78A-2481, 388-78A-2482, 388-78A-2483, 388-78A-2484, 388-78A-2485, 388-78A-2486, 388-78A-2487, 388-78A-2488, 388-78A-2489, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.20, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in seven years or more and are unclear, ambiguous, and inaccurate. The rules need to be updated in consideration of the centers for disease control and prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-78A WAC, Assisted living facility licensing rules.

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 Jeanette K. Childress, Long Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email [childjk@dshs.wa.gov](mailto:childjk@dshs.wa.gov).

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email or fax.

August 13, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-088****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 14, 2018, 10:12 a.m.]

Subject of Possible Rule Making: The department is planning to add new sections, repeal existing sections, and amend sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, related to tuberculosis screening including WAC 388-76-10198, 388-76-10265, 388-76-10270, 388-76-10275, 388-76-10280, 388-76-10285, 388-76-10290, 388-76-10295, 388-76-10300, 388-76-10305, 388-76-10310, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.128, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in seven years or more and are unclear, ambiguous, and inaccurate. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-76 WAC, Adult family home minimum licensing requirements.

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 Jeanette K. Childress, Long Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email [childjk@dshs.wa.gov](mailto:childjk@dshs.wa.gov).

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email or fax.

August 13, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-093**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 14, 2018, 4:27 p.m.]

Subject of Possible Rule Making: Chapter 179-21 WAC, Authority, introductions to the policy and roles of the paraeducator board as determined in statute.

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

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

Process for Developing New Rule: Negotiated rule making.

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

August 14, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-095**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 14, 2018, 4:35 p.m.]

Subject of Possible Rule Making: Chapter 179-03 WAC, Fundamental course of study, education requirements for paraeducators as required by statute.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minimum course work for paraeducators. Standards for paraeducators to perform in the classroom.

Process for Developing New Rule: Negotiated rule making.

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

August 14, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-094**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 14, 2018, 4:32 p.m.]

Subject of Possible Rule Making: Chapter 179-01 WAC, Authority, introductions to the policy and roles of the paraeducator board as determined in statute.

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

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

Process for Developing New Rule: Negotiated rule making.

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

August 14, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-096**

**PREPROPOSAL STATEMENT OF INQUIRY**

**PARAEDUCATOR BOARD**

[Filed August 14, 2018, 4:38 p.m.]

Subject of Possible Rule Making: Chapter 179-05 WAC, Standards of practice, paraeducators standards of practice as required by statute.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minimum standards for paraeducators to perform in the classroom.

Process for Developing New Rule: Negotiated rule making.

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

August 14, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**COLUMBIA BASIN COLLEGE**

[Filed August 15, 2018, 8:33 a.m.]

Subject of Possible Rule Making: Columbia Basin College is proposing repealing, amending and/or adding new sections to chapter 132S-100 WAC, Student code of conduct; chapter 132S-20 WAC, Practice and procedure; and chapter 132S-300 WAC, Campus parking and traffic regulations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed rules are to align the student conduct code with federal and state laws, amend certain sections to provide clarity, update the student conduct and appeal process to safeguard the due process rights for all students, and improve the college's ability to respond to student conduct matters, include items in practice and procedure, and amend some parking and traffic regulations.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Camilla Glatt, 2600 North 20th Avenue, Pasco, WA 99301, phone 509-542-5548, fax 509-544-2029, TTY 800-833-6364, email cglatt@columbiabasin.edu, web site www.columbiabasin.edu.

August 15, 2018  
 Camilla Glatt  
 Vice President for  
 Human Resources  
 and Legal Affairs

**WSR 18-17-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed August 15, 2018, 9:12 a.m.]

Subject of Possible Rule Making: The department is proposing to add new sections, repeal existing sections, and amend sections in chapter 388-107 WAC, Licensing requirements for enhanced services facilities, related to tuberculosis screening including WAC 388-107-0440, 388-107-0450, 388-107-0460, 388-107-0465, 388-107-0470, 388-107-0480, 388-107-0490, 388-107-0500, 388-107-0510, 388-107-0520, 388-107-0530, 388-107-0540, 388-107-0542, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.97, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in seven years or more and are unclear, ambiguous, and inaccurate. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-107 WAC, Licensing requirements for enhanced services facilities.

