

## WSR 20-01-013

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed December 5, 2019, 12:50 p.m.]

Subject of Possible Rule Making: WAC 246-933-501 through 246-933-590, authorizing animal care and control agencies and nonprofit humane societies to provide veterinary services. The veterinary board of governors (board) is considering revising sections of chapter 246-933 WAC to implement provisions of SSB 5004 (chapter 142, Laws of 2019). The bill allows animal care and control agencies and nonprofit humane societies to provide additional veterinary services to income-qualified households.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030, 18.92.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is required to implement the new law. Currently, rules allow animal control agencies and humane societies (agencies) to provide limited veterinary services to income-qualified households of Washington state. Agencies providing these services must be registered with the department of health. Veterinary services are limited to electronic identification, surgical sterilization, vaccinations, and emergency care. Agencies often see low-income households with animals that need care beyond the limited services. The households often cannot afford regular veterinary care and cannot receive it from the humane societies because of the current limitations. Implementing the law in rule will expand services and bridge the need gap for income-qualified households.

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 Loralei Walker, P.O. Box 47852, Olympia, WA 98504-7853, phone 360-236-4947, fax 360-236-2901, TTY 360-833-6388 or 711, email [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov).

Additional comments: Interested persons may sign up for the veterinary email list by visiting <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, then provide an email address, select (+) "Health Systems Quality Assurance (HSQA)," select (+) "Health Professions," then select "Veterinary Board." Registrants will be notified of public rule-making meetings and asked to participate or submit written comments for consideration.

December 5, 2019

Brad Burnham

Executive Director

Office of Health Professions

## WSR 20-01-072

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

[Filed December 11, 2019, 11:39 a.m.]

Subject of Possible Rule Making: WAC 246-843-990 Nursing home administrator fees and renewal cycle, 246-810-990 Counselors fees and renewal cycle (hypnotherapists and certified counselors), and 246-849-990 Ocularist fees and renewal cycle. The department of health (department) is opening the listed sections of WAC to consider updates to fees for the specified professions, as well as to ensure clarity and consistency of fees that are standard across all professions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250 and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.70.250 requires that the costs of licensing each profession be fully borne by the members of that profession. In addition, the state auditor's office published their performance audit report, "Aligning Healthcare Professional Fees with Licensing Costs," in November 2018, to examine if the department aligns the fees it charges to healthcare professions with the cost of licensing. In response, the department is developing a process to review fees more consistently and enhance transparency of fund balances and fee-setting.

Rule making is needed for nursing home administrator, hypnotherapist, certified counselor, and ocularist professions to ensure the department is in line with RCW 43.70.250 and the fees set are sufficient to cover the costs of licensing the profession. The department may also consider technical updates to fees that could create more clarity and consistency across professions, such as aligning late renewal, duplicate license, and verification fees with agency standards.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cori Tarzwell, P.O. Box 47850, Olympia, WA 98540-7850, phone 360-236-4981, TTY 360-833-6388 or 711, email [HSQAfeerules@doh.wa.gov](mailto:HSQAfeerules@doh.wa.gov).

Additional comments: Interested parties may also join the GovDelivery email list for one of the specified professions to receive notifications on this rule making. Parties can join GovDelivery at this link <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

December 10, 2019

John Wiesman, DrPH, MPH

Secretary

**WSR 20-01-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE**  
**FACILITIES AUTHORITY**

[Filed December 12, 2019, 8:49 a.m.]

Subject of Possible Rule Making: Title 247 WAC, Health care facilities authority.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.37 RCW, Health care facilities.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A number of existing rules need to be updated to reflect a more streamlined bond issuance process and to conform to current practices. In addition, due to the passage of time some rules relating to the agency's operations should be updated and the agency's rules regarding public records should be updated to reflect changes in the Public Records Act and related model rules. These rule changes will better inform stakeholders regarding the agency's manner of conducting business and facilitate the agency's accomplishment of its statutory responsibilities.

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 Donna A. Murr, 410 11th Avenue S.E., Suite 201, phone 360-586-4370, fax 360-586-9168, email donnam@whcfa.wa.gov, website www.whcfa.wa.gov.

December 11, 2019

Donna A. Murr

Executive Director

**WSR 20-01-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed December 12, 2019, 9:24 a.m.]

Subject of Possible Rule Making: The department is considering rule changes related to cougar seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to the rule is needed to provide clarification, expand recreational opportunity, and mitigate wildlife conflicts, while maintaining sustainable game populations.

