

WSR 20-14-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed June 17, 2020, 3:59 p.m.]

Subject of Possible Rule Making: License exempt care: Family, friends, and neighbors (FFNs) in-home/relative child care providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 42 U.S.C. 9858; RCW 43.216.055 and 43.216.065; chapter 43.216 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to ensure license-exempt FFN child care providers fully comply with Child Care and Development Fund (CCDF) health and safety requirements. CCDF compliance is necessary for continued receipt of grant monies embodied in the 2014 Child Care and Development Block Grant Act reauthorization and related rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Administration for Children and Families, Office of Child Care administers CCDF and ensures that Washington and all other states receiving CCDF appropriations comply with federal requirements. The department of children, youth, and families (DCYF) submits a CCDF plan every three years to the Office of Child Care that serves as a grant application and describes how DCYF will comply with federal CCDF participation requirements. DCYF engages in any necessary rule making to implement the plan once it is approved.

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 DCYF Rules Coordinator, P.O. Box 40975, phone 360-902-7956, fax 360-902-7903, email dcyf.rulescoordinator@dcyf.wa.gov, website www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

June 17, 2020
 Brenda Villarreal
 Rules Coordinator

WSR 20-14-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 22, 2020, 4:28 p.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-14A WAC and other related rules as may be required involving division of child support (DCS) income calculation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.09.105, 26.18.170, 26.19.071, 26.23.050,

26.23.110, 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20A.055, 74.20A.056.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state legislature enacted SHB 2302 during the 2020 legislative session. This act makes a series of changes to child support statutes, including policy around income calculation and imputation. This rule is necessary to effectuate these statutory changes.

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

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Brady Horenstein 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 website, which can be found at <https://www.dshs.wa.gov/esa/division-child-support> or on the DSHS economic services administration's policy review website, 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 Brady Horenstein, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone 360-664-5291, fax 360-664-5342, TTY 1-800-833-6384, email HorenBJ@dshs.wa.gov.

June 22, 2020
 Katherine I. Vasquez
 Rules Coordinator

WSR 20-14-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 23, 2020, 10:27 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-466-0120 Refugee cash assistance (RCA); and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.250, 45 C.F.R § 400.300, and 8 U.S.C. § 1522 (e)(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCA recipients are eligible to receive benefits for a maximum of eight months; in case of emergencies, federal law allows for the Office of Refugee Resettlement (ORR) to approve clients to receive RCA benefits for a maximum of thirty-six months. Amending this rule

will allow the department of social and health services (DSHS) to extend RCA benefits beyond eight months when allowed by ORR.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Office of Refugee and Immigrant Assistance, of the economic services administration's community services division (CSD) within DSHS, coordinates and aligns RCA program policy with that of the federal Office of Refugee Resettlement (ORR).

Process for Developing New Rule: 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 Max Gibbs-Ruby, Lead Policy Analyst Office of Refugee and Immigrant Assistance, CSD, P.O. Box 45470, Olympia, WA 98504-5470, phone 206-568-5528, email gibbsm@dshs.wa.gov; or Sarah Peterson, Chief, Office of Refugee and Immigrant Assistance, CSD, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-890-0691, email petersk@dshs.wa.gov, website <https://www.dshs.wa.gov/esa/office-refugee-and-immigrant-assistance>.

June 23, 2020
Katherine I. Vasquez
DSHS Rules Coordinator

WSR 20-14-029

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed June 23, 2020, 3:39 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-101D-0065; chapter 388-825 WAC; WAC 388-845-2205, 388-845-1615, 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; chapter 43.43 RCW; RCW 74.39A.056, 43.20A.710.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend sections in chapters 388-825 and 388-845 WAC to implement the consumer-directed employer program and align with changes being made to modernize the CARE system. DDA is also planning to amend rules in chapters 388-825 and 388-101D WAC to align with amendments being made by the aging and long-term support administration (AL TSA) to chapters 388-71 and 388-113 WAC. During the course of this review, DDA may identify additional changes that are necessary to improve clarity and 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.

June 23, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-14-033

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed June 24, 2020, 11:55 a.m.]