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 Jeanette K. Childress, Long Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email childjk@dshs.wa.gov.

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email or fax.

August 14, 2018  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 18-17-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed August 15, 2018, 9:27 a.m.]

Subject of Possible Rule Making: The department is proposing to add new sections, repeal existing sections, and amend sections in chapter 388-97 WAC, Nursing homes, related to tuberculosis screening including WAC 388-97-1360, 388-97-1380, 388-97-1400, 388-97-1440, 388-97-1460, 388-97-1480, 388-97-1500, 388-97-1520, 388-97-1540, 388-97-1560, 388-97-1580, 388-97-1600, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.51, 74.39A, 74.42 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in seven years or more and are unclear, ambiguous, and inaccurate. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regula-



tions of the requirements associated with tuberculosis in chapter 388-97 WAC, Nursing homes.

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 Jeanette K. Childress, Long Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email [childjk@dshs.wa.gov](mailto:childjk@dshs.wa.gov).

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email or fax.

August 14, 2018  
Katherine I. Vasquez  
Rules Coordinator

### WSR 18-17-100

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 18-05—Filed August 15, 2018, 10:41 a.m.]

Subject of Possible Rule Making: Chapter 173-566 WAC, Streamflow restoration funding, is a new rule for the implementation of chapter 1, Laws of 2018 (ESSB 6091) and chapter 90.94 RCW. The streamflow restoration funding program will finance watershed planning projects under RCW 90.94.020, watershed restoration and enhancement projects under RCW 90.94.030, and the collection of data and completion of studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under chapter 1, Laws of 2018, statewide.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.54.040 Water Resources Act of 1971, RCW 43.21A.080 Department of ecology, and chapter 90.94 RCW, Streamflow Restoration Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In addition to fees collected from applicants for building permits and divisions of land where the development would rely on permit-exempt wells, the legislature authorized \$300,000,000 to be appropriated over fifteen years. The rule will establish process and criteria for prioritizing and approving funding applications, and developing and implementing funding contracts with recipients. This will make funding decisions and contracting more transparent, consistent, and defensible.

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

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rebecca Inman, Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98407-6000 [98504-7600], phone 360-407-6450, TTY people with speech disability may call TTY 877-833-6341. People with impaired hearing may call Washington relay service 711, email [Rebecca.Inman@ecy.wa.gov](mailto:Rebecca.Inman@ecy.wa.gov), web site <http://www.ecy.wa.gov/programs/wr/rules/wac173556.html>, sign up for the WRP listserv [https://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A\)=WATER-RESOURCES](https://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A)=WATER-RESOURCES), six public workshops are scheduled at Ecology's Central Regional Office, 1250 West Alder Street, Union Gap, 98903, at 1:00 p.m., on Tuesday, October 2, 2018; at Omak Public Library, 30 South Ash Street, Omak, 98841, at 1:00 p.m., on Wednesday, October 3, 2018; at Spokane Library, Shadle Branch, 2111 West Wellesley Avenue, Spokane, 99205, at 1:00 p.m., on Thursday, October 4, 2018; at Ecology Headquarters, 300 Desmond Drive, Lacey, 98503, at 1:00 p.m., on Monday, October 8, 2018; at Kitsap Regional Library, 1301 Sylvan Way, Bremerton, 98310, at 2:00 p.m., on Monday, October 15, 2018; and at Everett Public Library, 2702 Hoyt Avenue, Everett, 98201, at 1:00 p.m., on Tuesday, October 23, 2018.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

August 15, 2018  
Mary Verner  
Water Resources Program Manager

### WSR 18-17-109

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 16, 2018, 1:23 p.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To remove the environmental contaminants into a separate section and to update the anabolic steroids into a biological of serum.

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

August 16, 2018  
Douglas L. Moore  
Executive Secretary

**WSR 18-17-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed August 17, 2018, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 179-07 WAC, Standards of practice, paraeducators standards of practice as required by statute.

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

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

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed August 17, 2018, 11:41 a.m.]