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 Eric Gardner, 1111 Washington Street

S.E., [Olympia,] WA 98504, phone 360-902-2515, fax 360-902-2162, TTY 800-833-6388, email wildthing@dfw.wa.gov, website wdfw.wa.gov.

December 12, 2019

Jacalyn Hursey

Rules Coordinator

**WSR 20-01-092**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed December 12, 2019, 2:44 p.m.]

Subject of Possible Rule Making: Chapter 172-90 WAC, Student academic integrity.

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 needed to address changes in process and procedures.

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, 211A Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, website <https://inside.ewu.edu/policies/>.

December 12, 2019

Joseph Fuxa

Policy and Compliance Manager

**WSR 20-01-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed December 13, 2019, 4:09 p.m.]

Subject of Possible Rule Making: Revisions to WAC 468-16-180 Suspension of qualification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.01.101, 47.28.030, 47.28.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This revision involves adding new grounds for suspending a contractor's prequalification.

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 Denys Tak, 310 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-705-7833, email DOTConstruction@wsdot.wa.gov, website <http://www.wsdot.wa.gov/business/construction>.

December 13, 2019

Kara Larsen, Director

Risk Management and  
Legal Services Division

**WSR 20-01-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**

[Filed December 13, 2019, 4:10 p.m.]

Subject of Possible Rule Making: WAC 468-38-100 Pilot/escort vehicle operator requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.093 and 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposal for this rule change is to allow for online training to receive pilot/escort operator certification. The current language limits the course to an eight-hour classroom training. The proposal also updates the highly visible safety garment requirements to current specifications for both daytime and nighttime operations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol, department of labor and industries.

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 Kevin Zeller, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-704-6342, fax 360-704-6391, email ZellerK@wsdot.wa.gov, website www.wsdot.wa.gov/commercialvehicle; or Justin Heryford, P.O. Box 47367, Olympia, WA 98504-7367, phone 360-705-7987, fax 360-704-6391, email heryfoj@wsdot.wa.gov, website www.wsdot.wa.gov/commercialvehicle.

December 13, 2019  
Kara Larsen, Director  
Risk Management and  
Legal Services

**WSR 20-01-123**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed December 16, 2019, 2:42 p.m.]

Subject of Possible Rule Making: The department is considering rule changes for hunting season regulations and conflict mitigation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarification to rules, expand recreational opportu-

nity, and mitigate wildlife conflicts, while maintaining sustainable game populations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulation guidelines.

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 Eric Gardner, 1111 Washington Street S.E., [Olympia,] WA 98504, phone 360-902-2515, fax 360-902-2162, email wildthing@dfw.wa.gov, website wdfw.wa.gov.

December 16, 2019  
Jacalyn M. Hursey  
Rules Coordinator

**WSR 20-01-126**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed December 16, 2019, 4:14 p.m.]

The department of licensing, business and professions division, appraisal management company program requests the withdrawal of the preproposal statement of inquiry for WAC 308-409-020, 308-409-050 and 308-409-075, filed with your office as WSR 19-24-051 on November 26, 2019.

Damon Monroe  
Rules Coordinator

**WSR 20-01-127**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed December 16, 2019, 4:16 p.m.]

Subject of Possible Rule Making: Chapter 308-409 WAC, Appraisal management companies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.310.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed updates will modify existing rules to modify the license expiration to one year; allow for the collection and transmission of Appraisal Management Company National Registry data and fees to the Appraisal Subcommittee as required by Title XI, and will adopt a new rule pertaining to standards of practice as required by the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation.

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 rule 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 Dee Sharp, Department of Licensing, Real Estate Program, P.O. Box 48053, Olympia, WA 98502, phone 360-664-6501, TTY 711, email dsharp@dol.wa.gov, website dol.wa.gov.

December 16, 2019  
Damon Monroe  
Rules Coordinator

### WSR 20-01-136

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

[Filed December 17, 2019, 11:06 a.m.]

Subject of Possible Rule Making: Chapter 392-122 WAC, Finance—Categorical apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.710.040(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Office of superintendent of public instruction (OSPI) is considering making housekeeping changes to chapter 392-122 WAC, Finance—Categorical apportionment. The housekeeping changes would update the chapter to align with state and federal statutes, simplify the language for clarity and readability, and make other technical revisions.

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended 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 Dierk Meierbachtol, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6004, fax 360-725-6712, TTY 360-664-3631, email dierk.meierbachtol@k12.wa.us, website www.k12.wa.us.

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

### WSR 20-01-149

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMERCE

(Community Economic Revitalization Board)

[Filed December 17, 2019, 2:30 p.m.]

