

**WSR 19-14-014****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS  
(Division of Consumer Services)**

[Filed June 21, 2019, 10:50 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040 and 31.04.165.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement amendments (Sec. 106 of S. 2155, Public Law No. 115-174) to the federal SAFE Act (the federal law requiring the licensure of individual mortgage loan originators (MLO)). In addition, the department will consolidate rules relating to MLOs, currently found in both the Consumer Loan Act and the Mortgage Broker Practices Act (chapter 208-660 WAC), into a new chapter to assist licensees in finding and understanding the rules that apply to their licenses. Other amendments may include changes to the rules regulating student education loan servicers to reduce conflict with federal law or rules, and technical changes for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Consumer Financial Protection Bureau implements a number of federal laws that industry must comply with. The Department of Education implements student education loan servicing of certain federal loans. As Washington law allows and when federal regulations provide adequate consumer protection and guidance to the industry, the department of financial institutions (DFI) strives to make state regulations consistent with the federal regulations.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sara Rietcheck, P.O. Box 41200, Olympia, WA 98504-1200, phone 360-902-8793, email sara.rietcheck@dfi.wa.gov, web site www.dfi.wa.gov, sign up for the GovDelivery email subscription system from the DFI web site. Access the rule-making page on the DFI web site. By signing up for our GovDelivery service you will receive email containing information or links to information on DFI's web site about industry newsletters, annual assessments, rule-making documents including notices of comment periods and hearing dates, licensing information, interpretive and policy statements and other important industry information. If you wish to receive paper copies of rule-making documents you must contact Sara Rietcheck at 360-902-8793 and ask to be added to a paper copy mailing list.

June 21, 2019  
Richard St. Onge  
Acting Director  
Division of Consumer Services

**WSR 19-14-015****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS  
(Division of Consumer Services)**

[Filed June 21, 2019, 10:52 a.m.]

Subject of Possible Rule Making: Amending the rules (chapter 208-660 WAC) under the Mortgage Broker Practices Act (chapter 19.146 RCW).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.320.040 and 19.146.225.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules must be amended to implement amendments (Sec. 106 of S. 2155, Public Law No. 115-174) to the federal SAFE Act (the federal law requiring the licensure of individual mortgage loan originators (MLO)). In addition, the department will consolidate rules relating to MLOs, currently found in both the Mortgage Broker Practices Act and Consumer Loan Act (chapter 208-620 WAC), into a new chapter to assist licensees in finding and understanding the rules that apply to their licenses. Other amendments may include changes to the rules regulating trust accounts to reduce conflict with other state laws, and technical changes for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Consumer Financial Protection Bureau implements a number of federal laws that industry must comply with. As Washington law allows and when federal regulations provide adequate consumer protection and guidance to the industry, the department of financial institutions (DFI) strives to make state regulations consistent with the federal regulations.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sara Rietcheck, P.O. Box 41200, Olympia, WA 98504-1200, phone 360-902-8793, email sara.rietcheck@dfi.wa.gov, web site www.dfi.wa.gov, sign up for the GovDelivery email subscription system from the DFI web site. Access the rule-making page on the DFI web site. By signing up for our GovDelivery service you will receive email containing information or links to information on DFI's web site about industry newsletters, annual assessments, rule-making documents including notices of comment periods and hearing dates, licensing information, interpretive and policy statements and other important industry information. If you wish to receive paper copies of rule-making documents you must contact Sara Rietcheck at 360-902-8793 and ask to be added to a paper copy mailing list.

