

WSR 19-15-006**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed July 5, 2019, 2:24 p.m.]

July 5, 2019
John Finch, DO
Board Chair

Subject of Possible Rule Making: WAC 246-853-675 Patient notification, secure storage, and disposal (physicians and surgeons) and 246-854-255 Patient notification, secure storage, and disposal (physician assistants). The board of osteopathic medicine and surgery (board) is considering amending WAC 246-853-675 and 246-854-255 to establish patient notification, documentation, and counseling requirements when prescribing opioid drugs, as directed by SSB 5380. The board may also consider exemptions, as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5380 (chapter 314, Laws of 2019), chapters 18.57 and 18.57A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5380 requires the board, along with the dental quality assurance commission, podiatric medical board, Washington medical commission, and nursing care quality assurance commission to adopt or amend rules establishing patient notification requirements.

Sections 5 and 6 of SSB 5380 direct the board to adopt or amend the opioid prescribing rules by January 1, 2020, to establish the requirement for osteopathic physicians and surgeons, and physician assistants to notify patients of their right to refuse an opioid prescription or order and to document any refusal.

Section 17 of SSB 5380 adds a new section to chapter 69.50 RCW requiring the prescribing practitioner, prior to the first opioid prescription, to discuss with the patient risks of opioids, pain management alternatives to opioids, and provide the patient a written copy of the warning language. Board rules may be amended to include pain management alternatives in the patient notification.

The board will engage in the rule-making process to implement the requirements of SSB 5380 as directed by the legislation. The board is filing for standard rule making because it may also consider exemptions which may be required for certain providers in certain setting[s] where prior notification is not possible.

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 Tracie Drake, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 360-833-6388 or 711, email tracie.drake@doh.wa.gov, web site www.doh.wa.gov.

Additional comments: Interested parties may join our mailing list by visiting <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

WSR 19-15-007**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Medical Quality Assurance Commission)

[Filed July 8, 2019, 8:01 a.m.]

Subject of Possible Rule Making: WAC 246-919-865 Patient notification, secure storage, and disposal and 246-918-815 Patient notification, secure storage, and disposal, the Washington medical commission (commission) is considering amending WAC 246-919-865 and 246-918-815 to establish requirements, and exemptions if appropriate, for patient notification when prescribing opioid drugs as directed by SSB 5380 (chapter 314, Laws of 2019).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050, and SSB 5380 (chapter 314, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5380 requires the commission, along with the dental quality assurance commission, podiatric medical board, board of osteopathic medicine and surgery, and nursing care quality assurance commission to adopt or amend rules establishing patient notification requirements.

Sections 8 and 9 of SSB 5380 direct the commission to adopt or amend the opioid prescribing rules by January 1, 2020, to establish the requirement for allopathic physicians and physician assistants to notify patients of their right to refuse an opioid prescription or order and to document any refusal.

Section 17 of SSB 5380 adds a new section to chapter 69.50 RCW requiring the prescribing practitioner, prior to the first opioid prescription, to discuss with the patient risks of opioids, pain management alternatives to opioids, and provide the patient a written copy of the warning language. Commission rules may be amended to include pain management alternatives in the patient notification.

The intent of SSB 5380 is to reduce the number of people who inadvertently become addicted to opioids and, consequently, reduce the burden on opioid treatment programs.

The commission is filing for standard rule making because it will also consider exemptions which may be required for certain providers in certain setting[s] where prior patient notification is not possible.

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 Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone 360-236-

2727, TTY 360-833-6388 or 711, email amelia.boyd@wmc.wa.gov, web site wmc.wa.gov.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

Melanie de Leon
Executive Director

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.

July 9, 2019
Douglas L. Moore
Executive Secretary

WSR 19-15-015

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 9, 2019, 9:30 a.m.]

Subject of Possible Rule Making: WAC 260-70-635 Environmental substances.

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 consider amending environmental contaminant levels.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

July 9, 2019
Douglas L. Moore
Executive Secretary

WSR 19-15-016

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 9, 2019, 9:30 a.m.]

Subject of Possible Rule Making: WAC 260-36-085 License and fingerprint fees.

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 the current license fees to offset the cost of processing applications.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda

WSR 19-15-018

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

FISH AND WILDLIFE

[Filed July 9, 2019, 10:24 a.m.]

Subject of Possible Rule Making: Amendments to chapters 220-440 and 220-500 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, and 77.15.245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is seeking to amend and clarify rules regarding the collection and retrieval of wildlife parts from public lands.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Detective Lenny Hahn, Washington Department of Fish and Wildlife, 1111 Washington Street S.E., Olympia, WA 98501, phone 509-892-1001 ext. 350, fax 509-921-2440, TTY 800-833-6388, email Lenny.Hahn@dfw.wa.gov.