Subject of Possible Rule Making: Chapter 179-09 WAC, Paraeducator certification, statutory requirements for certification.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requirements to meet certification of paraeducators, fundamental course of study.

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-120**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed August 17, 2018, 11:45 a.m.]

Subject of Possible Rule Making: Chapter 179-11 WAC, General certificate, rules for regulating a paraeducator general paraeducator certificate as in statute.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Concerning the general paraeducator certificate per statute.

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-121**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARAEDUCATOR BOARD**

[Filed August 17, 2018, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 179-15 WAC, Authority, introductions to the policy and roles of the paraeducator board as determined in statute.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: English language learner certification.

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018  
David Brenna  
Senior Policy Analyst

**WSR 18-17-122****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed August 17, 2018, 11:52 a.m.]

Subject of Possible Rule Making: Chapter 179-15 WAC, authority, introductions to the policy and roles of the paraeducator board as determined in statute.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Special education subject matter certification.

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018

David Brenna

Senior Policy Analyst

**WSR 18-17-123****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed August 17, 2018, 11:54 a.m.]

Subject of Possible Rule Making: Chapter 179-17 WAC, authority, introductions to the policy and roles of the paraeducator board as determined in statute.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Advanced paraeducator certificate.

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018

David Brenna

Senior Policy Analyst

**WSR 18-17-124****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed August 17, 2018, 12:04 p.m.]

Subject of Possible Rule Making: Chapter 179-19 WAC, authority, introductions to the policy and roles of the paraeducator board as determined in statute.

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

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

Process for Developing New Rule: Negotiated rule making.

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

August 17, 2018

David Brenna

Senior Policy Analyst

**WSR 18-17-127****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Physical Therapy)

[Filed August 20, 2018, 8:57 a.m.]

Subject of Possible Rule Making: Chapter 246-915 WAC, Physical therapists and physical therapist assistants, the board of physical therapy (board) is considering necessary changes to existing rules for physical therapist supervision of assistive personnel per HB 2446 (chapter 222, Laws of 2018). The board is also proposing chapter amendments to make general updates, revisions, and housekeeping amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023 and HB 2446 (chapter 222, Laws of 2018).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering revising existing rules to comply with HB 2446. The bill amended RCW 18.74.010 and changed the definitions of "Physical therapy aide" and "assistive personnel." The bill also amended RCW 18.74.180 and changed the requirements for when a licensed physical therapist needs to reevaluate a patient, who has received patient care from a physical therapist assistant or other assistive personnel, and changed the supervisor-assistive personnel ratio. Rule making is necessary to update existing rules to comply with HB 2446.

The board will also consider other necessary general housekeeping and technical amendments to the chapter 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 Kris Waidely, P.O. Box 47852, phone 360-236-4847, fax 360-236-2901, TTY 360-833-6388 or 711, email kris.waidely@doh.wa.gov, web site doh.wa.gov.

Additional comments: Notices will be emailed through GovDelivery (<https://public.govdelivery.com/accounts/WADOH/subscriber/new>) to the board's interested parties list. At the formal proposal stage of rule making, proposed rule language will be posted on the department's rules comments web site for public comment up to the date of the public hearing. All members of the public are invited to participate in the rule-making rules workshops and attend the rules public hearing to provide comments and testimony.

August 20, 2018

Blake T. Maresh  
Executive Director

### WSR 18-17-128

#### PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed August 20, 2018, 9:39 a.m.]

Subject of Possible Rule Making: WAC 260-44-050 Weighing out—Equipment included in jockey's weight and 260-52-010 Paddock to post.

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 amend language to allow the racing association to utilize different methods of indentifying [identifying] post position numbers during racing. Also, corrects clerical errors discovered.

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](http://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](http://www.whrc.wa.gov).

August 20, 2018

Douglas L. Moore  
Executive Secretary

### WSR 18-17-141

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2018-09—Filed August 21, 2018, 8:05 a.m.]

Subject of Possible Rule Making: Adverse notifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.545, 48.19.035, 48.43.525, and 48.43.535.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To increase consumer awareness of available agency assistance and to help consumers with their insurance questions by requiring contact information for the office of the insurance commissioner on adverse notifications.

