

**WSR 19-10-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EXECUTIVE ETHICS BOARD**

[Filed April 23, 2019, 8:13 a.m.]

Subject of Possible Rule Making: Chapter 292-100 WAC, Procedural rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.52.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the rules to provide clarity to state employees and the public.

Process for Developing New Rule: Seek stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kate Reynolds, P.O. Box 40149, Olympia, WA 98504-0149, phone 360-664-0871, fax 360-586-3955, email ethics@atg.wa.gov, web site ethics.wa.gov.

April 23, 2019  
 Ruthann Bryant  
 Administrative Officer

**WSR 19-10-030**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed April 24, 2019, 8:45 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 19-06-042 on March 4, 2019 (WAC 388-412-0025), regarding ongoing additional requirements and clothing and personal incidentals payments.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 19-10-031**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BATES TECHNICAL COLLEGE**

[Filed April 24, 2019, 9:36 a.m.]

Subject of Possible Rule Making: Amending chapter 495A-276 WAC, Public records, to update with current legislation and streamline language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.140, 42.56.040, chapter 34.05 RCW, and chapter 238, Laws of 1991.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Explains under what circumstances public records may be requested, the procedures to follow, timelines, fees, and other details about requesting public records from Bates Technical College.

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

Process for Developing New Rule: Current chapter 495A-276 WAC is outdated and needs to be aligned with current state statutes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Jean Hernandez, 1101 South Yakima Avenue, Room 332, phone 253-680-7163, fax 253-680-7101, email jehernandez@batestech.edu, web site https://batestech.edu.

April 24, 2019  
 Dr. Jean Hernandez  
 Special Assistant  
 to the President

**WSR 19-10-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TRANSPORTATION COMMISSION**

[Filed April 24, 2019, 9:59 a.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, and 468-300-040.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.315.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by law, the transportation commission is reviewing the need to adjust ferry fares for 2019-2021.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Ray Deardorf, Senior Planning Manager, Washington State Department of Transportation, Ferries Division, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone 206-515-3491, fax 206-515-3499, email Deardorf@wsdot.wa.gov.

April 19, 2019  
 Reema Griffith  
 Executive Director

**WSR 19-10-033**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed April 24, 2019, 12:24 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS)/division of child support (DCS) is planning to amend WAC 388-14A-5400 and other

related rules as may be required in order to clarify that the *debt adjustment notice* process described in that section applies not only to court orders for child support, but to any child support order. WAC 388-14A-5400 How does the division of child support tell the custodial parent when DCS adjusts the amount of debt owed on the case?

The *debt adjustment notice* process is used to provide notice to a custodial parent (CP) that DCS has reduced the amount of support debt on a case if that reduction was due to specific reasons listed in the rule; this notice gives the CP a right to hearing if the CP objects to the debt adjustment. Those reasons are: (1) A mathematical error in the debt calculation; (2) a typographical error in the stated debt; (3) proof that DCS should have suspended the support obligation for all or part of the time period involved in the calculation; or (4) proof that the noncustodial parent made payments that DCS had not previously credited against the support debt.

The current rule provides that this process is used for adjustment of debt owed under a court order for child support, but DCS uses this process for any child support order. Occasionally, an administrative law judge will dismiss a hearing based on a *debt adjustment notice* based on the reduction of debt under an administrative child support order. Such a technical reading has a due process impact and DCS is amending the rule to ensure that all CPs have the same right to notice and a hearing when DCS reduces the support debt on a case.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.030(3), 26.23.110(14), 74.08.090, 74.20.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current version of WAC 388-14A-5400, which deals with the *debt adjustment notice* process, refers specifically to debt owed under court orders for child support. DCS is amending the rule to clarify that the *debt adjustment notice* process can be used for any child support order. This will ensure that due process will be provided and all custodial CPs are entitled to notice and a hearing when DCS reduces the support debt on a case.

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

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

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

DSHS/DCS encourages the public to take part in developing rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, phone 360-664-5065, fax 360-664-5342, TTY 1-800-833-6384, email [nkoptur@dshs.wa.gov](mailto:nkoptur@dshs.wa.gov), web site [www.childsupportonline.wa.gov](http://www.childsupportonline.wa.gov), <https://www.dshs.wa.gov/esa/division-child-support>.

April 24, 2019

Katherine I. Vasquez  
Rules Coordinator

## WSR 19-10-034

### PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed April 24, 2019, 1:40 p.m.]

Subject of Possible Rule Making: Implementing the paid family and medical leave (PFML) program (Title 50A RCW) requires substantial rule making. Consistent with Agile methodology, rule making is being done in several distinct phases. This preproposal statement of inquiry begins phase 6 of the program's rule making. This phase includes, but is not limited to, appeals, typical workweek hours, intermittent leave, implementing legislative changes, and other rules as necessary.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Being a new state entitlement, the PFML program needs clear and usable guidance for the public regarding program operations. These rules will contribute to that guidance.