July 9, 2019
Scott Bird
Rules Coordinator

WSR 19-15-032

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Developmental Disabilities Administration)

[Filed July 10, 2019, 2:50 p.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 19-14-057 on June 28, 2019 (chapter 388-845 WAC), regarding the individual and family services.

Katherine I. Vasquez
Rules Coordinator

WSR 19-15-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 12, 2019, 11:50 a.m.]

July 12, 2019
 Damon Monroe
 Rules Coordinator

Subject of Possible Rule Making: WAC 308-101-030
 Computation of time.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 46.01.110 and 46.20.308.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Under RCW 46.20.308(7),
 the department shall hold a hearing within thirty days of
 receipt of a hearing request. By establishing a uniform com-
 putation of the department's receipt of the request, it should
 avoid inconsistency in calculations of the thirty days and
 reduce the number of hearings that would be dismissed for
 being scheduled beyond thirty days.

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

Process for Developing New Rule: Internal review and
 stakeholder input.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication by contacting Marguerite Friedlander, Department of
 Licensing, P.O. Box 9031, Olympia, WA 98507-9031, phone
 360-664-1523, email mfriedland@dol.wa.gov.

July 12, 2019
 Damon Monroe
 Rules Coordinator

WSR 19-15-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 12, 2019, 12:17 p.m.]

Subject of Possible Rule Making: WAC 308-124A-720
 Application for real estate examination, licensed in another
 jurisdiction, and 308-124H-820 General requirements for
 course approval.

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

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: Allow applicants licensed in
 another jurisdiction to only take the state specific portion of
 the exam when they have completed a course on Washington
 contracts and forms.

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

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication by contacting Stacy Harms, Department of Licens-
 ing, Real Estate Program, P.O. Box 48053, Olympia, WA
 98502, phone 360-664-6506, TTY 711, email sharms@dol.wa.gov,
 web site www.dol.wa.gov.

WSR 19-15-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 12, 2019, 2:20 p.m.]

Subject of Possible Rule Making: Title 98 WAC, Licens-
 ing, department of (cemetery board); chapter 308-47 WAC,
 Rules of procedure for cremation; chapter 308-48 WAC,
 Funeral directors and embalmers; and chapter 308-49 WAC,
 Prearrangement funeral services.

Statutes Authorizing the Agency to Adopt Rules on this
 Subject: RCW 68.05.105, 18.39.175.

Reasons Why Rules on this Subject may be Needed and
 What They Might Accomplish: ESSB 5001 was passed and
 signed into law during the 2019 session. Licensing require-
 ments to provide services for the two new disposition
 options, alkaline hydrolysis and natural organic reduction,
 will need to be outlined for licensees and potential licensees.
 Several sections will need housekeeping to remove redun-
 dancy and Title 98 WAC will be merged with Title 308 WAC
 to create one chapter to simplify rules for cemeteries and
 funeral establishments.

Other Federal and State Agencies that Regulate this Sub-
 ject and the Process Coordinating the Rule with These Agen-
 cies: Department of health, vital records section.

Process for Developing New Rule: Internal review and
 stakeholder input.

Interested parties can participate in the decision to adopt
 the new rule and formulation of the proposed rule before pub-
 lication by contacting Julie Konnersman, P.O. Box 9020,
 phone 360-664-1507, fax 360-570-7098, TTY 711, email
jkonnerrma@dol.wa.gov, web site [http://www.dol.wa.gov/
 business/funeralcemetery](http://www.dol.wa.gov/business/funeralcemetery).

July 12, 2019
 Damon Monroe
 Rules Coordinator

WSR 19-15-057
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UT-180831—Filed July 15, 2019, 8:53 a.m.]

On October 23, 2018, the Washington utilities and trans-
 portation commission (commission) filed a preproposal state-
 ment of inquiry (CR-101) to consider possible additions or
 modifications to certain sections in chapter 480-120 WAC,
 Telephone companies, at WSR 18-21-158. The commission
 has decided not to proceed with this rule-making proceeding.
 The commission has determined a rule change at this time to

be of limited impact. The commission, therefore, requests that the CR-101 published in WSR 18-21-158 be withdrawn.

The commission will notify stakeholders in this rule-making docket of the withdrawal of this rule-making proceeding.

Mark L. Johnson
Executive Director

WSR 19-15-058

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 15, 2019, 8:56 a.m.]

Subject of Possible Rule Making: WAC 260-48-620
Pools dependent on betting interests.

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 the required number of starters where a racing association is required to offer place and show wagering.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

July 15, 2019
Douglas L. Moore
Executive Secretary

WSR 19-15-068

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 16, 2019, 9:28 a.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 19-11-025, filed on May 7, 2019.

Douglas L. Moore
Executive Secretary

WSR 19-15-069

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 16, 2019, 11:48 a.m.]

Subject of Possible Rule Making: WAC 260-28-200
Trainer—Paddock duties.