June 21, 2019  
Richard St. Onge  
Acting Director  
Division of Consumer Services

**WSR 19-14-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed June 21, 2019, 12:41 p.m.]

Subject of Possible Rule Making: Implementing SB 5398 (chapter 50, Laws of 2019) relating to unemployment benefit eligibility for electrical apprentices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For certain "individuals complying with an electrical apprenticeship training program," SB 5398 established different eligibility requirements to receive unemployment insurance benefits. Rules are necessary to more precisely define what these eligibility requirements are, and specify the particular electrical apprentices to whom these new eligibility requirements apply.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders as identified through the standard rule-making process. ESD will solicit input and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott E. Michael, P.O. Box 9046, phone 360-902-9587, fax 360-902-9662, TTY relay 711, email [rules@esd.wa.gov](mailto:rules@esd.wa.gov), web site <https://esd.wa.gov/newsroom/rulemaking/benefits>.

June 21, 2019  
 Daniel Zeitlin  
 Employment System Policy Director

**WSR 19-14-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed June 21, 2019, 1:06 p.m.]

Subject of Possible Rule Making: Chapter 182-548 WAC, Federally qualified health centers; chapter 182-549 WAC, Rural health clinics; and other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these sections to clarify payment methodology and update policy for rural health clinics. During the course of this

review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Williams, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, TTY 1-800-848-5429, email [vance.taylor@hca.wa.gov](mailto:vance.taylor@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

June 12, 2019  
 Wendy Barcus  
 Rules Coordinator

**WSR 19-14-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed June 24, 2019, 10:07 a.m.]

Subject of Possible Rule Making: WAC 363-116-415 Emergency pilotage in the Grays Harbor pilotage district.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of pilotage commissioners (BPC) needs a mechanism to provide the Grays Harbor pilotage district with backup pilots on an emergency basis should Grays Harbor pilot availability be reduced and BPC finds that additional pilots are needed in order to protect against the loss of lives, loss or damage to property and vessels, injury to the marine environment, or other harm to public health, safety, or general welfare; and that a new pilot could not be trained through the training program described in WAC 363-116-078 in time to address such risk. A training program for pilots in the Puget Sound pilotage district will be developed by BPC's trainee evaluation committee (TEC) and federal pilotage for the Grays Harbor pilotage district will be required as defined in RCW 88.16.050.

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for Developing New Rule: Discussion regarding this proposed new WAC section will occur at regular session BPC meetings as well as at TEC meetings. Upon committee review, BPC's assistant attorney general will review proposed language. Stakeholder comments are welcome. Upon review and consideration of recommended revisions, a public hearing will be scheduled pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie C. Bever, Executive Director, 2901 Third Avenue, Suite 500, phone 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.gov, web site www.pilotage.wa.gov.

June 24, 2019  
Jaimie C. Bever  
Executive Director

### WSR 19-14-039

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 26, 2019, 11:15 a.m.]

Subject of Possible Rule Making: Chapters 246-490 WAC, Vital statistics and chapter 246-491 WAC, Vital statistics—Certificates, the department is considering adopting new rules and amending existing rules that will identify the information displayed on certification of birth, certification of death, short form certification of death, and informational copy of birth and death records, including allowing a nonbinary sex designation option to be added to a death certificate. The rules may also establish a formalized procedure including required documentation to obtain certifications and informational copies of birth and death records, adopt fees associated with the issuance of certifications and informational copies, make technical updates to statutory references as necessary, and repeal several obsolete sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5332 (chapter 148, Laws of 2019), Vital statistics.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5332 (chapter 148, Laws of 2019) replaces the current vital statistics statute, chapter 70.58 RCW. It limits the release of certifications of birth and death records to qualified applicants only, creates a short form certification of death that does not display cause and manner of death, allows for the release of informational copies of birth and death records to the public, and requires a nonbinary sex designation option on vital records. It also requires the department and local health jurisdictions to review identity documentation and evidence of eligibility of qualified applicants before issuing a certification of birth and death. Through rule making the department can prescribe the information displayed on certifications and informational copies of birth and death records, establish a formalized procedure and enforceable standards for certifications and informational copies of birth and death records, adopt fees associated with the issuance of certifications and informational copies, make technical updates, and repeal obsolete rules.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katitza Holthaus, P.O. Box 47814, phone 360-236-4311, fax 360-753-4135, TTY 360-833-6388

or 711, email katitza.holthaus@doh.wa.gov, web site <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.