Subject of Possible Rule Making: WAC 182-509-0325 MAGI income—Unearned income, 182-509-0375 MAGI income—Lump sums, 182-509-0380 Lottery winnings hardship exemptions (new); other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-509-0325 to add certain lottery winnings as an example of unearned income; amending WAC 182-509-0375 to specify how certain lottery winnings impact eligibility for modified adjusted gross income-based Washington apple health; and creating a new WAC 182-509-0380 to establish lottery winnings hardship exemptions. The agency has determined this rule making is necessary to comply with federal law, 42 U.S.C. 1396a (e)(14)(K), and recent federal guidance applicable to it. 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: Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen (Rulemaking Questions),

P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Mark Westenhaver (Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 24, 2020
Wendy Barcus
Rules Coordinator

WSR 20-14-037
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed June 24, 2020, 4:42 p.m.]

The Washington state liquor and cannabis board is withdrawing its Preproposal statement of inquiry (CR-101) filed on February 21, 2018, as WSR 18-05-093, concerning breweries in chapter 314-20 WAC and wineries in chapter 314-24 WAC.

Jane Rushford
Chair

WSR 20-14-045
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 25, 2020, 2:46 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, educator preparation program standards for school counselors and school psychologists.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We need to clarify the standards that apply to school counselor and school psychologist preparation programs.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-867-8424, email maren.johnson@k12.wa.us, website www.pesb.wa.gov.

June 24, 2020
Maren Johnson
Code Coordinator

WSR 20-14-055
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 26, 2020, 9:32 a.m.]

Subject of Possible Rule Making: WAC 182-507-0130 Refugee medical assistance; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending subsection (8) of WAC 182-507-0130 to specify circumstances under which an individual may receive additional months of refugee medical assistance benefits. 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: Washington state department of social and health services; Federal Office of Refugee Resettlement.

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 Brian Jensen (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Mark Westenhaver (Program Questions), P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 26, 2020
Wendy Barcus
Rules Coordinator

WSR 20-14-056
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 26, 2020, 10:10 a.m.]

Subject of Possible Rule Making: WAC 182-538-060 Managed care choice and assignment, 182-538-067 Qualifications to become a managed care organization in integrated managed care; 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 WAC 182-538-060 and 182-538-067 to help ensure (1) the viability of apple health integrated managed care (IMC) plans; (2) adequate performance by the IMC plans; (3) sufficient access to care for medicaid clients in IMC; and (4) the

continued availability of an adequate network of physical and behavioral health providers in IMC plans. Health care authority (HCA) is amending WAC 182-538-060 to limit the auto-assignments of medicaid clients to IMC plans. In particular, HCA will prevent auto-assignments of new clients to any plan that has a statewide market share of greater than forty percent in apple health IMC. This rule does not affect voluntary plan choices by clients, the family connect policy, or the plan reconnect policy. HCA is amending WAC 182-538-067 to clarify when the agency will adjust the number of its IMC plans, either overall or on a region-to-region basis. In determining whether to make any such adjustment, HCA will consider statutory requirements as well as enrollment needs, the performance of the plans with respect to behavioral health integration, and the promotion of access to care for behavioral health services. 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: Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1585, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Alice Lind (Program Questions), P.O. Box 45530, Olympia, WA 98504-5530, phone 360-725-2053, fax 360-586-9727, TRS 711, email alice.lind@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 26, 2020
Wendy Barcus
Rules Coordinator

WSR 20-14-059

PREPROPOSAL STATEMENT OF INQUIRY BATES TECHNICAL COLLEGE

[Filed June 26, 2020, 11:30 a.m.]

Subject of Possible Rule Making: Amending chapter 495A-122 WAC, withholding services for outstanding debts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 28B.10, 28B.15, 28B.92, 43.01 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Content in this current WAC is being updated and aligned with current regulations.

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: This is an existing WAC and is being amended and updated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Jean Hernandez, 1101 South Yakima Avenue, Room 332, email jehernandez@batestech.edu, website <https://batestech.edu>.

Additional comments: Due to COVID-19, the college has limited on-site activities. Please send an email to Dr. Hernandez because she is working remotely at this time.

June 26, 2020
Dr. Jean Hernandez
Special Assistant to the President

WSR 20-14-074

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 29, 2020, 12:21 p.m.]

Subject of Possible Rule Making: WAC 308-29-085 Remote work requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.16.351.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To codify this temporary rule into permanent rule to offer licensees and their employees the ability and option to remotely work; so they may continue to offer the public their necessary services. To further outline detailed and necessary security measures and data storage requirements; and to outline detailed definitions and requirements of remote working as a viable option to licensees and their staff.

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 Julie Konnersman, P.O. Box 9020, phone 360-664-1507, fax 360-570-7098, TTY 711, email jkonnorsma@dol.wa.gov, website <https://www.dol.wa.gov/business/collectionagency/>.