Subject of Possible Rule Making: Amending Title 133 WAC, Department of commerce (community economic revitalization board).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.160.050 authorizes the community economic revitalization board to adopt rules as necessary to carry out the purposes of chapter 43.160 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to Title 133 WAC will bring community economic revitalization board rules into alignment with policy and statutory changes that have occurred since that last WAC update in 1987.

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

Process for Developing New Rule: 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 Janea Delk, P.O. Box 42525, Olympia, WA 98504, phone 360-725-3151, email janea.delk@commerce.wa.gov, website commerce.wa.gov/CERB.

December 17, 2019  
Sarah Coggins  
Rules Coordinator

### WSR 20-01-163

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed December 18, 2019, 9:07 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its rules relating to quarterly license fees and license reports.

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: The gambling commission is considering changing due dates to coincide with the last day of the month and to be consistent with due dates of other state agencies, as well as clarifying language regarding due dates.

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, website www.wsgc.wa.gov.

December 17, 2019  
Ashlie Laydon  
Rules Coordinator

**WSR 20-01-164**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed December 18, 2019, 9:43 a.m.]

Subject of Possible Rule Making: WAC 182-535-1098 Covered—Adjunctive general services, 182-535-1350 Payment methodology for dental-related services, 182-550-1100 Hospital care—General; 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 rules to align with recent policy changes regarding dental prescriptions and hospital charges for dental services for clients enrolled in an agency-contracted managed care organization (MCO). Beginning in January 2020, these charges will be the responsibility of the client's MCO. 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: Not applicable.

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 Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email [valerie.freudenstein@hca.wa.gov](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Pixie Needham, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9967, fax 360-586-9727, TRS 711, email [pixie.needham@hca.wa.gov](mailto:pixie.needham@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

December 18, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 20-01-167**

**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed December 18, 2019, 10:32 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules, the department is considering modifying the rules for assessing penalties for pesticide violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030(2), 17.21.315, 15.58.040(2), 15.58.335.

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

- Existing rules have not been substantially updated since they were first adopted in 1999.
- Penalties for various levels of violation are too low and do not serve as an effective deterrent.
- Having four levels of violation is meaningless since the department is rarely able to assess the highest level (4th level) of violation due to the time constraints of the investigation and adjudicative process. This limits the department's ability to assess the maximum civil penalties authorized by statute.
- Current rules for calculating license suspensions is a "one size fits all" approach and is not equitable when considering the differences between a private applicator license and commercial pesticide applicator license.
- Current rules for calculation of penalties do not accurately reflect the differences in severity of violations and do not specifically explain that each violation of the statutes or rule is a separate and distinct offense for the purpose of calculating total penalties for an incident.
- Rules for adjusting a penalty within the penalty assignment schedule are not clear.

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 stakeholder groups. 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(s).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joel Kangiser, Compliance Program Manager, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2013, fax 360-902-2093, email [jkangiser@agr.wa.gov](mailto:jkangiser@agr.wa.gov), website [agr.wa.gov](http://agr.wa.gov).

December 18, 2019  
Robin Schoen-Nessa  
Assistant Director

**WSR 20-01-170**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed December 18, 2019, 11:10 a.m.]

Consistent with RCW 34.05.335 and WAC 1-21-060, the liquor and cannabis board is withdrawing its preproposal statement of inquiry (CR-101), filed on December 13, 2017, as WSR 18-01-058, concerning cannabis production and canopy rules in chapter 314-55 WAC.

Jane Rushford  
Chair

**WSR 20-01-171**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed December 18, 2019, 11:12 a.m.]

Subject of Possible Rule Making: WAC 314-55-075 Marijuana producer license—Privileges, requirements, and fees. The Washington state liquor and cannabis board (board) is considering revisions and new rule sections that would incrementally expand the plant canopy square footage allowed for licensed Tier 1 producers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has received requests from medical marijuana patients and segments of the industry to increase the availability of department of health (DOH) compliant product in licensed retail stores. The board has also learned that smaller producers are concerned about business sustainability based on canopy space restrictions. Recognizing this, the board would like to explore the ways that it can support Tier 1 producer business viability. Revisions considered may also include clarifying and technical updates to existing rule within the scope of this topic.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board will coordinate with other Washington state agencies as necessary, such as the Washington state department of agriculture, DOH, department of ecology, and department of revenue, and others as necessary.

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](mailto:Rules@lcb.wa.gov), website [lcb.wa.gov](http://lcb.wa.gov).

December 18, 2019  
Jane Rushford  
Chair