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 a trainer to supervise the saddling of a horse.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

July 16, 2019
Douglas L. Moore
Executive Secretary

WSR 19-15-071

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Developmental Disabilities Administration)

[Filed July 17, 2019, 8:54 a.m.]

The developmental disabilities administration (DDA) requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-16-044 on July 25, 2018 (chapter 388-825 WAC), regarding DDA service rules.

Katherine I. Vasquez
Rules Coordinator

WSR 19-15-072

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Developmental Disabilities Administration)

[Filed July 17, 2019, 9:13 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-16-043 on July 25, 2018 (chapters 388-825 and 388-101D WAC), regarding background checks.

Katherine I. Vasquez
Rules Coordinator

WSR 19-15-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Behavioral Health Administration)

[Filed July 17, 2019, 9:25 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-855-0045 Exempt income; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20B.335, 43.20B.325, 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC is out-of-date. It refers to another WAC that is no longer in effect and has a dollar amount that is no longer valid. This planned update ensures that patients in state hospitals will be able to have the personal fund amounts to which they are entitled.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of financial recovery uses this WAC to determine the personal needs allowance for patients.

Process for Developing New Rule: The behavioral health administration will work with the office of financial recovery and other interested parties to provide input into updating this rule. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joseph Perrino, 9601 Steilacoom Boulevard S.W., Lakewood, WA 98498-7213, phone 253-756-2565, email perrij@dshs.wa.gov; or Melena L. Thompson, 1115 Washington Street S.E., Olympia, WA 98501, phone 360-902-7543, email melena.thomppson@dshs.wa.gov [melena.thompson@dshs.wa.gov].

July 16, 2019
 Katherine I. Vasquez
 Rules Coordinator

WSR 19-15-074
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed July 17, 2019, 12:07 p.m.]

Subject of Possible Rule Making: WAC 314-55-XXX, the Washington state liquor and cannabis board (board) is considering creating a new section of rule that will establish a voluntary compliance program for marijuana licensees consistent with the mandates of ESSB 5318 (chapter 394, Laws of 2019).

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5318 (chapter 394, Laws of 2019), entitled Marijuana licensees—Compliance and enforcement.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5318 emphasizes a strong focus on compliance, education, and enforcement in

the oversight of the regulated marijuana market. The bill mandates that the board adopt rules to perfect and expand existing programs for compliance education for licensed marijuana businesses and their employees. Rules are needed to establish a voluntary compliance program created in consultation with licensed marijuana businesses and their employees. The program will include recommendations on abating violations described in chapter 69.50 RCW and rules adopted consistent with chapter 69.50 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board will coordinate with the Washington state department of health, and other public agencies where appropriate.

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 Katherine Hoffman, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, email Rules@lcb.wa.gov, web site lcb.wa.gov.

July 17, 2019
 Jane Rushford
 Chair

WSR 19-15-087
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed July 19, 2019, 2:25 p.m.]

Subject of Possible Rule Making: Chapter 246-650 WAC, Newborn screening, the Washington state board of health (board) is considering adding spinal muscular atrophy (SMA) to the list of mandatory conditions for newborn screening (NBS) conducted by the department of health (department), and improving clarity and usability of the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.83.030, 70.83.050, and 70.83.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SMA is a severe condition that can result in significant morbidity or death if not detected and treated early. Early diagnosis of this condition through NBS is essential to save lives and to further improve the quality of life for impacted infants and their families.

Process for Developing New Rule: Collaborative; the board and the department used a multidisciplinary NBS advisory committee to evaluate whether SMA met the board's criteria for inclusion in the NBS panel. The board discussed the committee's recommendations and now wants to proceed with rule making to consider rules that would allow the testing to occur.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alexandra Montano, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4106, fax 360-236-4088, TTY 360-833-6388 or 711, email alexandra.montano@sboh.wa.gov.

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

July 19, 2019
Michelle A. Davis
Executive Director

WSR 19-15-088

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

(Public Works Board)

[Filed July 19, 2019, 3:14 p.m.]

Subject of Possible Rule Making: Modification to existing Title 399 WAC, Department of commerce (public works board), to align rules with current board practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.155.040(5) adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public works board (PWB) has approved several policy changes regarding administration of PWB programs, some of which will require an update to Title 399 WAC. In addition, to update WAC to include legislature updates on chapter 43.155 RCW that occurred during 2009 to 2017.

Process for Developing New Rule: Following regular 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 Connie Rivera, PWB Program Director, P.O. Box 42525, Olympia, WA 98504, phone 360-725-3088, email connie.rivera@commerce.wa.gov.

Additional comments: Written comments for consideration by the board should be submitted to Connie Rivera.

July 19, 2019
Leslie Wolff
Rules Coordinator

WSR 19-15-089

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

(Public Works Board)

[Filed July 19, 2019, 3:14 p.m.]