June 29, 2020
Damon Monroe
Rules Coordinator

WSR 20-14-076

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 29, 2020, 2:09 p.m.]

The department of labor and industries (L&I) is withdrawing the CR-101 Preproposal statement of inquiry regarding eRules Phase 10 (chapter 296-45 WAC, Electric power generation, transmission, and distribution; and chapter 296-

307 WAC, Safety standards for agriculture), filed on January 3, 2017, and published under WSR 17-02-065.

Due to the public health emergency caused by the coronavirus (COVID-19) outbreak and to adhere to the recommendations for social distancing, L&I is limiting the occurrence of public hearings for rule making. As the nature of this rule making is housekeeping, L&I is intending to file a CR-105 Expedited rule making, rather than proceed with the standard permanent process that would require a public hearing.

If you have any questions, please contact Chris Miller, division of occupational safety and health, at 360-902-5516.

Tracy West
Rules Coordinator

WSR 20-14-077
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 29, 2020, 2:11 p.m.]

The department of labor and industries (L&I) is withdrawing the CR-101 Preproposal statement of inquiry regarding eRules Phase 11 (chapter 296-32 WAC, Safety standards for telecommunications), filed on August 6, 2019, and published under WSR 19-16-131.

Due to the public health emergency caused by the coronavirus (COVID-19) outbreak and to adhere to the recommendations for social distancing, L&I is limiting the occurrence of public hearings for rule making. As the nature of this rule making is housekeeping, L&I is intending to file a CR-105 Expedited rule making, rather than proceed with the standard permanent process that would require a public hearing.

If you have any questions, please contact Chris Miller, division of occupational safety and health, at 360-902-5516.

Tracy West
Rules Coordinator

WSR 20-14-086
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 30, 2020, 8:53 a.m.]

Subject of Possible Rule Making: The long-term services and supports trust program under Title 50B RCW requires rule making for implementation. Rule making is being done in distinct phases. This preproposal statement of inquiry begins Phase 1 to implement portions of the program that are under the employment security department's (ESD) authority. This phase includes, but is not limited to, exemptions including processing of exemption requests, determinations on exemption requests, employees informing employers of their exemption, and other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 50B.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESD must implement and administer portions of chapter 50B.04 RCW.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state health care authority, department of social and health services, and office of the state actuary. ESD's rules drafting timeline will be shared with these agencies and feedback will be requested from them throughout the rule-making process.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting April Amundson, 640 Woodland Square Loop S.E., Lacey, WA 68503, phone 360-485-2816, TTY Teresa Eckstein, State EO Officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov.

June 30, 2020
April Amundson
Policy and Rules Manager
for Paid Family and Medical Leave

WSR 20-14-094
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed June 30, 2020, 10:57 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its rules to increase certain pull-tab prize limits, specifically single cash prizes, merchandise prizes, and carry-over jackpot prize limits. Rule making will also consider payout and cash reserve requirements as it pertains to pull-tab prizes.

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, single prize and merchandise prize are limited at \$2,500 and carry-over jackpot prizes are limited at \$5,000. The gambling commission received a petition requesting an increase to the current limits on single cash prizes and merchandise prizes to \$5,000, respectively, and to increase the limit on carry-over jackpot prizes to \$10,000. The petition was accepted as this change would complement SB 6357, which was passed by the legislature this year and increased the single chance pull-tab price from \$1 to \$5.

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 360-486-3453, fax 360-486-3632, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

June 29, 2020
Ashlie Laydon
Rules Coordinator

WSR 20-14-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)

[Filed June 30, 2020, 11:51 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-829R-170, 388-829R-230, 388-829-0005, 388-829-0045, 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 planning to amend these rules to add overnight planned respite services providers to the scope of chapter 388-829 WAC, to correct and clarify terminology used in chapter 388-829R WAC, and add a new section to chapter 388-829R about client rights. 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.

June 30, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-14-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 30, 2020, 1:51 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, RCW 74.04.055, 74.04.057, 74.08.090, and 74.08A.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will address mandatory WorkFirst participation as needed under the indefinite conditions of the coronavirus (COVID-19) pandemic.

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 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 Jennie Fitzpatrick, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-688-6275, fax 360-725-4905, email fitzpj@dshts.wa.gov.