June 25, 2019  
John Weisman, DrPH, MPH  
Secretary

### WSR 19-14-043

#### PREPROPOSAL STATEMENT OF INQUIRY BELLINGHAM TECHNICAL COLLEGE

[Filed June 27, 2019, 7:53 a.m.]

Subject of Possible Rule Making: Revise sections of chapter 495B-121 WAC to update language for clarification and to be consistent with current college policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff and visitors clear direction on college processes.

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 Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, web site [www.btc.edu](http://www.btc.edu).

June 27, 2019  
Kim Perry  
President

### WSR 19-14-050

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed June 27, 2019, 2:28 p.m.]

Subject of Possible Rule Making: Implementation of Washington's 2019 clean electricity legislation (Clean Energy Transformation Act, chapter 288, Laws of 2019), including possible amendments to chapter 194-37 WAC concerning the Energy Independence Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 10, chapter 288, Laws of 2019; RCW 19.285.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Clean Energy Transformation Act includes several provisions that require adoption of rules. The legislation also contains provisions that stakeholders may identify as benefiting from clarification or interpretation. The legislation also directs commerce to consider

possible rule changes to streamline the requirements of the Energy Independence Act and the 2019 law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The utilities and transportation commission (UTC) regulates implementation of the Clean Energy Transformation Act and the Energy Independence Act with respect to investor-owned utilities. Commerce will conduct regular status checks with the UTC and where possible will coordinate the timing and subject matter of rule-making notices, workshops, and hearings.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Glenn Blackmon, P.O. Box 42525, Olympia, WA 98504, phone 360-339-5619, email ceta@commerce.wa.gov, web site commerce.wa.gov/ceta.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

June 27, 2019  
Leslie Wolf  
Rules Coordinator

#### WSR 19-14-051

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed June 27, 2019, 2:28 p.m.]

Subject of Possible Rule Making: This rule making is necessary to implement the requirements of SHB 1406. SHB 1406 authorizes the governing body of a county or city to impose a local sales tax, credited against the state sales tax, for affordable or supportive housing. It also requires the department of commerce to commence rule making to define the reporting requirements and process for cities and counties participating in the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 288, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Encouraging Investments in Affordable and Supportive Housing Act directs commerce to adopt rules that define the reporting requirements and process for cities and counties participating in the program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of revenue (DOR) is responsible for collecting the tax authorized by this act. Commerce will work with DOR to coordinate the required data collection and communications with local governments.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Emily Grossman, P.O. Box 42525,

Olympia, WA 98504, phone 360-725-2798, email emily.grossman@commerce.wa.gov, web site commerce.wa.gov.

June 27, 2019  
Leslie Wolff  
Rules Coordinator

#### WSR 19-14-057

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed June 28, 2019, 9:30 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-845-1190, 388-845-1191, 388-845-1192, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend these rules to align them with the individual and family services waiver renewals currently being reviewed by the Centers for Medicare and Medicaid Services. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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.

June 27, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-14-059**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)  
 [Filed June 28, 2019, 9:54 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-101D-0355, 388-101D-0405, 388-101D-0410, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending these rules to add instances when a service provider [provider] must develop and implement a functional assessment or positive behavior support plan. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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.

June 27, 2019  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 19-14-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**  
 [Filed June 28, 2019, 10:21 a.m.]

Subject of Possible Rule Making: The department is seeking to implement the public disclosure and privacy portions of SHB 1399 (2019) and to update the existing procedures governing public records requests made to the department and the operation of the department's public records office under the Public Records Act, chapter 42.56 RCW. This rule making is not intended to implement ESB 5439 (2019), as that will be implemented through a separate rule making; however, there may be some overlap between procedural rules adopted through this rule making as they relate to chapter 50.13 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, 50.13.030, 50A.04.215, and section 72, chapter 13, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The employment security department must implement SHB 1399 as directed by the legislature. As part of that implementation, this rule making seeks to provide clear and usable guidance for the public regarding program operations including data sharing, public records request fulfillment, privacy, and other topics related to session law implementation. Existing rules related to procedures governing public records requests and the department's public records office are also being modernized as part of this promulgation to increase clarity and usability.