Subject of Possible Rule Making: Modification to existing Title 399 WAC, Department of commerce (public works board); to include reference to new grant and loan opportunities associated with SB [2SSB] 5511 - Broadband internet service access. This bill requires the public works board (PWB), in collaboration with the new broadband office, to establish and administer a competitive grant and loan program to promote expanding access to broadband service in unserved areas of the state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.155.040(5) adopt[s] rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PWB has a new system: SB [2SSB] 5511 - Broadband internet service access, to the new chapter 399-80 WAC. In addition, to update WAC to include chapter 399-80 WAC, to include legislature updates on chapter 43.155 RCW that occurred during 2019.

Process for Developing New Rule: Following regular 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 Connie Rivera, PWB Program Director, P.O. Box 42525, Olympia, WA 98504, phone 360-725-3088, email connie.rivera@commerce.wa.gov.

Additional comments: Written comments for consideration by the board should be submitted to Connie Rivera.

July 19, 2019
Leslie Wolff
Rules Coordinator

WSR 19-15-090

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE**

[Filed July 19, 2019, 3:17 p.m.]

Subject of Possible Rule Making: Implementation of energy efficiency standards and design requirements enacted in 2019 (chapter 286, Laws of 2019) for appliances, plumbing fittings and fixtures, lighting equipment, commercial kitchen equipment, and other products; updates and amendments to chapter 194-24 WAC to reflect changes in federal standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.260.070(7); chapter 286, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2019 legislation requires updates to state standards through rules. The legislation also requires rules referencing the new standards and test methods adopted through this bill, including compliance dates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Energy, federal standards in some cases preempt state standards.

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 Sarah Vorpahl, P.O. Box 42525, Olympia, WA 98504, phone 360-688-600 [360-688-6000], email appliances@commerce.wa.gov, web site commerce.wa.gov/appliances.

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.

July 19, 2019
 Leslie Wolff
 Rules Coordinator

Additional comments: Interested stakeholders may sign up for the commission's interested parties list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All interested parties will receive rule-making notices via GovDelivery.

WSR 19-15-092

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed July 22, 2019, 9:19 a.m.]

Subject of Possible Rule Making: Chapter 246-840 WAC, the nursing care quality assurance commission (commission) is considering amendments to the advanced practice pain management rules, commonly referred to as the 2018 opioid prescribing rules. The commission is considering amendments to address concerns presented to the commission during the implementation of the 2018 opioid prescribing rules, including those expressed by Washington state long-term care associations and advanced practice nursing associations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.79.400, and 18.79.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission intends to engage in stakeholder discussion to address concerns presented during the implementation of the 2018 opioid prescribing rules expressed by Washington state long-term care associations and advanced practice nursing associations. One concern presented to the commission by the long-term care associations relates to the application of the rules in skilled nursing facilities and the barriers imposed upon the population. On December 21, 2018, the commission adopted Interpretive Statement NCIS 2.00, Application of WAC 246-840-4659 to nursing homes and long-term acute care hospitals to clarify that, under WAC 246-840-4659, an advanced registered nurse practitioner may consider the discharge facility's patient history and physical examination to be an appropriate patient history and physical examination for the purpose of prescribing opioids within a reasonable period of time. While interpretive statements offer the commission's interpretation of rule, they are not enforceable and, therefore, not subject to discipline under the Uniform Disciplinary Act. Opening the rule provides the opportunity for additional stakeholder engagement, rule clarification, and possible amendments to address the identified concerns.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Zawislak, P.O. Box 47864, Olympia, WA 98504, phone 360-236-4785, fax 360-236-4738, TTY 360-833-6388 or 711, email amber.zawislak@doh.wa.gov, web site <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission>.

July 19, 2019

Paula R. Meyer, MSN, RN, FRE
 Executive Director

WSR 19-15-093

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed July 22, 2019, 9:20 a.m.]

Subject of Possible Rule Making: WAC 246-840-342 and 246-840-360 pertaining to advanced registered nurse practitioner (ARNP) clinical practice hour requirements. The nursing care quality assurance commission (commission) is considering amendments to ARNP renewal and initial endorsement clinical practice hour requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission's advanced practice subcommittee (APSC) recently completed a literature review to determine if the requirement for ARNPs to submit proof of two hundred fifty clinical practice hours upon license renewal or initial endorsement is redundant and burdensome to licensees. The results of the review indicated a lack of evidence that the existing clinical practice hour requirement has an impact on patient safety. Additionally, many other states and health professions do not have a clinical practice requirement, and there is no evidence to suggest these other states and professions have more issues with patient safety.