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

Process for Developing New Rule: Submit written comments by October 23, 2018.

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

August 21, 2018

Mike Kreidler  
Insurance Commissioner

### WSR 18-17-142

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2018-10—Filed August 21, 2018, 8:10 a.m.]

Subject of Possible Rule Making: Health plan coverage of reproductive health care and contraception.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.072, and 48.43.073.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The scope of this rule making is limited to updating WAC and adding new sections, to align with SSB 6219, now codified in RCW 48.43.072 and 48.43.073, that requires ensuring access to reproductive health care and contraception.

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

Process for Developing New Rule: Submit written comments by October 23, 2018.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mandy Weeks-Green, P.O. Box 40258, Olympia, WA 98504, phone 360-725-7041, fax 360-586-

3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

August 21, 2018  
Mike Kreidler  
Insurance Commissioner

**WSR 18-17-143**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2018-11—Filed August 21, 2018, 8:13 a.m.]

Subject of Possible Rule Making: Rule making to support SHB 2322 relating to risk mitigation in property insurance, except commercial.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a), section 4 within SHB 2322 as codified in RCW 48.18.558 (1)(d), 48.18.559 (1), (2), (3), and (4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recently passed legislation, SHB 2322, permits property insurers, except commercial, to provide goods and/or services to their insureds in order to mitigate or prevent losses. The commissioner is considering rule making to address notice to insureds about their ability to opt out of risk mitigation programs, establishment of pilot programs by property insurers, and to identify what disaster or emergency response activities by property insurers are exempt from section 2 and 3 of SHB 2322, RCW 48.30.140 and 48.30.150.

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

Process for Developing New Rule: Submit written comments by September 30, 2018.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, P.O. Box 40258, Olympia, WA 98504-0258, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

August 21, 2018  
Mike Kreidler  
Insurance Commissioner

**WSR 18-17-146**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed August 21, 2018, 8:55 a.m.]

Subject of Possible Rule Making: The department is considering amending and repealing existing sections and adding new sections in chapter 388-113 WAC, Disqualifying crimes

and negative actions, including WAC 388-113-0005, 388-113-0010, 388-113-0030, 388-113-0040, and other related rules as may be required.

The department is also considering amending and repealing existing sections and adding new sections in chapter 388-71 WAC, Home and community services and programs, including WAC 388-71-0500, 388-71-0505, 388-71-0510, 388-71-0512, 388-71-0513, 388-71-0514, 388-71-0515, 388-71-0516, 388-71-0517, 388-71-0523, 388-71-0540, 388-71-0543, 388-71-0544, 388-71-0546, 388-71-0551, 388-71-0553, 388-71-0556, 388-71-0560, 388-71-0839, 388-71-0880, 388-71-0888, 388-71-0975, 388-71-1001, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for making changes is to clarify and consolidate rules related to background checks, disqualifying convictions and negative actions, and character, competence, and suitability determinations for home and community services, residential care services, and the developmental disabilities administration. The changes will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language across programs, and help preserve the health and safety of our clients. Other provisions related to long-term care worker qualifications will also be clarified and consolidated.

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

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

August 20, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-147**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 21, 2018, 9:34 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-408-0025 When can I choose who is in my TANF or SFA assistance unit? and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend WAC 388-408-0025 to disregard the relationship between siblings and half-siblings, when the adult applying for a child-only grant has no legal responsibility for the child or children.

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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4769, email buddepk@dshs.wa.gov.

August 20, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-151**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 21, 2018, 10:24 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.08.142, 51.32.185.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Legislation passed during the 2018 session (chapter 264, Laws of 2018, SSB 6214) resulted in updates to RCW 51.08.142 and 51.32.185 and the addition of a new [section to] chapter 51.08 RCW. The amended law provides a prima facie presumption for certain fire fighters, law enforcement officers, and emergency medical technicians covered under workers' compensation.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Legal Services, P.O. Box 44250, Olympia, WA 98504-4250, phone 360-902-5003, fax 360-902-4960, TTY 360-902-4252, email suzanne.campbell@lni.wa.gov.