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 the paid family and medical leave program as it is a new state entitlement with authority granted solely to the employment security department.

The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public, stakeholders, and the paid family and medical leave 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, phone 360-791-6710, TTY Teresa Eckstein, State EO Officer, 771 or 360-902-9354, email Rules@esd.wa.gov.

June 28, 2019  
 April Amundson  
 Rules and Policy Manager  
 Paid Family and Medical Leave

**WSR 19-14-084**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 [Filed July 1, 2019, 10:05 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 18-04-063 on February 1, 2018, and distributed in the 18-04 State Register.

Wendy L. Barcus  
 Rules Coordinator

**WSR 19-14-085**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 1, 2019, 10:06 a.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 18-10-113 on May 2, 2018, and distributed in the 18-10 State Register.

Wendy L. Barcus  
 Rules Coordinator

**WSR 19-14-087**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 1, 2019, 10:16 a.m.]

The health care authority (HCA) requests withdrawal of the preproposal statement of inquiry filed as WSR 14-03-080 on January 15, 2014, and distributed in the 14-03 State Register. HCA will refile a preproposal statement of inquiry at a later date.

Wendy L. Barcus  
 Rules Coordinator

**WSR 19-14-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed July 1, 2019, 4:14 p.m.]

Subject of Possible Rule Making: Public access to records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the process for submitting a public records request.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashley Holmberg, P.O. Box 47410, Olympia, WA 98504-7410, phone 360-705-7320, fax 360-705-6808, email holmbea@wsdot.wa.gov, web site <http://www.wsdot.wa.gov/contact/publicdisclosure>.

July 1, 2019  
 Kara Larsen, Director  
 Risk Management and Legal Services

**WSR 19-14-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 2, 2019, 7:55 a.m.]

Subject of Possible Rule Making: WAC 182-530-7900 Drugs purchased under the Public Health Service Act; 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 this section to clarify that as part of participation in the 340B program, providers must agree that all claims for Washington apple health clients in fee-for-service and managed care are subject to 340B rules.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Smith, Rules Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services 711, email [valerie.smith@hca.wa.gov](mailto:valerie.smith@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 2, 2019  
 Wendy Barcus  
 Rules Coordinator

**WSR 19-14-099**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 2, 2019, 9:00 a.m.]

The department of fish and wildlife requests the withdrawal [of] the preproposal filed under WSR 19-11-099 on May 20, 2019.

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

July 2, 2019  
 Scott Bird  
 Rules Coordinator

**WSR 19-14-106****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed July 2, 2019, 11:12 a.m.]

Subject of Possible Rule Making: Changes under consideration to the factory assembled structures (FAS) rules in chapter 296-150F WAC, Factory built housing and commercial structures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW, Department of labor and industries.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering changes to the FAS rules in chapter 296-150F WAC. The changes under consideration would:

- Implement new legislation that passed the legislature in 2019. This includes:
  - E3SHB 1257 (chapter 285, Laws of 2019) concerning energy efficiency;
  - HB 1486 (chapter 165, Laws of 2019) concerning delegation of inspection duties for factory built housing and commercial structures; and
  - ESSB 5383 (chapter 352, Laws of 2019) concerning tiny houses.
- Allow manufactured building panels to be inspected and approved before shipment to a construction site in Washington. This change has been requested by some manufacturers of panelized construction that want to ship wall, floor and roof panels with concealed construction to the building site.

Additionally, L&I is reviewing the existing rules to consider updates, clarification, housekeeping, and other changes.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and testimony during the public hearing and comment process.