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

Process for Developing New Rule: The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Streuli, 640 Woodland Square Loop S.E., Lacey, WA 98503 [98503], phone 360-791-6710, TTY Teresa Eckstein, State EO Officer, 771 or 360-902-9354, email [Rules@esd.wa.gov](mailto:Rules@esd.wa.gov).

April 24, 2019

April Amundson  
Policy and Rules  
Manager for PFML

**WSR 19-10-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**

[Filed April 29, 2019, 9:54 a.m.]

Subject of Possible Rule Making: The department of financial institutions (DFI) proposes rule making [to] incorporate changes resulting from the passage of HB 1247.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 31.12.516, 43.320.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make the notice process and requirements clear for credit unions that want to use a power allowed in other states, which is permitted under HB 1247.

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 Cristina Diaz, P.O. Box 41200, Olympia, WA 98504-1200, phone 360-902-8718, fax 877-330-6870, email [cristina.diaz@dfi.wa.gov](mailto:cristina.diaz@dfi.wa.gov), web site [www.dfi.wa.gov](http://www.dfi.wa.gov).

April 29, 2019  
 Amy B. Hunter  
 Director of Credit Unions

**WSR 19-10-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed April 29, 2019, 12:35 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0025 How do I receive my benefits?, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will expand payment issuance method options for certain types of cash assistance and also ensure the department is in compliance with federal law regarding benefits issued via electronic benefit transfer.

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 Sarah Garcia, Policy Program Manager, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4949, fax 360-725-4904, email [RoddiSL@dshs.wa.gov](mailto:RoddiSL@dshs.wa.gov); or Ivette Dones-Figueroa, Policy Program Manager, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4651, fax 360-725-4904, email [DonesIM@dshs.wa.gov](mailto:DonesIM@dshs.wa.gov).

April 29, 2019  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 19-10-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed April 29, 2019, 1:06 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0075 How is my need for personal care services assessed in CARE?, 388-106-0090 How does the CARE tool measure cognitive performance?, 388-106-0100 How does the CARE tool measure mood and behaviors?, 388-106-0033 When may I receive services in a facility contracted to provide specialized dementia care services?, 388-106-0130 How does the department determine the number of hours I may receive for in-home care?, 388-106-0095 How does the CARE tool measure clinical complexity?, 388-106-0010 What definitions apply to this chapter?, and other related rules as may be required to be consistent with changes, a majority of which are label changes, made to comprehensive assessment and reporting evaluation (CARE) tool as part of CARE modernization.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been working to modernize the CARE assessment tool and is amending these rules to be consistent with updates that have been made to the CARE tool.

There have been no changes that affect how the department determines eligibility or benefit level using the CARE tool.

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, Olym-

pia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

April 29, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-10-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed April 30, 2019, 9:22 a.m.]

Subject of Possible Rule Making: WAC 220-340-430 Buoy tag, pot tag, and buoy requirements, 220-340-435 Shellfish pot requirements, 220-340-440 Commercial crab gear—Possession of another's gear and tag tampering, 220-340-450 Commercial crab fishery—Seasons and areas—Coastal, 220-340-480 Commercial crab fishery—Gear limits—Coastal, and 220-340-490 Commercial crab fishery—Coastal gear recovery permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to coastal commercial Dungeness crab rules are needed to implement regulatory measures that will reduce the risk of crab pot gear entanglements with humpback whales.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coastal commercial Dungeness crab is managed by the Washington department of fish and wildlife but includes management coordination with Oregon and California through the Tri-State Dungeness Crab Committee, which is facilitated under the umbrella of the Pacific States Marine Fisheries Commission. The Tri-State Dungeness Crab Committee does not have regulatory authority but will be notified regarding changes that affect Oregon and California.

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 Heather Hall, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2487, email Heather.Hall@dfw.wa.gov.

April 29, 2019  
Scott Bird  
Rules Coordinator

**WSR 19-10-061**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed April 30, 2019, 10:59 a.m.]

Subject of Possible Rule Making: WAC 182-543-4200 Wheelchairs—Power-drive, 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 clarifying the language and differences between adults and children using power-drive wheelchairs. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services 711, email melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

April 30, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-10-067**

**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed April 30, 2019, 3:51 p.m.]

The department of fish and wildlife requests the withdrawal [of] the preproposal filed under WSR 19-03-172 on January 23, 2019.

If you have any questions concerning this withdrawal, please contact Scott Bird at 360-902-2403.

Scott Bird  
Rules Coordinator