August 21, 2018  
Joel Sacks  
Director

**WSR 18-17-152**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed August 21, 2018, 10:25 a.m.]

Subject of Possible Rule Making: SHB 1953 - maximum penalties under the Washington Industrial Safety and Health Act, chapter 296-900 WAC, Administrative rules, WAC 296-900-140 through 296-900-14020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is a result of the recent amendment to RCW 49.17.180 during the 2018 legislative session under chapter 128, Laws of 2018 (SHB 1953). The rule making under consideration will adopt the recent amendment to RCW 49.17.180 which sets up an annual adjustment system retaining the current penalty maximums for all violations and the minimum for willful violations in statute unless required to be higher by the federal Occupational Safety and Health Act (OSHA).

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act requiring several federal agencies, including OSHA, adjust their maximum and minimum penalties for inflation on an annual basis. OSHA is required to publish the annual penalty adjustments in rule no later than January 15 of each year and the adjustments are effective upon publication of the rules.

States that operate their own occupational safety and health plans are required to adopt maximum penalty levels that are at-least-as-effective-as federal OSHAs. Therefore, it will not require the department to adjust the current formula used to determine actual civil penalty amounts assessed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington is a state plan state under OSHA. As such, Washington assumes responsibility for occupational safety and health in the state under the Washington Industrial Safety and Health Act (WISHA). To maintain its status, Washington's safety and health standards must be at-least-as-effective-as those standards adopted or recognized by OSHA. The department administers WISHA. States that operate their own plans are required to adopt maximum penalty levels that are at-least-as-effective-as the federal OSHAs.

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 pub-

lication by contacting Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620-4620 [44620], Olympia, WA 98504-4620, phone 360-902-5522, fax 360-902-5619, email [cynthia.ireland@lni.wa.gov](mailto:cynthia.ireland@lni.wa.gov), web site [www.lni.wa.gov](http://www.lni.wa.gov).

August 21, 2018  
Joel Sacks  
Director

**WSR 18-17-154**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)  
[Filed August 21, 2018, 11:20 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-828-091 Am I eligible for residential habilitation center (RHC) services?, chapter 388-837 WAC, Residential habilitation center (RHC) ICF/ID program, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule-making action is necessary to comply with federal medicaid law.

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

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

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

August 20, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-159**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed August 21, 2018, 2:34 p.m.]

Subject of Possible Rule Making: The department is considering adding new sections and repealing and amending existing sections in chapter 388-78A WAC, Assisted living facility licensing rules, including WAC 388-78A-2461, 388-78A-2462, 388-78A-2464, 388-78A-24641, 388-78A-24642, 388-78A-2465, 388-78A-2466, 388-78A-2467, 388-78A-2468, 388-78A-24681, 388-78A-2469, 388-78A-2470, 388-78A-24701, 388-78A-2471, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.20, 43.43, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the change is to consolidate the rules related to background checks, negative actions, and character, competence, and suitability (CC&S) determinations between home and community services, residential services, and developmental disabilities administration (DDA). The consolidated chapter will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration (AL TSA) and DDA will collaborate and coordinate with the department of social and health services (DSHS) background check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S reviews under chapters 388-76, 388-78A, 388-97, 388-101D, 388-107, 388-825, 388-06, 388-71 WAC, and other chapters as may be necessary.

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 Claudia Baetge, P.O. Box 45600, phone 360-725-2589, fax 360-438-7903, email [baetgcf@dshs.wa.gov](mailto:baetgcf@dshs.wa.gov).