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

July 2, 2019  
Joel Sacks  
Director

**WSR 19-14-108****PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2019-10—Filed July 2, 2019, 1:37 p.m.]

Subject of Possible Rule Making: Implementation of SHB 1870 (chapter 33, Laws of 2019), federal Patient Protection and Affordable Care Act—State law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Sections 2 through 6, 8, 9 and 10 through 16, chapter 33, Laws of 2019, and RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The provisions of SHB 1870 noted above provide authority to the office of the insurance commissioner (OIC) to engage in rule making necessary to implement the provisions of the legislation. The standard for rule making is as follows:

Unless preempted by federal law, the commissioner shall adopt any rules necessary to implement this section, consistent with federal rules and guidance in effect on January 1, 2017, implementing the Patient Protection and Affordable Care Act.

Existing rules may need to be amended to be consistent with SHB 1870, and new rules may be required. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health benefit exchange (HBE) must certify a qualified health plan as a condition of being offered on the WashingtonHealthPlanFinder. OIC will coordinate with HBE as needed. HBE will have the opportunity to participate in this rule-making proceeding.

Process for Developing New Rule: Comments due by August 5, 2019.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jane Beyer, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

July 2, 2019  
Mike Kreidler  
Insurance Commissioner

**WSR 19-14-109****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed July 2, 2019, 3:51 p.m.]

Subject of Possible Rule Making: Retiree return to work provisions for teachers and school employees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 295, Laws of 2019 (HB [E2SHB] 1139).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of retirement systems will collaborate with the office of the superintendent of public instruction during this rule-making process.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, web site www.drs.wa.gov/rules/.

July 2, 2019  
Jilene Siegel  
Rules Coordinator

### WSR 19-14-112

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

[Insurance Commissioner Matter R 2019-06—Filed July 2, 2019, 5:07 p.m.]

Subject of Possible Rule Making: Revise WAC concerning the system for electronic rates and forms filing general filing instructions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.44.017, 48.44.020, 48.44.080, 48.43.730, 48.43.733, 48.46.060, 48.46.062, 48.46.066, 48.20.012, 48.20.025, 48.20.550, 48.19.010, 48.18.100, 48.19.040, 48.38.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Reasons why rules on this subject may be needed and what they might accomplish: The purpose of this rule making is to revise chapters 284-38, 284-44A, 284-46A, and 284-58 WAC concerning the electronic filing of forms and rates. The intent is to harmonize the structure and wording of these WAC and incorporate requirements for plan management documents (binders) for health care service contractors, health maintenance organizations, life and disability carriers, and charitable gift annuity filers.

Process for Developing New Rule: Submit written comments by August 1, 2019.

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 40260, 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.

July 2, 2019  
Mike Kreidler  
Insurance Commissioner

### WSR 19-14-113

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

[Insurance Commissioner Matter R 2019-05—Filed July 2, 2019, 5:19 p.m.]

Subject of Possible Rule Making: Network access and notice requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.43.007, 48.43.510; and chapter 11, Laws of 2019 (ESHB 1099).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend existing rules and add new sections to align with chapter 11, Laws of 2019 (ESHB 1099), requiring additional network access standards, in addition to new notices and information being provided about networks and access.

Process for Developing New Rule: Submit written comments by August 1, 2019.

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 40260, 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.

July 2, 2019  
Mike Kreidler  
Insurance Commissioner

### WSR 19-14-114

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 3, 2019, 7:02 a.m.]

