

WSR 20-17-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)
 [Filed August 5, 2020, 3:24 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS), aging and long-term support administration, is considering amending WAC 388-97-0120 Individual transfer and discharge rights and procedures, 388-97-0920 Participation in resident and family groups, 388-97-1000 Resident assessment, 388-97-1020 Comprehensive plan of care, 388-97-1915 PASRR requirements prior to admission of new residents, 388-97-1975 PASRR requirements after admission of a resident, and other related rules as may be required to identify the period of time portions of these rules were suspended or waived during the declared emergency of COVID-19 per Proclamation by the Governor 20-05 and extensions thereto.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to establish a timeframe when the portions of the rules were suspended during the COVID-19 pandemic, and nursing homes were not required to comply with the suspended portions of the rules.

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: DSHS will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the DSHS representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

August 4, 2020
 Katherine I. Vasquez
 Rules Coordinator

WSR 20-17-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 [Filed August 6, 2020, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 246-976 WAC, Emergency medical services (EMS) and trauma care systems, the department of health (department) is considering updating existing sections of this chapter relating to EMS data to respond to requirements under SSB 5380 (section 19, chapter 314, Laws of 2019). New sections may be created as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.040, 18.73.081; and SSB 5380 (section 19, chapter 314, Laws of 2019) codified in RCW 70.168.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updates to existing sections of chapter 246-976 WAC and the establishment of new sections may be needed to align existing ambulance and aid service requirements with RCW 70.168.090, as revised under SSB 5380. RCW 70.168.090 now requires licensed ambulance and aid services to report patient data electronically to the department and allow for certain data sharing for the purpose of substance abuse treatment. It is anticipated that amendments to existing EMS data rules and new sections may need to be created to ensure clear and concise data submission standards and to produce quality, usable data for improving standards of care and best practice for the benefit and safety of the public.

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 Jim Jansen, P.O. Box 47853, Olympia, 98504, phone 360-236-2821, fax 360-236-2830, TTY 711, email jim.jansen@doh.wa.gov, website <https://doh.wa.gov>; or Sarah Studebaker, P.O. Box 47853, Olympia, WA 98504, phone 360-236-2833, fax 360-236-2830, TTY 711, email sara.studebaker@doh.wa.gov, website <https://doh.wa.gov>.

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, and may provide input on draft and proposed materials. Interested parties may receive information on how to participate by contacting Jim Jansen, Washington Emergency Medical Services Information System Manager, at Department of Health, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-28421[2821], fax 360-236-2830, email jim.jansen@doh.wa.gov.

August 5, 2020
 Jessica Todorovich
 Chief of Staff
 for John Wiesman DrPH, MPH
 Secretary

WSR 20-17-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Washington Medical Commission)
 [Filed August 6, 2020, 3:30 p.m.]

Subject of Possible Rule Making: WAC 246-919-340 Additional requirements for international medical school graduates and WAC 246-919-XXX. The Washington medical commission (commission) is considering adopting a new section of rule and amending WAC 246-919-340 to meet the

requirements of SB 6551 An act relating to integrating international medical graduates (IMG) into Washington's health care delivery system. The commission will consider creating an exceptional qualification waiver for international medical graduates pursuing a full medical license as well as creating a time-limited clinical experience license for those international medical graduates participating in a tuition based clinical experience program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.050; and SB 6551 (chapter 325, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6551 permits the commission to issue limited licenses to IMG. The bill also directs the commission to establish requirements for an exceptional qualification waiver in rule as well as establish requirements for a time-limited clinical experience license for IMG applicants. Establishing these requirements would reduce barriers for IMG applicants obtaining residency positions in Washington.

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 711, email amelia.boyd@wmc.wa.gov, website 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.

August 6, 2020
Melanie de Leon
Executive Director

WSR 20-17-025

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Optometry)

[Filed August 6, 2020, 3:34 p.m.]