August 21, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-160**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed August 21, 2018, 2:42 p.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-76 WAC, Adult family home minimum licensing requirements, including WAC 388-76-10510 Resident rights—Basic rights, 388-76-10515 Resident rights—Exercise of rights, 388-76-10520 Resident rights—General notice, 388-76-10522 Resident rights—Notice—Policy on accepting medicaid as a payment source, 388-76-10525 Resident rights—Description, 388-76-10530 Resident rights—Notice of services, 388-76-10532 Resident rights—Standardized disclosure of services form, 388-76-10540 Resident rights—Disclosure of fees and charges—Notice requirements—Deposits, 388-76-10545 Resident rights—Admitting and keeping residents, 388-76-10555 Resident rights—Financial affairs, 388-76-10560 Resident rights—Adult family home management of resident financial affairs, 388-76-10561 Resident rights—Resident security deposit account, 388-76-10565 Resident rights—Adult family home system for management of resident financial affairs, 388-76-10585 Resident rights—Examination of inspection results, 388-76-10600 Resident rights—Mail and telephone privacy, 388-76-10615 Resident rights—Transfer and discharge, 388-76-10685 Bedrooms, 388-76-10695 Building codes—Structural requirements, 388-76-10700 Building official—Inspection and approval, 388-76-10710 Construction and remodeling—Relocation of residents, 388-76-10720 Electronic monitoring equipment—Audio monitoring and video monitoring, 388-76-10735 Kitchen facilities, 388-76-10750 Safety and maintenance, 388-76-10765 Storage, 388-76-10770 Telephones, 388-76-10784 Water hazards—Fences, gates and alarms, 388-76-10795 Windows, 388-76-10800 Adult family home located outside of public fire protection, 388-76-10805 Automatic smoke detectors, 388-76-10810 Fire extinguishers, 388-76-10830 Emergency and disaster plan—Required, 388-76-10835 Elements of an emergency and disaster plan, 388-76-10840 Emergency food supply, 388-76-10850 Emergency medical supplies, 388-76-10870 Resident evacuation capability levels—Identification required, 388-76-10885 Elements of emergency evacuation floor plan, 388-76-10890 Posting the emergency evacuation floor plan—Required, 388-76-10895 Emergency evacuation drills—Frequency and participation, 388-76-10900 Documentation of emergency evacuation drills—Required, 388-76-10905 Emergency evacuation—Notification of department required, and other related rules as may be required. The department may also develop new rule sections related to discharge and transfer notice and compliance with 42 C.F.R. 441.302.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has worked collaboratively with external and internal stakeholders in the revisions to chapter 388-76 WAC to accomplish the following: To protect the health and safety of residents in adult family homes; clarify language as requested by adult family

home business owners, department staff, and those affiliated with adult family homes; as well as, updating to reflect current issues identified by adult family home business owners, individuals affiliated with the adult family home business, and department staff.

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

Process for Developing New Rule: 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 Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061, email [WagneE@dshs.wa.gov](mailto:WagneE@dshs.wa.gov).

August 21, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-167**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed August 21, 2018, 3:59 p.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-106 WAC, Long-term care services, specifically private duty nursing, and other related rules as may be required.

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 planning to amend WAC 388-106-1030 in order to clarify program eligibility and minimum requirements, specifically for private duty nursing.

Other related rule changes that arise during this rule making may be incorporated. Other related WAC sections may need to be updated as a result of this rule making.

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.

August 21, 2018  
Katherine I. Vasquez  
Rules Coordinator

### WSR 18-17-171

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 22, 2018, 7:15 a.m.]

Subject of Possible Rule Making: Chapter 16-30 WAC, Restricted feedlots and restricted holding facilities, the department is considering amending chapter 16-30 WAC to align with recently enacted legislation to require a certificate of veterinary inspection for all livestock imported into a category two restricted holding facility.

The department is also considering amendments to include additional oversight on category one and three restricted holding facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In January 2013, the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service, Veterinary Services, published a final rule establishing general regulations for improving the traceability of United States livestock moving interstate. The rule became effective on March 11, 2013. Within this rule, USDA does not allow animals to move interstate without securing a certificate of veterinary inspection.

The department is initiating rule making to remove the certificate of veterinary inspection exemption for livestock imported into Washington and destined to a category two restricted holding facility to align with USDA regulations and recently enacted legislation. The department initiated agency request legislation in the 2018 legislative session and supported SB 6369, Certificate of veterinary inspection, to remove the exemption in chapter 16.36 RCW, Animal health.

The department is also proposing to add additional oversight on category one and three holding facilities. Category one holding facilities are permitted to allow animals to enter Washington without meeting animal health entry requirements prior to entry as required in chapters 16.36 RCW and 16-54 WAC. These animal[s] are required to meet all animal health requirements prior to be [being] released from the facility. Currently, there is no oversight to ensure this is occurring.