June 30, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-14-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 30, 2020, 2:40 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-447-0005 What evidence do we consider to determine incapacity?, 388-447-0010 What medical evidence do I need to provide?, 388-447-0110 When does my eligibility for referral to the housing and essential needs (HEN) program end?, 388-449-0010 What evidence do we consider to determine disability?, 388-449-0015 What medical evidence do I need to provide?, 388-449-0150 When does my eligibility for aged, blind, or disabled (ABD) cash benefits end?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.09.530, 74.08A.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will address impacts to aged, blind, or disabled (ABD) and housing and essential needs referral program clients and their medical providers as needed under the indefinite conditions of the coronavirus (COVID-19) pandemic.

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 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 Nicholas Swiatkowski, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4638, fax 360-725-4905, email SwiatN@dshs.wa.gov.

June 30, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-14-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
[Filed June 30, 2020, 2:45 p.m.]

Subject of Possible Rule Making: Chapter 246-322 WAC, Private psychiatric and alcoholism hospitals, the department of health (department) is considering creating a severity matrix for fines related to psychiatric hospital enforcement in order to implement SHB 2426 (chapter 115, Laws of 2020).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.12.670; SHB 2426 (chapter 115, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 3 of SHB 2426 directs the department to adopt in rule specific fine amounts in relation to the severity of noncompliance by a psychiatric hospital. A fine would only be assessed if the department determines the psychiatric hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the psychiatric hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services, health care authority, department of social and health services. The department will be working closely with all concerned partners on this rule making.

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 Julie Tomaro, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2937, fax 360-236-2321, TTY 711, email julie.tomaro@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a rules workshop. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit doh.wa.gov/LicensesPermitsandCertificates/FacilitiesNewReneworUpdate/Hospitals and to be included on an interested parties [list] select the "Subscribe" button at the bottom of that page.

June 30, 2020
Jessica Todorovich
Chief of Staff
for John Wiesman, DrPh, MPH
Secretary

WSR 20-14-112
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed July 1, 2020, 7:53 a.m.]

Subject of Possible Rule Making: Chapter 16-218 WAC, Hops—Certification analyses—Fees. As a result of a petition from the Washington hop commission, the department is considering increasing all fees related to the certification of hops. In addition, the department is considering updating section titles to move away from a question and answer format, modifying the language to improve readability, and updating the language to reflect current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 22.09.020 and 22.09.790.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 16-532-035 requires that all varieties of hops produced in the state of Washington must be inspected and certified by the Federal/State Hop Inspection Service, prior to marketing or processing. The Washington state department of agriculture's (WSDA) hop inspection program carries out inspections, chemical analysis, and certification of the state's hop crop. By performing these functions, the hop inspection program ensures continued access to international and interstate markets for Washington's hop producers.

RCW 22.09.790 requires the department to maintain fees at a level necessary to cover the cost of providing service.

The department last increased hop inspection fees in 2005. Changes in hop industry practices have made existing fee values and other provisions of this rule outdated. Additionally, the program has experienced a significant increase in operational costs, due to a recently mandated wage increase. This combined with an increase in the amount of hops produced annually within the state, make a fee increase necessary in order to stabilize and maintain the financial health of the hop inspection program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture and the Washington hop commission.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388, or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Mike Firman, Program Manager, Chemical and Hop Laboratory, Washington State Department of Agriculture, 21 North 1st Avenue, Suite 106, Yakima, WA 98902, phone 509-249-6933, fax 509-454-7699, TTY 800-218-4337, email mfirman@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

June 24, 2020
Brad White
Assistant Director

WSR 20-14-116

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE UNIVERSITY

[Filed July 1, 2020, 8:30 a.m.]

Subject of Possible Rule Making: Policies and regulations for student living groups, WAC 504-24-030 Undergraduate housing requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updating the undergraduate housing requirement rules.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms, and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, fax 509-335-3969, email prf.forms@wsu.edu, website <https://policies.wsu.edu/prf/index/wac/>.

Additional comments: A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

July 1, 2020
Deborah L. Bartlett, Director
Procedures, Records, and Forms and
University Rules Coordinator

WSR 20-14-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Long-Term Support Administration)

[Filed July 1, 2020, 8:49 a.m.]