Subject of Possible Rule Making: Chapter 246-851 Optometrists, the board of optometry (board) is considering adding a new section to chapter 246-851 WAC for suicide prevention education, and repealing WAC 246-851-430 AIDS prevention education requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070; ESHB 1551 (chapter 76, Laws of 2020); ESHB 2411 (chapter 229, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1551 repeals RCW 70.24.270 which requires optometrists and other health professionals to complete AIDS education and training. ESHB 2411 amends RCW 43.70.442, directing the board to adopt rules that require a one-time training in suicide assessment,

treatment, and management. The board is considering rule making on both topics to comply with these legislative mandates.

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 Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7853 [7852], phone 360-236-4947, fax 360-236-2901, TTY 711, email lorelei.walker@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Please subscribe to receive notices regarding this rule making by going to www.doh.wa.gov. Please click on the green "Subscribe" button at the bottom right of the page. Once you register, select (+)"Health Systems Quality Assurance (HSQA)," (+)"Health Professions," then select "Optometry Board."

August 6, 2020
Brad Burnham
Executive Director
Office of Health Professions

WSR 20-17-028

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 7, 2020, 9:06 a.m.]

Subject of Possible Rule Making: The purpose of this rule making is to consider amending the general journeyman electrician and specialty electrician licensing qualifications for reciprocity in WAC 296-46B-940. The department of labor and industries (L&I) received a petition for rule making requesting the amendments to allow for reciprocal licensing of electricians between Washington state and Oregon. The rule amendments under consideration would remove the requirements for a one-year waiting period and allow applicants who qualify to immediately apply for a reciprocal certificate with the state of Washington. The changes would also remove provisions that exclude certain individuals from qualifying for a reciprocal certificate if they previously failed the Washington examination. This rule making does not change requirements that reciprocal agreements can only be made with states that have equivalent qualifications as Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.031 and 19.28.251.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: L&I has adopted an emergency rule that amends the general journeyman electrician and specialty electrician licensing qualifications to facilitate a reciprocal agreement with the state of Oregon. This rule making considers the adoption of a permanent rule. L&I will be soliciting input from stakeholders in the development of the permanent rule.

August 7, 2020

Joel Sacks

Director

According to the Bureau of Labor Statistics, employment for electricians in the state will grow eighteen percent from 2018 to 2028, almost twice as fast as the national average. As homes and businesses require more wiring, more electricians are needed to install the necessary components. Despite the COVID-19 pandemic, the labor shortage is expected to continue as the construction economy continues to recover.

Social distancing requirements brought on by COVID-19 have reduced availability of electrician examinations. Positive COVID-19 test results are causing workforce instability. Property owners and employers reassess staffing needs on a continuous basis as a result. To remain employed, electricians may need to pass another state's examination to work there. To remain in business, employers must have access to electricians who have proper credentials. Because there are no reciprocal agreements, Oregon employers shifting their workforce to projects in Washington face delays while their electricians schedule and pass examinations. The same is true for Washington employers and their electricians pursuing work in Oregon.

The impacts of the shortage of qualified electricians include:

- Small projects delayed because electricians seek work on large projects that offer inflated wages;
- Companies stop bidding, causing delays in starting new projects;
- Projects take longer to complete resulting in cost overruns; and
- Public safety risks associated with hazards created when unqualified individuals step in to perform electrical work when qualified electricians are not available.

To help address these issues, L&I is considering amending the qualifications to allow electricians in Washington and Oregon to qualify for certification with the other state. This is necessary for the preservation of public safety by helping to alleviate the severe shortage of electricians, and provide more access to qualified electricians working near the border between Washington and Oregon.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. All rule changes will be reviewed by the state's electrical board.

For more information about this rule making, visit the L&I website at <https://lni.wa.gov/licensing-permits/electrical/laws-rules-policies> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website www.Lni.wa.gov.

WSR 20-17-032**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL**

[Filed August 10, 2020, 6:51 a.m.]