APSC also reviewed the important role of national certifying bodies in maintaining standards for ARNPs and requiring proof of competencies for national certification renewal. For an individual to maintain an active ARNP license in Washington state, the commission requires proof of an active national certification by one of the approved certifying bodies listed in WAC 246-840-302. Therefore, APSC recommended that the commission open WAC 246-840-342 and 246-840-360 to remove the requirement to submit proof of two hundred fifty clinical practice hours to the commission upon licensure renewal or initial endorsement because it is redundant and unnecessary given the requirement to maintain certification. The commission adopted the motion to open these rules for consideration of removal of the requirement to submit proof of two hundred fifty clinical practice hours to the commission.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Zawislak, P.O. Box 47864, Olympia, WA 98504, 360-236-4785, fax 360-236-4738, TTY 360-833-6388 or 711, email amber.zawislak@doh.wa.gov, web site <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission>.

Additional comments: Interested stakeholders may sign up for the commission's interested parties list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All interested parties will receive rule-making notices via GovDelivery.

July 19, 2019
Paula R. Meyer, MSN, RN, FRE
Executive Director

WSR 19-15-095

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 22, 2019, 9:25 a.m.]

Subject of Possible Rule Making: WAC 246-817-907 Patient notification, secure storage, and disposal, the dental quality assurance commission (commission) is considering amending WAC 246-817-907 to establish patient notification, documentation, and counseling requirements for those prescribing opioids, as directed by SSB 5380. The commission may also consider exemptions to patient notification, documentation, and counseling requirements for opioid prescribing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5380 (chapter 314, Laws of 2019) and RCW 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5380 requires the commission, along with the podiatric medical board, board of osteopathic medicine and surgery, Washington medical commission, and nursing care quality assurance commission to adopt or amend rules establishing patient notification requirements for those who prescribe opioids.

Section 4 of SSB 5380 directs the commission to adopt or amend the opioid prescribing rules by January 1, 2020, to establish the requirement for dentists to notify patients of their right to refuse an opioid prescription or order and to document any refusal.

Section 17 of SSB 5380 adds a new section to chapter 69.50 RCW requiring the prescribing practitioner, prior to the first opioid prescription, to discuss with the patient risks of opioids, pain management alternatives to opioids, and provide the patient a written copy of the warning. Commission rules may be amended to include pain management alternatives in the patient notification.

Patient notification already exists in current rule, however rule making is necessary to amend the rule to include the requirements of SSB 5380.

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 Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email jennifer.santiago@doh.wa.gov.

Additional comments: Notice will be sent to the commission interested parties GovDelivery list, bulk email service, and to the Washington State Dental Association, and Washington State Society of Oral and Maxillofacial Surgeons. Stakeholders will be invited to rule drafting workshops and commission meetings through the dental commission interested parties GovDelivery lists. Interested parties can be added to the GovDelivery list by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

July 19, 2019
Trina Crawford
Executive Director

WSR 19-15-100

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed July 22, 2019, 11:51 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-827-0105, 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 developmental disabilities administration (DDA) is considering amending WAC 388-827-0105 to clarify eligibility criteria for state supplementary payments. During the course of this review, DDA 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: The health care authority addresses state supplementary payments in the context of special income disregards. DDA will include health care authority in the review of these amendments.

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

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

July 22, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-15-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 22, 2019, 12:00 p.m.]

Subject of Possible Rule Making: The division of child support (DCS) intends to amend WAC 388-14A-3903 How does DCS decide whether to petition for modification of a support order?, and other related rules as may be required, in order to implement ESHB 1916, sections 2 and 3, chapter 275, Laws of 2019, which takes effect on July 28, 2019.

At the same time DCS files this preproposal statement of inquiry, DCS is filing a CR-103E, rule-making order, to adopt an emergency amendment of WAC 388-14A-3903; that emergency rule will implement the bill while DCS goes through the regular rule-making process under chapter 34.05 RCW. DCS may make additional changes to the modification criteria that will allow for greater flexibility for child support order modifications; as part of this rule-making process, DCS may amend or repeal existing sections, or may adopt new sections, in chapter 388-14A WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Implementation of ESHB 1916 (chapter 275, Laws of 2019), which takes effect on July 28, 2019, is authorized under RCW 26.09.105, 26.18.170, 34.05.220 (1)(a), 34.05.-322, 74.04.055, 74.08.090, 74.20.040(9), and 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1916 (chapter 275, Laws of 2019), which takes effect on July 28, 2019, amended RCW 26.09.170 and 74.20A.059 to change the criteria for modification or adjustment of child support orders. This change potentially allows more families to benefit from modification of their child support orders by reducing the requirement that the child support amount change as a result of the review by twenty-five percent to fifteen percent. Another change, adopted due to federal requirements, provides that incarceration of the noncustodial parent in and of itself can serve as a reason for modification review of the child support order at any time, without a showing of a substantial change in circumstances or a fifteen percent change in the order amount. In order to implement ESHB 1916, DCS must amend WAC 388-14A-3903.

