

**WSR 19-19-013****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed September 9, 2019, 9:41 a.m.]

Subject of Possible Rule Making: WAC 182-550-3830 Adjustments to inpatient rates, 182-550-7500, OPPTS (outpatient prospective payment system) rates, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESHB 1109, section 211(14), 66th legislature, 2019 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to align with ESHB 1109, section 211(14), 66th legislature, 2019 regular session. The agency intends to extend the date for payment increases under the sole community hospital program and to allow for updates to inpatient conversion factors and per diem rates through June 30, 2020. 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: None.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud (Rule Writer), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services (TRS) 711, email melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Melissa Craig (Program Questions), P.O. Box 45505, Olympia, WA 98504-5505, phone 360-725-0938, fax 360-586-9727, TRS 711, email melissa.craig@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

September 9, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-19-015****PREPROPOSAL STATEMENT OF INQUIRY  
CHARTER SCHOOL COMMISSION**

[Filed September 9, 2019, 11:15 a.m.]

Subject of Possible Rule Making: Renewal update.

Statutes Authorizing the Agency to Adopt Rules on this Subject: WAC 108-40-060, 108-40-070, 108-40-080, 108-40-090, and 108-40-100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission proposes to update its rules around charter school renewal in order to pro-

vide more detailed and accurate information about the standards of renewal for an already operational charter school.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the state board of education (SBE) and the office of superintendent of public instruction (OSPI) regulate areas that may be impacted by these rules. The commission will solicit input from these agencies.

Process for Developing New Rule: The commission will solicit comments on these rules from SBE, OSPI, charter schools, and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amanda Martinez, 1068 Washington Street S.E., phone 360-725-5511, email charterschoolinfo@k12.wa.us, web site www.charterschool.wa.gov.

Amanda Martinez  
Executive Assistant  
Rules Coordinator

**WSR 19-19-016****PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed September 9, 2019, 1:57 p.m.]

Subject of Possible Rule Making: Employment—Conviction records, review of refusal to alter record.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.97.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend language to specify that RCW 43.43.730 *de novo* hearing process applies to the Washington state patrol (WSP), allowing an individual to appeal after a refusal by WSP to alter a record.

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

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

September 9, 2019  
John R. Batiste  
Chief

**WSR 19-19-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed September 9, 2019, 1:58 p.m.]

Subject of Possible Rule Making: Revising chapter 172-118 WAC, Recreational equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be need[ed] to address new types of recreational equipment on campus.

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 Joseph Fuxa, 314 Showalter Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email [jfuxa@ewu.edu](mailto:jfuxa@ewu.edu), web site <https://inside.ewu.edu/policies/>.

September 9, 2019  
 Joseph Fuxa  
 Labor Relations Manager

**WSR 19-19-040**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)

[Filed September 12, 2019, 10:51 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-829A WAC, Alternative living, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is considering amending sections in chapter 388-829A WAC to add certification and evaluation processes. 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, 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](mailto:Chantelle.Diaz@dshs.wa.gov).

September 12, 2019  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 19-19-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed September 16, 2019, 9:53 a.m.]

Subject of Possible Rule Making: Amendments to hydraulic code rules, chapter 220-660 WAC, necessary to implement 2SHB 1579 (chapter 290, Laws of 2019), which becomes effective on July 28, 2019. Rule sections requiring amendment include WAC 220-660-050 Procedures—Hydraulic project approvals, 220-660-370 Bank protection in saltwater areas, 220-660-460 Informal appeal of administrative actions, 220-660-470 Formal appeal of administrative actions, and 220-660-480 Compliance with HPA provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.047, and 77.55.021; 2SHB 1579 (chapter 290, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule amendments are needed to implement elements in sections 4 through 11 of 2SHB 1579 to add a mechanism for preapplication determination, implement enhanced civil compliance tools, remove references to repealed statutes, and clarify administrative actions that are subject to informal and formal appeal.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife (WDFW) is the sole authority regulating hydraulic projects under chapter 77.55 RCW, and the only state agency that regulates hydraulic projects solely for the protection of all fish life. The United States Army Corps of Engineers, Washington department of ecology, Washington department of natural resources, Washington state parks, and local governments also regulate certain aspects of hydraulic projects under their own authorities. National Marine Fisheries Service and United States Fish and Wildlife Service regulate the "take" of threatened or endangered species listed under the federal Endangered Species Act. Tribes regulate fisheries and certain aspects of construction projects on tribal lands. State, federal, and local government entities will be invited to comment on draft rules during the rule-making process. WDFW will conduct government-to-government consultation with tribes.