Subject of Possible Rule Making: The department is considering amending sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, including WAC 388-76-10695 Building codes—Structural requirements, 388-76-10730 Grab bars and hand rails, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is intended only to be a technical correction and not a change in policy. These rules reference a section of chapter 51-51 WAC, State Building Code Adoption and Amendment of the 2018 Edition of the International Residential Code. That referenced section is specific to adult family homes and is being moved from WAC 51-51-0325 to WAC 51-51-0330. Therefore, the references in WAC 388-76-10695 and 388-76-10730 need to be amended so they point to the correct section of chapter 51-51 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: Consistent with RCW 70.128.040 (2)(a), the department will consult with all divisions and administrations within the department serving the various populations living in adult family homes for the purpose of assisting the department in developing rules and standards appropriate to the different needs and capacities of the various populations served by adult family homes. In addition, the department will notify all stakeholders of the opportunity to participate in development, review, and comment on draft rules regarding their form and content prior to proposing rules for adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Libby Wagner, 20425 72nd Avenue South, Kent, WA 98032, phone 253-234-6061.

July 1, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-14-119
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 1, 2020, 9:21 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-337 WAC, Residential treatment facility, that would incorporate the special terms and conditions of the 1115 Medicaid Transformation Waiver into the rules for residential treatment facilities which was filed March 27, 2020, and published in WSR 20-07-096.

The department is withdrawing this CR-101 because some changes in circumstances have allowed the department to consider incorporating this policy change into chapter 246-341 WAC, Behavioral health services administrative requirements, instead. The department will file a CR-101 for the behavioral health agency rules chapter that will include consideration of the special terms and conditions of the 1115 Medicaid Transformation Waiver for inpatient substance use disorder treatment facilities.

Individuals requiring information on this rule should contact Julie Tomaro, at 360-236-2937.

Tami M. Thompson
 Regulatory Affairs Manager

WSR 20-14-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 1, 2020, 9:46 a.m.]

Subject of Possible Rule Making: Chapter 246-341 WAC, Behavioral health services administrative requirements, the department of health (DOH) is considering updating the chapter of rules for licensed and certified behavioral health agencies that will include: (1) Changes to reflect legislation; (2) changes related to federal requirements; (3) requests from partners and stakeholders for clarification, and areas of clean up that have been identified since the department began regulating behavioral health agencies in 2018.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.24.037; ESHB 1768 (chapter 444, Laws of 2019); and RCW 71.24.585 as amended by SSB 5380 (chapter 314, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DOH (department) is considering opening chapter 246-341 WAC to examine and revise the rules regulating licensure and certification of behavioral health services, implement changes enacted by the legislature, consider changes related to responding to a public health emergency, and incorporate recommendations of behavioral health partners and stakeholders for clarification.

The department is approaching the two year anniversary of assuming the authority for regulating behavioral health agencies. In this time, the department has become aware of a number of necessary and desirable changes that would bring these regulations up to date and in alignment with the mission of the department. The department has published several

guidance and interpretive statements to temporarily address several of the necessary changes. The department would now like to work with stakeholders and partners to incorporate the statements into permanent rules, consider what changes might be made to the licensure and certification of services in behavioral health facilities, and to consider incorporating and implementing other recommendations and legislative directives.

An example of these considerations is addressing new RCW 18.205.160 created by ESHB 1768 (section 29, chapter 444, Laws of 2019), which requires the department to amend WAC 246-341-0515 to reflect the new cooccurring disorder specialist enhancement credential, as well as reflecting the new terminology for substance use disorder professional.

The department is also considering rule changes to incorporate the special terms and conditions of the 1115 Medicaid Transformation Waiver signed by the health care authority and the federal Centers for Medicare and Medicaid regarding medication assisted treatment and care coordination in agencies that provide residential substance use disorder services. The department previously considered making this change in chapter 246-337 WAC but has concluded that this rule change is more appropriate for chapter 246-341 WAC and is withdrawing the preproposal statement of inquiry filed as WSR 20-07-096.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health care authority, department of social and health services, department of children, youth, and families, Centers for Medicare/Medicaid Services, and others. The department plans to work closely with our partners and sister agencies to coordinate the revision of this rule.

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 Julie Tomaro, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2937, fax 360-236-2321, TTY 711, email julie.tomaro@doh.wa.gov, website www.doh.wa.gov/BHA.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a series of rules workshops. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit doh.wa.gov/BHA and to be included on an interested parties [list] select the "Subscribe" button at the bottom of that page.

June 30, 2020
 Jessica Todorovich
 Chief of Staff
 for John Wiesman, DrPH, MPH
 Secretary

WSR 20-14-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed July 1, 2020, 11:12 a.m.]