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 the department of social and health services (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, P.O. Box 9162, Mail Stop 45860, Olympia, WA 98507-9162, phone 360-664-6202, fax 360-664-5342, TTY 1-800-833-6384, email nkoptur@dshs.wa.gov or nancy.koptur@dshs.wa.gov.

July 22, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-15-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 22, 2019, 1:10 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-310-1600 WorkFirst—Sanctions, 388-400-0005 Who is eligible for temporary assistance for needy families?, 388-484-0006 TANF/SFA time limit extensions, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.04.050, 74.04.055, 74.04.057, 74.08.025, 74.08.090, chapter 74.08A RCW, RCW 74.09.-035, 74.09.530, chapter 74.12 RCW, RCW 74.62.030, 2SHB 1603 (chapter 343, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The planned amendments are necessary to implement 2SHB 1603 (chapter 343, Laws of 2019), removing permanent disqualification after three WorkFirst noncompliance sanction terminations and adding homelessness to the criteria for hardship time limit extensions beyond the sixty month temporary assistance for needy families lifetime limit.

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 Mintzer, P.O. Box 45440 [45470], Olympia, WA 98504-5470, phone 360-725-4619, fax 360-725-4904.

July 22, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-15-104

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed July 22, 2019, 1:26 p.m.]

Subject of Possible Rule Making: The department is planning to add a new section in chapter 388-101 WAC and amend other related rules as may be required for the collection of an annual certification fee for certified community residential services and supports (CCRSS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71A.12 RCW, RCW 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to add a new section to chapter 388-101 WAC to implement SB 5359, which authorizes the department to establish rules for the collection and enforcement of fees for CCRSS providers.

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 invites the public to review and provide input on the draft language in this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Antonietta Lettieri-Parkin, Policy Program Manager, P.O. Box 45600, Olympia, WA 98504-5600, phone 509-227-2474, fax 360-725-3224, email lettiean@dshs.wa.gov.

July 22, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-15-122

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:38 a.m.]

Subject of Possible Rule Making: Evaluation of actual losses (occupational disease date of injury for experience rating). Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to ensure the experience rating rule governing the date of injury for occupational disease is clear and equitable.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: The department of labor and industries will notify employers and employer representatives of the potential changes through email and the agency web site. The public is encouraged to participate by submitting input in writing or in person at public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annie Peeples, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4723, TTY 360-902-5797, email Annie.Peeples@Lni.wa.gov, web site www.Lni.wa.gov.

July 23, 2019
Joel Sacks
Director

WSR 19-15-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:39 a.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The federal update to apprenticeship equal employment opportunity (EEO) guidelines, 29 C.F.R. 30, requires our state system to make updates to EEO guidelines in our rule.

The apprentice utilization requirements take full effect January 1, 2020. EHB 1849 (chapter 244, Laws of 2018) assigns the duty of verifying compliance to the supervisor of apprenticeship and requires the department to adopt rules to implement this process.

In addition, key language was omitted during the 2018 revision that needs clarification or to be placed back into rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United State Department of Labor, Office of Apprenticeship, Employer and Labor Services, which has federal apprenticeship oversight responsibility, will be provided [provided] a copy of the proposed rules.

Process for Developing New Rule: The department will develop the rule language with input from the Washington state apprenticeship and training council (WSATC) and other interested parties. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit the department of labor and industries' (L&I) laws and rules web site at <http://www.lni.wa.gov/LawRule/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, L&I, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@Lni.wa.gov.

July 23, 2019
Joel Sacks
Director

WSR 19-15-124
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2019, 10:44 a.m.]

The department of labor and industries is withdrawing the preproposal statement of inquiry for rule making regarding elevator rules (chapter 296-96 WAC), WSR 19-03-162 filed on January 22, 2019.

The department will be initiating a separate rule making, which will expand the scope of the rule making.

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

Maggie A. Leland
Rules Coordinator

WSR 19-15-127
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2019-09—Filed July 23, 2019, 1:06 p.m.]

Subject of Possible Rule Making: Correction of language in essential health benefit (EHB), WAC 284-43-5642 (3)(b)(i).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.43.715.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 284-43-5642 (3)(b)(i) currently states that, for Affordable Care Act plans, coverage of hospitalization for mental illness is an optional benefit. This violates the requirement for mental health (MH)/substance use disorder (SUD) EHB, as well as federal Mental Health Parity Addiction and Equity Act requirements.

This language was meant to read that carriers must cover hospitalization for MH/SUD, but cannot include it in the actuarial value calculation for the hospitalization EHB (it must be included in the calculation for actuarial value of the MH/SUD EHB).

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 comments by September 13, 2019.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tabba Alam, P.O. Box 40260, Olympia, WA 98504-0260, phone 360-725-7170, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

July 23, 2019
Mike Kreidler
Insurance Commissioner

WSR 19-15-129
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2019-03—Filed July 23, 2019, 1:19 p.m.]