Subject of Possible Rule Making: Chapter 16-54 WAC, Animal importation, the department is considering amending chapter 16-54 WAC to:

- Clarify that dogs imported into Washington state (unless exempt) must have a negative heartworm test prior to entry;
- Replace the allowance for a certificate similar to the Washington equine certificate of veterinary inspection and movement permit with an extended equine certificate of veterinary inspection (EECVI);
- Add a definition for EECVI;
- Delete the definition for movement permit;
- Allow horses from all states to utilize EECVI to enter Washington state for shows, rides, or other events;
- Add requirement to submit certificate of veterinary inspections to the department within seven days; and
- Revise language to increase clarity and readability.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Heartworm: Washington state receives many dogs from states where heartworm is endemic. In order to protect Washington's canine population



the department is proposing to clarify that all dogs six months of age or older imported into Washington (unless exempt) must be tested negative for heartworm or dogs that have tested negative for heartworm are on a heartworm preventative prior to entry.

Current regulations indicate that a negative heartworm test is required or the dogs must be on a heartworm preventative medicine in order to enter Washington state. The department is finding that heartworm positive dogs that are on preventative medicine are being imported into Washington state. Heartworm preventative medicine should only be given to dogs that have tested negative to heartworm.

Equine Extended Certificate of Veterinary Inspection: At the national level, the paper equine passport is being replaced by EECVIs. Global Vet Link (GVL) is the first vendor to develop digital EECVIs to support states that offer electronic six-month health certificates. Through the GVL software system, veterinarians can create an EECVI online, submit it to their state animal health official electronically and provide owners with online access to retrieve their travel permits 24/7. State veterinarians then have access to the itinerary and traceability information real time. Twenty-four states are currently participating in this electronic health certificate that allows faster sharing of results and records between producers, veterinarians, and the state and is an ideal mobile method for frequent horse travelers. Many other states are working on rule changes to allow for EECVI.

Adding the requirement to submit certificate of veterinary inspections within seven days aligns the rule with federal regulations.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

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

July 3, 2019

Jodi Jones

Acting Assistant Director

### WSR 19-14-115

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed July 3, 2019, 7:03 a.m.]

Subject of Possible Rule Making: Chapter 16-89 WAC, Sheep and goat diseases in Washington state, the department is considering amending chapter 16-89 WAC to:

- Add a definition for "premises";

- Clarify that all sheep moved off a premises must have official scrapie program identification;
- Add goats to official scrapie program identification requirement when moved off a premises;
- Remove requirement that all goats that are commingled with or exposed to sheep have official scrapie program identification;
- Remove low-risk commercial goats from official scrapie program identification exemption;
- Remove Q fever testing requirements for raw milk dairies; and
- Remove the indemnity section.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Q fever testing detects antibodies to *Coxiella burnetii* and antibody tests only determine past exposure to the agent rather than active shedding of the disease organism status. The testing does not actually determine if the animal is actively infected or if the animal is shedding the organism in the milk. Currently, there are no commercially available testing procedures for Q fever that give accurate and reliable definitive results.

All other provisions proposed by the department are to align regulations with the United States Department of Agriculture (USDA) scrapie program regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of agriculture's food safety and consumer services division (FSCSD) licenses raw milk dairies. Department staff have been discussing this proposal and the FSCSD is in agreement to abolish Q fever testing requirements. The department of health also has been part of the conversation and agrees with the proposal to abolish this requirement.

USDA, Animal and Plant Health Inspection Services, Veterinary Services regulates the scrapie program. Department staff have been discussing this proposal with our federal partners and they support changing our regulations to align with scrapie program 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).

July 3, 2019

Jodi Jones

Acting Assistant Director

**WSR 19-14-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 3, 2019, 7:36 a.m.]

Subject of Possible Rule Making: WAC 182-535A-0040 Orthodontic treatment and orthodontic-related services—Covered, noncovered, and limitations to coverage, 182-535A-0050 Orthodontic treatment and orthodontic-related services—Authorization and prior authorization, 182-535A-0060 Orthodontic treatment and orthodontic-related services—Payment, 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 these sections to clarify covered services and payment methodology. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services and the department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Smith, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services 711, email [valerie.smith@hca.wa.gov](mailto:valerie.smith@hca.wa.gov), web site [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 3, 2019  
Wendy Barcus  
Rules Coordinator