Subject of Possible Rule Making: WAC 458-20-241 Radio and television broadcasting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.04.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being amended to implement a standard deduction, per 2019 legislation (HB 2035, RCW 82.04.280) and to reflect various other updates. A draft of the proposed rule will be available before the public meeting.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 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 by 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 publication by contacting Jennifer Arnold, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1574, email JenniferA@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Jennifer Arnold using one of the contact methods above. Written and oral comments will be accepted at the public meeting on August 3, 2020, at 10:00 a.m., telephone only.

July 1, 2020
 Atif Aziz
 Rules Coordinator

WSR 20-14-127
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 1, 2020, 11:28 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-945 WAC, Pharmacy quality assurance commission (commission). The department, in consultation with the commission, is considering creating a new section in the chapter of rule to move existing licensing fees collected by the commission into the new consolidated chapter created by the commission. The department, in consultation with the commission, will also consider changes to renewal cycles, and restructuring the fees for drug researchers as requested by stakeholders during public comment of the pharmacy chapter rewrite. This package was filed February 25, 2020, and published in WSR 20-06-026.

The department is withdrawing this CR-101 because the legislature passed SB 6086 during the 2020 session. This law establishes a new registration for pharmacies' remote dis-

pensing sites and grants the department the authority to set fees for this registration. Statute also requires the licensing boards and commissions to be self-funding and set reasonable fees to cover the cost of operating the program. As we cannot have the same section open twice at the same time, and both the registration fee resulting from SB 6086 and the fee considerations included in this package are critical to commission operations, the department, in consultation with the commission, determined it would be most efficient to rescind the existing CR-101 and refile with a broader scope to accommodate all rule-making needs on this issue.

Individuals requiring information on this rule should contact Cori Tarzwell, policy analyst, at cori.tarzwell@doh.wa.gov.

Tami M. Thompson
 Regulatory Affairs Manager

WSR 20-14-128
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 1, 2020, 11:28 a.m.]

Subject of Possible Rule Making: The department is filing this preproposal statement of inquiry to formally notify the public and driver training schools of the opportunity to consider permanent rule making authorizing web based instruction during public health emergencies or natural disasters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.82.290 Administration of chapter—Adoption of rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Emergency rules were filed to allow for web based instruction during the statewide response to COVID-19, allowing for interactive web based instruction of driver training curriculum to continue while business locations may be closed and in-person classes may not be allowed. The department would like to engage driver training schools in envisioning future rules for web based instruction when in-person classes may not be feasible due to public health emergencies or natural disasters.

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 Lewis Dennie, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3854, fax 509-482-3880, email LDennie@dol.wa.gov, website dol.wa.gov; or Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov.

July 1, 2020
 Damon Monroe
 Rules Coordinator

WSR 20-14-129
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 1, 2020, 11:31 a.m.]

Subject of Possible Rule Making: Chapter 246-945 WAC, the department of health (department), in consultation with the pharmacy quality assurance commission (commission), is considering creating a new section to move fees for all license types collected by the pharmacy quality assurance commission into the newly created chapter 246-945 WAC. The department, in consultation with the commission, will consider changes to renewal cycles, restructuring the fees for drug researchers as requested by stakeholders during public comment of the pharmacy chapter rewrite, and adding a new fee for the new registration of remote dispensing sites created by the passage of SSB 6086.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250; and SSB 6086 (chapter 244, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing pharmacy fees and renewal cycles are currently adopted in chapter 246-907 WAC. Rule making may be necessary to ensure that the existing pharmacy fee rules are moved to chapter 246-945 WAC, consistent with the structure of other health profession rules. Amendments to the existing fee and renewal cycle rules may also be necessary to align the two-year renewal cycle with the revised continuing education requirements that are in the new consolidated single chapter 246-945 WAC. If changes to the fees and renewal cycles are not made to coincide with the revised continuing education requirements, licensees may be required to complete double the amount of continuing education in a single year. Rules are also required to establish a fee for the new registration of remote dispensing sites created by SSB 6086. This rule making will replace the previous CR-101, filed under WSR 20-06-026, and expanding the scope to include this legislation. Fees must be in rule to be enforceable.

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 rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lindsay Trant, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2932, TTY 711, email lindsay.trant@doh.wa.gov.

Additional comments: Interested parties may sign up for our GovDelivery to receive updates and meeting notices at <https://public.govdelivery.com/accounts/WADOH/subscribe/r/new>.

July 1, 2020
Jessica Todorovich
Chief of Staff
for John Wiesman, DrPH, MPH
Secretary