Process for Developing New Rule: Changes to chapter 77.55 RCW made in 2SHB 1579 compel associated changes to the implementing [of] hydraulic code rules in chapter 220-660 WAC.

WDFW determined that the standard process for the adoption of administrative rules under the Administrative Procedures [Procedure] Act (chapter 34.05 RCW) and the provisions for significant legislative rules (RCW 34.05.328) is the appropriate process for this hydraulic code rule making.

Negotiated rule making is not practicable because rule language will mirror statute language, which reflects collaboration during the legislative session, and because negotiated rule making would increase the time needed and the cost of rule making without added benefit. Pilot rule making is not applicable because the statutory changes, and therefore the proposed amendments, apply statewide.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randi Thurston, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2602, fax 360-902-2946, TTY 360-902-2207, email HPARules@dfw.wa.gov, web site <https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking>.

Additional comments: WDFW's hydraulic project approval rule-making web page at <https://wdfw.wa.gov/licenses/environmental/hpa/rulemaking> will provide background for the proposed rules, the timeline for the rule-making process, and related documents as they become available. Official rule-making files are located at <https://wdfw.wa.gov/about/regulations/development>.

September 16, 2019  
Jacalyn M. Hursey  
Rules Coordinator

### WSR 19-19-068

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 17, 2019, 9:20 a.m.]

Subject of Possible Rule Making: WAC 392-172A-05085 Due process hearing request filing and response, 392-172A-05090 Resolution process, 392-172A-05100 Hearing rights, 392-172A-05160 Appeal of placement decisions and manifestation determinations, 392-137-190 through 392-137-200, student transfers appeals, and chapter 392-101 WAC, Superintendent of public instruction—Administrative practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 28A.225.230, 28A.155.090; 34 C.F.R. Part 300; 42 U.S.C. 1400.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain appeals submitted to the office of superintendent of public instruction (OSPI), including special education due process hearing requests and nonresident student transfer appeals, are assigned to the office of administrative hearings (OAH) for adjudication. Currently, these appeals are filed with OSPI and transmitted to OAH. OSPI is considering rule making that would simplify the filing and transmittal process by allowing these appeals to be submitted directly to OAH from the filing party. The proposed change would simplify the filing process, clarify service requirements, reduce staff time and resource use for both OSPI and OAH staff, and clarify cited authorities. The impact on filing parties would be a change of filing methods and addresses, adopting federal standards for certain timelines, and clarity on service requirements.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Evan Gaffey, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6333, fax 360-753-4201, TTY 360-664-3631, email [evan.gaffey@k12.wa.us](mailto:evan.gaffey@k12.wa.us), web site [www.k12.wa.us](http://www.k12.wa.us).

September 16, 2019  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction

### WSR 19-19-072

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH (Medical Quality Assurance Commission)

[Filed September 17, 2019, 10:06 a.m.]

Subject of Possible Rule Making: WAC 246-919-XXX Allopathic physicians and 246-918-XXX Allopathic physician assistants, the Washington medical commission (commission) is considering creating new rule sections to regulate the use of telemedicine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050, and 18.71A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission will consider rule making to address the practice of physicians and physician assistants engaging in telemedicine with Washington patients. Possible subjects the commission may address are: What, if any requirements for licensure; recordkeeping requirements; establishing a patient-practitioner relationship; prescribing issues; and standard of care. Regulating the use of telemedicine would place the commission in an active patient safety role.

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](mailto:amelia.boyd@wmc.wa.gov), web site [wmc.wa.gov](http://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](https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153).

September 13, 2019  
Melanie de Leon  
Executive Director

**WSR 19-19-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**RECREATION AND CONSERVATION**  
**OFFICE**

[Filed September 17, 2019, 1:02 p.m.]