Subject of Possible Rule Making: WAC 204-10-060 Equipment standards—Reflectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.37.320, and 46.20.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the WAC states on motorized foot scooters, the reflectors must be securely mounted and of a type conforming to 16 C.F.R. Part 1512. The types of reflectors mentioned in 16 C.F.R. Part 1512 are for bicycles only, the size and locations for these reflectors would not fit on a motorized foot scooter.

The proposed rule changes would remove the reference of the C.F.R. on motorized foot scooters and add a new section that addresses the reflector requirements on a motorized foot scooter.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, the 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, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website www.wsp.wa.gov/rules-development.

August 4, 2020

John R. Batiste

Chief

WSR 20-17-045**PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed August 10, 2020, 3:05 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Technical review for reorganization and clarification of WAC language related to preparation programs.

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: Current language needs to be clarified and reorganized.

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.

August 7, 2020
Maren Johnson
Rules Coordinator

WSR 20-17-056
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2020-14—Filed August 12, 2020, 8:01 a.m.]

Subject of Possible Rule Making: Mitigating inequity in the health insurance market.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 2554 (chapter 283, Laws of 2020, effective date June 11, 2020); RCW 48.02.060, 48.43.072, 48.43.073.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amend existing rules and add new sections necessary to implement HB 2554, chapter 283, Laws of 2020, concerning mandatory benefits, notices and fees related to mandatory benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HB 2554, chapter 283, Laws of 2020, requires that the health benefit exchange will provide individuals seeking to enroll in coverage on its website with access to the information about excluded mandatory benefits.

Process for Developing New Rule: Comments due by September 1, 2020.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tabba Alam, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7170, website www.insurance.wa.gov.

August 12, 2020
Mike Kreidler
Insurance Commissioner

WSR 20-17-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Psychology)
[Filed August 13, 2020, 12:56 p.m.]

Subject of Possible Rule Making: WAC 246-924-255 and 246-924-110, the examining board of psychology

(board) is considering amending WAC 246-924-255 to implement ESHB 2411 which adds specific requirements for additional training on suicide intervention and considering repealing WAC 246-924-110 to implement ESHB 1551 to align with the repeal of statutes requiring AIDS training for healthcare professionals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2411 (chapter 229, Laws of 2020), ESHB 1551 (chapter 76, Laws of 2020); RCW 18.83.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be needed to establish the administrative requirements necessary to implement recently passed statutes. ESHB 2411 adds specific requirements for additional training on suicide intervention psychologists are required to take every six years. ESHB 1551 repeals statutes requiring AIDS training for healthcare professionals. The board is considering repealing WAC 246-924-110 to align with the repeal of the statutory authority.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stacey Saunders, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2813, fax 360-236-2901, TTY 711, email stacey.saunders@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule development will take place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices will be mailed via GovDelivery to various behavioral health professions lists. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions," then check the box next to "Board of Psychology."

August 13, 2020
Rachaud Smith, PsyD, Chair
Examining Board of Psychology

WSR 20-17-083
PREPROPOSAL STATEMENT OF INQUIRY
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY

[Filed August 13, 2020, 1:23 p.m.]

Subject of Possible Rule Making: Adopt student rules related to the college's student conduct code to be compliant with federal regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Assist the college in protecting the health and safety of both student[s] and employees.

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 Dr. Ruby Hayden, 11605 132nd Avenue N.E., Kirkland, WA 98034, phone 425-739-8208, fax 425-739-8110, TTY Washington relay, email ruby.hayden@lwtech.edu, website www.lwtech.edu.

August 13, 2020
Elsa J. Gossett
Senior Executive Assistant
to the President
and Board of Trustees

WSR 20-17-084

PREPROPOSAL STATEMENT OF INQUIRY LAKE WASHINGTON INSTITUTE OF TECHNOLOGY

[Filed August 13, 2020, 1:24 p.m.]

Subject of Possible Rule Making: Repeal chapter 495D-300 WAC sections on grievance policies and procedures related to discrimination.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Assist the college in protecting the health and safety of both student[s] and employees.