Category three holding facilities are facilities for permanently quarantined animals. Currently, there is no oversight.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, Animal and Plant Health Inspection Services,

Veterinary Services, regulates interstate movement of animals and animal disease traceability.

Department staff have been discussing this proposal and our federal partners support changing our regulations to align with current federal regulations.

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 Jodi Jones, P.O. Box 42577, Olympia, WA 98504-2577, phone 360-902-1889, fax 360-902-2087, email jjones@agr.wa.gov, web site www.agr.wa.gov.

August 22, 2018  
Dr. Brian E. Joseph  
State Veterinarian

### WSR 18-17-172

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed August 22, 2018, 7:16 a.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation, the department is considering amending chapter 16-54 WAC to align with recently enacted legislation to require a certificate of veterinary inspection for all livestock imported into a category two restricted holding facility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 16.36.040 and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In January 2013, the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service, Veterinary Services, published a final rule establishing general regulations for improving the traceability of United States livestock moving interstate. The rule became effective on March 11, 2013. Within this rule, USDA does not allow animals to move interstate without securing a certificate of veterinary inspection.

The department is initiating rule making to remove the certificate of veterinary inspection exemption for livestock imported into Washington and destined to a category two restricted holding facility to align with USDA regulations and recently enacted legislation. The department initiated agency request legislation in the 2018 legislative session and supported SB 6369, Certificate of veterinary inspection, to remove the exemption in chapter 16.36 RCW, Animal health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, Animal and Plant Health Inspection Services, Veterinary Services, regulates interstate movement of animals and animal disease traceability.

Department staff have been discussing this proposal and our federal partners support changing our regulations to align with current federal regulations.

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 Jodi Jones, P.O. Box 42577, Olympia, WA 98504-2577, phone 360-902-1889, fax 360-902-2087, email [jjones@agr.wa.gov](mailto:jjones@agr.wa.gov), web site [www.agr.wa.gov](http://www.agr.wa.gov).

August 22, 2018  
Dr. Brian E. Joseph  
State Veterinarian

**WSR 18-17-174**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
[Filed August 22, 2018, 8:34 a.m.]

Subject of Possible Rule Making: The college is proposing the adoption of new chapter 132T-20 WAC, Nondiscrimination and harassment policy and grievance procedure.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed WAC will meet compliance requirements of all applicable federal and state discrimination laws. The college is updating its internal procedures consistent with legislative changes and routine updates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state human rights commission; Equal Employment Opportunity Commission; United States Department of Education Office for Civil Rights.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jerri Ramsey, 500 Tausick Way, Walla Walla, WA 99362, phone 509-527-4274, fax 509-527-4249, email [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu).

Additional comments: Interested parties will have an opportunity to comment on the proposed rules during a public comment period and to give oral testimony at a public hearing.

August 22, 2018  
Jerri Ramsey  
Rules Coordinator

**WSR 18-17-175**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed August 22, 2018, 8:49 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and repealing and amending existing sections in chapter 388-97 WAC, Nursing homes, including WAC 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 74.39A, 74.42, 18.51 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the change is to consolidate the rules related to background checks, negative actions, and character, competence, and suitability (CC&S) determinations between home and community services, residential services, and developmental disabilities administration (DDA). The consolidated chapter will provide better clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration and DDA will collaborate and coordinate with the department of social and health services (DSHS) background check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S reviews under chapters 388-76, 388-78A, 388-97, 388-101D, 388-107, 388-825, 388-06, 388-71 WAC, and other chapters as may be necessary.

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 Claudia Baetge, P.O. Box 45600, phone 360-725-2589, fax 360-438-7903, email [baetgcf@dshs.wa.gov](mailto:baetgcf@dshs.wa.gov).

August 21, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-177****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 22, 2018, 9:37 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and repealing and amending existing sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, including WAC 388-76-10160, 388-76-10161, 388-76-10163, 388-76-101631, 388-76-101632, 388-76-10164, 388-76-10165, 388-76-10166, 388-76-10170, 388-76-10174, 388-76-10175, 388-76-10176, 388-76-10180, 388-76-10181, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.128, 43.20A, 43.43, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the change is to consolidate the rules related to background checks, negative actions, and character, competence, and suitability (CC&S) determinations between home and community services, residential services, and developmental disabilities administration (DDA). The consolidated chapter will provide clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration and DDA will collaborate and coordinate with the department of social and health services (DSHS) background check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S determinations reviews under chapters 388-76, 388-78A, 388-97, 388-101D, 388-107, 388-825, 388-06, 388-71 WAC, and other chapters as may be necessary.