Subject of Possible Rule Making: Confidential communication (EOBs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a), sections 3(9) and 4 (1)(c), chapter 56, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the adoption of chapter 56, Laws of 2019 (SB [SSB] 5889), the commissioner is considering adopting rules to unite with the new law relating to health insurance communications confidentiality of a protected individual and sensitive health services.

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

Process for Developing New Rule: Submit written comments by September 16, 2019.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, web site www.insurance.wa.gov.

July 23, 2019
Mike Kreidler
Insurance Commissioner

WSR 19-15-134

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF THE INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2019-08—Filed July 23, 2019, 2:24 p.m.]

Subject of Possible Rule Making: Producer accounting systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.005, 48.15.180, 48.17.480, and 48.17.600.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Correct spelling of the word "indentify" in WAC 284-12-080(9) and amend the language in WAC 284-12-080 to clarify how the office of the insurance commissioner expects producers to maintain their premium accounts and systems.

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 Bode Makinde, 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 23, 2019
Mike Kreidler
Insurance Commissioner

WSR 19-15-135

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF CORRECTIONS

[Filed July 23, 2019, 3:19 p.m.]

Subject of Possible Rule Making: Amendments to WAC 137-28-300 Supplementary rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 72.65.10 [72.65.100], and 72.01.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revise language to clarify categories of hearings which require audio recording.

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 Jennifer Williams, Rules Coordinator, P.O. Box 41114, phone 360-725-8364, email jennifer.williams1@doc1.wa.gov, web site www.doc.wa.gov; or Michelle Walker, P.O. Box 41114, phone 360-725-8732, email mdwalker1@DOC1.WA.GOV, web site www.doc.wa.gov.

Additional comments: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to Jennifer Williams at the email address shown above.

July 23, 2019
Stephen D. Sinclair
Secretary

WSR 19-15-136

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF CORRECTIONS

[Filed July 23, 2019, 3:20 p.m.]

Subject of Possible Rule Making: Amendments to WAC 137-28-170 Supplementary rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 72.65.10 [72.65.100], and 72.01.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adds new language to WAC 137-28-170(1) authorizing the superintendent to promulgate and implement pilot programs regarding offender prison discipline. Adds new language to WAC 137-28-170(2) that requires approval in writing by the assistant secretary before pilot programs are put into effect.

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

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Williams, Rules Coordinator, P.O. Box 41114, phone 360-725-8364, email jennifer.williams1@doc1.wa.gov, web site www.doc.wa.gov; or Michelle Walker, P.O. Box 41114, phone 360-725-8732, email mdwalker1@doc1.wa.gov, web site www.doc.wa.gov.

Additional comments: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to Jennifer Williams at the email address shown above.

July 23, 2019
Stephen D. Sinclair
Secretary

WSR 19-15-140
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2019-12—Filed July 23, 2019, 5:20 p.m.]

Subject of Possible Rule Making: Association health plans/multiple employer welfare arrangements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.43.733, 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 19, 2018, the United States Department of Labor (DOL) issued a final rule on Association Health Plans (AHP) <https://www.federalregister.gov/documents/2018/06/21/2018-12992/definition-of-employer-under-section-35-of-erisa-association-health-plans>. The DOL rule expanded the ability of small businesses and self-employed individuals to band together by geography or industry to provide health care coverage to their employees as if they were a single large employer. It established a set of requirements that associations and the health plans they offer must meet in order to offer coverage under the new rule.

Under the final federal rule, there would be two types of associations that can offer health plans. Under the rule, both types of associations would be considered a "bona fide group or association of employers":

- Pathway 1: Association health plans that are formed and offered under "pre-rule guidance" issued by DOL prior to issuance of the new rule on June 19; and
- Pathway 2: Association health plans that are formed and offered under the criteria of the new rule.

In response to a challenge to the rule, on March 28, 2019, the United States District Court for the District of Columbia held that several components of the Pathway 2 association health plan rule violate federal law.¹ DOL is currently appealing the district court's decision. As of the filing of this CR-101, the district court decision has not been stayed pending appeal.

¹ *State of New York v. United States Department of Labor*, Civil Action No: 18-1747 at 33 (March 28, 2019); accessed at <https://cases.justia.com/federal/district-courts/district-of-columbia/dcdece/1:2018cv01747/198818/79/0.pdf?ts=1553851204>.

In its ruling, the federal district court discussed the statutory limitations set by congress in the Employee Retirement Income Security Act (ERISA), emphasizing that bona fide associations are those that act in the interest of employers. The court relied heavily upon the "pre-rule guidance" interpreting ERISA that DOL has issued over the past twenty-nine years, noting its importance in determining whether an association health plan is truly acting in the interest of its employer members:

... ERISA is premised on the idea that employers and employees are connected by an employment nexus: "[a]n employee depends on his employer," and vice versa. This nexus is reproduced at the level of associations and their employer members.²

² *State of New York v. United States Department of Labor*, Civil Action No: 18-1747 (March 28, 2019) at p. 33.