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 Meena Park, 11605 132nd Avenue N.E., Kirkland, WA 98034, phone 425-739-8251, TTY Washington relay, email meena.park@lwtech.edu, website www.lwtech.edu.

August 13, 2020
Elsa J. Gossett
Senior Executive Assistant
to the President
and Board of Trustees

WSR 20-17-085

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed August 13, 2020, 2:12 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS), aging and long-term support administration, is considering amending WAC 388-78A-

2524(1), 388-78A-2525(1), and 388-78A-2526(1) for certificate of training requirements required under WAC 388-78A-2521. The department may also amend other related rules as may be required to identify the period of time portions of these rules that were suspended or waived during the declared emergency of COVID-19.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.20 RCW; RCW 18.20.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to establish a timeframe when portions of these rules were suspended during the COVID-19 pandemic, and assisted living facilities were not required to comply with the suspended portions of the rules.

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

Process for Developing New Rule: DSHS will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the DSHS representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeanette K. Childress, 316 West Boone Avenue, Suite 756, Spokane, WA 99201, phone 360-764-9804, fax 360-725-3224, email Jeanette.Childress@dshs.wa.gov, website <https://www.dshs.wa.gov/altsa/residential-care-services/information-assisted-living-facility-professionals>.

August 12, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-17-109

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 17, 2020, 11:54 a.m.]

Subject of Possible Rule Making: The department is considering rule changes for spring black bear hunting seasons and regulations.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Within the context of the Washington department of fish and wildlife's mandate to preserve, protect, and perpetuate wildlife and provide hunting opportunity for game species, these rules set the 2021 spring bear hunting seasons and regulations.

Specifically, these rules will modify seasons and permit numbers to provide recreational hunting opportunity in a manner that does not jeopardize bear 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 Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, phone 360-902-2196, TTY 800-833-6388, email rules.coordinator@dfw.wa.gov, website <http://wdfw.wa.gov/about/regulations>.

August 17, 2020
Michele K. Culver
Rules Coordinator

WSR 20-17-113

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed August 17, 2020, 2:29 p.m.]

Subject of Possible Rule Making: WAC 182-531-0100 Scope of coverage for physician-related and health care professional services—General and administrative, 182-502-0002 Eligible provider types, 182-533-0650 new section under "Other Maternity and Infant Services,"; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESSB 6168, Sections 211(32), Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6168, section 211(32), chapter 357, Laws of 2020, requires the health care authority (HCA) to reimburse maternity services provided by doulas. 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: Centers for Medicare and Medicaid Services through state plan amendment.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Williams (Rulemaking Questions), P.O. Box 42716, phone 360-725-1346, fax 360-586-9727, telecommunication relay services (TRS) 711, email michael.williams@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Kundur (Program Questions), P.O. Box 45506, phone 360-725-5297, fax 360-586-9727, TRS 711, email melissa.kundur@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 17, 2020
Wendy Barcus
Rules Coordinator

WSR 20-17-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 18, 2020, 8:18 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance, pension discount rate for self-insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.44.070(1), 51.44.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The pension discount rate (PDR) is the interest rate used to account for the time value of money when evaluating the present value of future pension payments. The purpose of this rule making is to lower the PDR for annual investment returns for the reserve funds for self-insured employers.

This rule making will consider reducing the PDR from 5.9 percent to 5.8 percent for self-insurance.

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 these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Suzy Campbell, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email suzanne.campbell@Lni.wa.gov.

August 18, 2020
Joel Sacks
Director

WSR 20-17-120

PREPROPOSAL STATEMENT OF INQUIRY UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 18, 2020, 9:03 a.m.]

Subject of Possible Rule Making: On November 7, 2019, the Washington utilities and transportation commission (commission) filed a CR-101 at WSR 19-23-005, initiating a rule making to incorporate statutory changes made to WAC 480-100-238 since 2006, including in E2SSB 5116, the Clean Energy Transformation Act (E2SSB 5116), and to consider other policy and process changes to create more efficient rules that adapt to a changing energy landscape. This rule making was assigned commission Docket UE-190698.