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 Claudia Baetge, P.O. Box 45600, phone 360-725-2589, fax 360-438-7903, email baetgcf@dshs.wa.gov.

August 21, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-178****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 22, 2018, 9:38 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections and repealing and amending existing sections in chapter 388-107 WAC, Licensing requirements for enhanced services facilities, including WAC 388-107-1205, 388-107-1210, 388-107-1215, 388-107-1220, 388-107-1230, 388-107-1240, 388-107-1250, 388-107-1252, 388-107-1260, 388-107-1270, 388-107-1280, 388-107-1290, 388-107-1300, 388-107-1310, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.128, 43.20A, 43.43, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose for the change is to consolidate the rules related to background checks, negative actions, and character, competence, and suitability (CC&S) determinations between home and community services, residential services, and the developmental disabilities administration (DDA). The consolidated chapter will provide clarity and understanding for the public and contracted entities, reduce the amount of WAC language, and help preserve the health and safety of our clients.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration and DDA will collaborate and coordinate with the department of social and health services (DSHS) background check central unit to consolidate and coordinate rules related to background checks, negative actions, and CC&S reviews under chapters 388-76, 388-78A, 388-97, 388-101D, 388-107, 388-825, 388-06, 388-71 WAC, and other chapters as may be necessary.

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 Claudia Baetge, P.O. Box 45600, phone 360-725-2589, fax 360-438-7903, email baetgcf@dshs.wa.gov.

August 21, 2018  
Katherine I. Vasquez  
Rules Coordinator

**WSR 18-17-182**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 22, 2018, 10:16 a.m.]

Subject of Possible Rule Making: The office of superintendent of public instruction (OSPI) is considering amending parts of WAC 392-140-915 through 392-140-945 related to the kindergarten through third grade class size compliance calculation in preparation for the 2019-20 school year. In particular, OSPI is considering removing references to high poverty schools and simplifying the description of the calculation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 84.52.0531.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To ensure that class size compliance rules align with the class size structure in the underlying statute and Appropriations Act.

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, phone 360-725-6301, fax 360-664-3683, TTY 360-664-3631, email thomas.kelly@k12.wa.us, web site www.k12.wa.us.

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

**WSR 18-17-183**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 22, 2018, 10:16 a.m.]

Subject of Possible Rule Making: The office of superintendent of public instruction (OSPI) is considering amending WAC 392-140-973 to allow schools that participate in the National School Breakfast and Lunch Program's Community Eligibility Provision (CEP) meal service option and have historically been challenging high-poverty schools ("challenging schools") for purposes of the National Board Certified Teacher (NBCT) bonus to continue to qualify as challenging schools for the duration of their CEP eligibility.

OSPI is further considering amending the rules to clarify that [a] challenging school full-time employee must be reported directly to OSPI on or before June 15 of any given year.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.405.415.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: CEP is a federal nonpricing meal service option for schools in low-income areas that allows high-poverty schools to serve breakfast and lunch at no cost to all of their enrolled students. CEP schools do not need to collect household applications to determine students'

school meal program eligibility. Instead, the schools are reimbursed using a formula based on the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs. WAC 392-140-973 provides that NBCT certificated instructional staff who work in challenging schools are eligible for a salary bonus. Challenging schools are defined as schools that meet a minimum threshold based on prior year headcount enrollment of students eligible for free of [or] reduced price meals (FRPL). Because CEP schools are not required to collect household applications, OSPI has not been able to consistently determine under the current rule whether high-poverty schools that were historically classified as challenging schools meet the FRPL headcount enrollment threshold for purposes of NBCT bonus eligibility.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carrie Dubuque, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6119, TTY 360-664-3631, email carrie.dubuque@k12.wa.us, web site www.k12.wa.us.

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