Subject of Possible Rule Making: Title 420 WAC, adding new sections to clarify the local process framework intended by the Salmon Recovery Act (chapter 77.85 RCW). These are technical amendments that should not affect the existing process. New sections are added to capture the roles and responsibilities of lead entities, regional recovery organizations, and the governor's salmon recovery office. There are also two new definitions, as well as definition changes to provide technical clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Salmon Recovery Act, chapter 77.85 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 2018 salmon recovery lean study recommended this agency rule update to provide role clarification and standardize the process. The lean study was directed by the Washington state legislature to improve project development and prioritization process used by the salmon recovery funding board.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal agencies including the United States Fish and Wildlife Services and National Oceanic and Atmospheric Administration have been notified of this possible rule making. The Washington department of fish and wildlife has been notified as well as tribal and local governments.

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 Katie Pruitt, 1111 Washington Street S.E., phone 360-725-5452, fax 360-902-3026, email [katie.pruitt@rco.wa.gov](mailto:katie.pruitt@rco.wa.gov), web site <https://www.rco.wa.gov/about/Rulemaking.shtml>.

Additional comments: A public hearing is anticipated at the December 12-13, 2019, salmon recovery funding board meeting in Olympia, Washington.

September 17, 2019  
 Katie Pruitt  
 Planning and Policy Analyst  
 Rules Coordinator

**WSR 19-19-081**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed September 17, 2019, 2:29 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its payment method rules, including allowing licensees to accept additional payment methods from what is currently authorized in rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under current rules, the fol-

lowing payment methods are accepted for the participation in gambling activities: Cash, check, gift certificate, gift card, and electronic point-of-sale bank transfer. The agency received a petition asking that commercial pull-tab operators be allowed to accept credit cards. The petition was accepted but with the purpose to take a broader review at allowing credit cards to be used for all gambling activities where it is not currently allowed. Additionally, the agency will review its payment method rules and evaluate if there are additional changes that should be made to ensure that the rules meet all agency policy objectives.

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 Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-486-3624, TTY 360-486-3637, email [rules.coordinator@wsgc.wa.gov](mailto:rules.coordinator@wsgc.wa.gov), web site [www.wsgc.wa.gov](http://www.wsgc.wa.gov).

September 17, 2019  
 Ashlie Laydon  
 Rules Coordinator

**WSR 19-19-088**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed September 18, 2019, 10:00 a.m.]

Subject of Possible Rule Making: The calculation of the retirement benefit for members with service in more than one retirement plan.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050, 41.54.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 41.54.030(2) allows members with service in more than one plan to use the base salary earned in one plan as the compensation for calculating the retirement benefit from another plan. This rule making will clarify the process for calculating the benefit and ensure consistency between the plans.

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](mailto:drs.rules@drs.wa.gov), web site [www.drs.wa.gov/rules/](http://www.drs.wa.gov/rules/).

September 18, 2019  
 Jilene Siegel  
 Rules Coordinator

**WSR 19-19-091****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF REVENUE**

[Filed September 18, 2019, 10:53 a.m.]

Subject of Possible Rule Making: WAC 458-20-211  
Leases or rentals of tangible personal property, bailments.

Statutes Authorizing the Agency to Adopt Rules on this  
Subject: RCW 81.01.060(2) and 82.032.300 [82.32.300].

Reasons Why Rules on this Subject may be Needed and  
What They Might Accomplish: The department issued, on  
August 30, 2019, an interim guidance statement clarifying  
the tax treatment of concrete pumping services, effective  
October 1, 2019. The department is considering updating this  
rule to incorporate the clarification provided in the interim  
guidance statement, and may consider addressing other  
related issues based on any comments received.

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: Parties interested in  
this rule making may contact the individual listed below. The  
public may also participate by providing written comments  
throughout this rule making or giving oral testimony at the  
public meeting or 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 Brenton Madison, P.O. Box 47453,  
Olympia, WA 98504-7453, phone 360-534-1583, fax 360-  
534-1606, TTY 800-833-6384, email BrentonM@dor.wa.  
gov, web site dor.wa.gov.

Additional comments: No preliminary draft of possible  
rule changes is available at this time. Written comments may  
be submitted by mail or email and should be directed to Bren-  
ton Madison using one of the contact methods above. Written  
and oral comments will be accepted at the public meeting on  
October 30, 2019, at 10:00 a.m., at Conference Room 114C,  
6400 Linderson Way S.W., Tumwater, WA 98501.

September 18, 2019  
Atif Aziz  
Rules Coordinator