On January 15, 2020, the commission filed a CR-101 at WSR 20-03-107, initiating a rule making to develop rules for implementing chapter 19.405 RCW, statutory revisions to RCW 80.84.010, and additions to chapter 80.28 RCW, as enacted in E2SSB 5116. The commission is also considering

revisions to the commission basis reporting rules in WAC 480-100-257 to the extent necessary to implement RCW 19.405.060. This rule making was assigned commission Docket UE-191023.

The commission is now consolidating these rule makings under Docket UE-191023 and will proceed to address all issues in the consolidated rule making. Persons who have commented or participated in both rule makings will be included on the list of interested persons in the consolidated dockets.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160; chapters 19.280, 19.405 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reasons stated in WSR 19-23-005 and 20-03-107 have not changed, but the commission has identified sufficient overlap in the issues addressed in the divergent rule makings to render it more efficient to address them together since the commission must incorporate changes the Washington legislature made to chapter 19.280 RCW during the passage of E2SSB 5116 by January 1, 2021.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of commerce (commerce) must ensure that consumer-owned utilities also meet the planning requirements as set for [forth] in E2SSB 5116. The commission and commerce are coordinating their processes for implementing the requirements in E2SSB 5116.

Process for Developing New Rule: The UTC uses a collaborative rule-making process that includes stakeholder workshops, formal comments, and draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark L. Johnson, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1234, email records@utc.wa.gov, website www.utc.wa.gov/e-filing.

August 18, 2020
Mark L. Johnson
Executive Director
and Secretary

WSR 20-17-123

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed August 18, 2020, 11:00 a.m.]

Subject of Possible Rule Making: The pharmacy quality assurance commission (commission) is considering a new section in chapter 246-945 WAC for the implementation of SSB 6086, an act relating to increasing access to medications for people with opioid use disorder.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005; and SSB 6086 (chapter 244, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6086 mandates that the

commission adopt rules to establish the minimum standards for opioid use disorder (OUD) medication remote dispensing sites. Consequently, there is no alternative to adopting rules. Current rules related to storing drugs outside of a pharmacy do not adequately cover the minimum standards and exclude certain facilities from having remote dispensing sites, which does not align with the intent of the law. Furthermore, these regulations 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: Every pharmacy that dispenses controlled substances must have a separate registration with the drug enforcement agency (DEA). The FDA-approved OUD medications (e.g. buprenorphine, methadone, and naltrexone) at these remote dispensing sites are controlled substances and will therefore require separate DEA registrations. Any regulations created by this rule making would be in addition to any DEA requirements, and the commission is working closely with the attorney general's office to ensure any state regulations would not conflict.

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 Lindsay Trant, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2932, fax 360-236-2321, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Interested parties can sign up for notifications regarding the rule-making process by signing up for GovDelivery at the following address <https://public.govdelivery.com/accounts/WADDOH/subscriber/new>.

August 18, 2020
Tim Lynch, PharmD, MS, FABC, FASHP
Pharmacy Quality Assurance Commission Chair

WSR 20-17-124

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 18, 2020, 12:04 p.m.]

Subject of Possible Rule Making: The department is planning to adopt new WAC 388-437-0005, changes to food assistance in response to the COVID-19 pandemic, and create or amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.500, 74.04.510, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule filing [filing] will address changes to food assistance benefit issuances related to Section 2302 of the Families First Coronavirus Response Act 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: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as

enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington basic food program.

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 Ivette Dones-Figueroa, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4651, fax 360-725-4904, email donesim@dshs.wa.gov.

August 18, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-17-125

PREPROPOSAL STATEMENT OF INQUIRY EDMONDS COMMUNITY COLLEGE

[Filed August 18, 2020, 1:02 p.m.]