Permanent rules on this subject are needed to sustain association health plans offering coverage in Washington state that comply with federal law and to protect small employers purchasing coverage through association health plans. To accomplish this, the office of the insurance commissioner plans to develop rules related to filings for association health plans.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOL enforcement of the federal rule is accomplished through cooperation between states and DOL. The preamble to the new federal rule reinforces state authority to regulate association health plans and this rule exercises that authority.

Process for Developing New Rule: Comments due August 26, 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, P.O. Box 40261, Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241 or 360-725-7087, email rulescoordinator@oic.wa.gov, web site <https://www.insurance.wa.gov>.

July 23, 2019
 Mike Kreidler
 Insurance Commissioner

WSR 19-15-145
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed July 24, 2019, 8:27 a.m.]

Subject of Possible Rule Making: Clarifying that any pension payments that an unemployment claimant receives should be deducted from the claimant's weekly benefit amount and not deducted from the claimant's maximum benefits payable.

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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Labor (USDOL) informed the employment security department that, under current state rules, pension payments need to be deducted from a claimant's available balance. This reading prevents individuals with pension payments from exhausting regular unemployment claims before the end of their benefit year, which prevents these individuals from qualifying for other types of entitlements, such as training benefits or extended benefits, before the end of their benefit year. Changing the rules will clarify that individuals with pension payments do not have to wait several weeks or months for their benefit year to end before they can qualify for other types of entitlements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 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: Other [no further information supplied by agency].

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, web site <https://esd.wa.gov/newsroom/rulemaking/benefits>.

July 24, 2019
Daniel Zeitlin
Employment Security
Policy Director

WSR 19-15-146

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed July 24, 2019, 8:31 a.m.]

Subject of Possible Rule Making: The health care authority (HCA) is considering adopting rules in chapter 182-501 WAC regarding wraparound and intensive services (WISe), requiring the use of the WISe quality plan; 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: This rule making is required to comply with and provide ongoing guidance related to the requirements that ensure the quality of the WISe service delivery model. During the course of this review, the agency may identify additional related 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 Center[s] 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, web site www.hca.wa.gov/about-hca/rulemaking; or Tina Burrell, P.O. Box 45330 [45530], Olympia, WA 98504, phone 360-725-9409, fax 360-438-8057, telecommunication relay services 711, email tina.burrell@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

July 24, 2019
Wendy Barcus
Rules Coordinator

WSR 19-15-149

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

[Filed July 24, 2019, 9:13 a.m.]

Subject of Possible Rule Making: Amending chapter 365-220 WAC, relating to the development[al] disabilities endowment trust fund program, to align rules with program governing documents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Statutory Authority: RCW 43.330.437.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of commerce on behalf of the developmental disabilities endowment trust fund governing board proposes amending chapter 365-220 WAC to better conform such chapter to: (1) Master trust agreement and joinder agreement revisions and (2) current program practices regarding reversion of state match and its earnings upon closing an account.

Three WAC cover the reversion of the state match contributions and earnings back to the program upon death, transfer or ineligibility of the beneficiary but the wording is not consistent between them. The program's recordkeeping software individual trust account reporting system (ITARS) was not originally built with the logic to account for the reversions of funds in all cases because the developer at that time reported the WAC did not specify it. The WAC use different words although arguably the intent of those words was intended to be the same.

The governing board at the June 6, 2019, meeting confirmed the intent was that all unexpended state match and earnings would revert to the program when an individual account closed. In order to make the intent obvious, the special assistant attorney general (AAG) strengthened the language in Article 5 in the master trust agreements and cited it throughout the document. To make the WAC obvious, word changes are required. The special AAG provided draft rules to make the WAC consistent. AAG Adix approved those changes.

Commerce information technology staff will need to correct the ITARS logic after/parallel to the rule-making effort.

The amended master trust agreements were approved June 6, 2019. They are being mailed out to current trust account holders. The WAC and amended master trust agreements wording difference puts the program at risk for potential litigation should an account close before the WAC are updated regarding who receives the unused state match contributions and earnings.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peter Tassoni, P.O. Box 42525, Olympia, WA 98504-2525, phone 360-725-3125, fax 360-586-8440, email peter.tassoni@commerce.wa.gov.

Additional comments: Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments or inquir-

ries may be directed to Leslie Wolff, Rules Coordinator, P.O.
Box 42525, Olympia, WA 98504-2525, 360-725-2817, email
Leslie.Wolff@commerce.wa.gov.

July 24, 2019
Leslie Wolff
Rules Coordinator