Subject of Possible Rule Making: Changes to Edmonds College student code of conduct and nondiscrimination and harassment policy to comply with Federal Title IX policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.455.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This proposed change is in response to Federal Title IX policies that affect Edmonds College.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Marti, 7030 196th Street S.W., Lynnwood, WA 98036, phone 425-640-1036, email amber.marti@gmail.com, website <https://www.edcc.edu/titleix/>.

August 18, 2020
Mushka Rohani
Executive Director

of Human Resources

WSR 20-17-133

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed August 18, 2020, 3:01 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-1260 Physician services, and other related rules as may be required to identify the period of time that portions of the rule was held in suspension during the declared emergency of COVID-19 per Proclamation by the Governor 20-05.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to establish a timeframe when the portions of the rules were suspended during the COVID-19 pandemic, and nursing homes were not required to comply with the suspended portions of the rules.

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 will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98504, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

August 18, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-17-134

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed August 18, 2020, 3:51 p.m.]

The health care authority requests withdrawal of the Pre-proposal statement of inquiry filed as WSR 20-15-035, distributed in the 20-15 State Register, regarding WAC 182-530-3100, 182-530-3200, 182-530-4000, and 182-530-4100.

Wendy Barcus
Rules Coordinator

WSR 20-17-139
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed August 19, 2020, 7:13 a.m.]

Subject of Possible Rule Making: The gambling commission is considering adopting a rule to define "scientific" as used in RCW 9.46.0209.

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: SB 6120 was signed on March 26, 2020, which amended RCW 9.46.0209 (1)(i) to include "scientific" to the list of purposes of which a bona fide charitable or nonprofit organization may be organized or operated and therefore qualify for licensure to operate gambling activities authorized under the Gambling Act. The gambling commission needs to adopt a rule defining "scientific."

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

August 13, 2020
 Ashlie Laydon
 Rules Coordinator

WSR 20-17-140
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed August 19, 2020, 10:02 a.m.]

Subject of Possible Rule Making: Chapter 446-16 WAC, identification section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 10.97 and 43.43 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes will provide clean up and clarification to the existing language to ensure the rules reference and comply with current laws in the state of Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Administrative office of the courts and attorney general.

Process for Developing New Rule: Washington state patrol (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 pub-

lication by contacting Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA 98504, phone 360-596-4017, email wsprules@wsp.wa.gov, website www.wsp.wa.gov/rules-development.

August 19, 2020
 John R. Batiste
 Chief

WSR 20-17-141
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed August 19, 2020, 10:07 a.m.]

Subject of Possible Rule Making: Chapter 446-95 WAC, sexual assault kit tracking system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes will provide clean up and clarification to the existing language to ensure the rules reference and comply with current laws in the state of Washington.

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: Washington state patrol (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, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA 98504, phone 360-596-4017, email wsprules@wsp.wa.gov, website www.wsp.wa.gov/rules-development.

August 19, 2020
 John R. Batiste
 Chief

WSR 20-17-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Pharmacy Quality Assurance Commission)

[Filed August 19, 2020, 11:00 a.m.]

Subject of Possible Rule Making: The pharmacy quality assurance commission (commission) is considering new sections in chapter 246-945 WAC for the implementation of SSB 6526, an act relating to the reuse and donation of unexpired prescription drugs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005; and SSB 6526 (chapter 264, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6526 mandates that the commission adopt rules allowing the department of corrections' pharmacy to accept returns of and reuse unexpired prescription drugs. Consequently, there is no alternative to adopting rules. SSB 6526 also permits the commission to adopt rules allowing the safe donation of unexpired prescription drugs including, but not limited to, allowing pharmacy to pharmacy donation of unexpired prescription drugs. For the regulations to be enforceable, they must be in rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of corrections; health care authority.

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 Lindsay Trant, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2932, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Interested parties can sign up for notifications regarding the rule-making process by signing up for GovDelivery at the following address <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

August 18, 2020

Tim Lynch, PharmD, MS, FABC, FASHP
Chair