

**WSR 21-04-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed January 25, 2021, 10:17 a.m.]

Subject of Possible Rule Making: Title 181 WAC, specialty endorsements.

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: A stakeholder workgroup is meeting to review specialty endorsements. This rule making would reflect recommendations made by this workgroup on specialty endorsements and educator professional learning.

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](mailto:maren.johnson@k12.wa.us), website [www.pesb.wa.gov](http://www.pesb.wa.gov).

January 25, 2021  
Maren Johnson  
Rules Coordinator

**WSR 21-04-028**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BELLEVUE COLLEGE**

[Filed January 25, 2021, 5:13 p.m.]

Subject of Possible Rule Making: Chapter 132H-142 WAC, First amendment activities for Community College District VIII.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bellevue College plans to update the current first amendment activities rules with the intention to remove and/or update outdated information.

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nadescha Bunje, 3000 Landerholm Circle S.E., phone 425-564-5669, TTY 425-564-6189, email [nadescha.bunje@bellevuecollege.edu](mailto:nadescha.bunje@bellevuecollege.edu), website <https://www.bellevuecollege.edu/>.

January 25, 2021  
Tracy Biga MacLean  
Associate Director

**WSR 21-04-029**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed January 26, 2021, 9:18 a.m.]

The department of labor and industries (L&I) is withdrawing the CR-101 Preproposal statement of inquiry regarding communication of mental health records (chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations), filed on November 17, 2020, and published under WSR 20-23-087.

Based on the input received from our external stakeholders as required by RCW 51.28.070, self-insurance leadership has decided not to proceed with rule making and instead will put the worker's rights language on the Self-Insured Accident Report Form (SIF-2) claim form.

If you have any questions, please contact Tracy West, rules coordinator, at 360-902-6954.

Tracy West  
Rules Coordinator

**WSR 21-04-036**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed January 26, 2021, 1:56 p.m.]

This serves as notice that the department of health (department) is withdrawing the CR-101 for private psychiatric and alcohol hospitals and private alcohol and chemical dependency hospitals, which was filed September 14, 2016, and published in WSR 16-19-037.

The department is withdrawing this CR-101 because it is several years out-of-date and conditions have changed. The department recently filed a new CR-101 as WSR 20-14-108 that better reflects current policy priorities.

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

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 21-04-038**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-01—Filed January 26, 2021, 3:52 p.m.]

Subject of Possible Rule Making: Specifying health carriers in WAC 284-30-595.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.44.050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WSR 20-24-070 created WAC 284-30-595 to provide guidance for companies to use

and apply implementation credits. Due solely [to] using of the word "insurer" in WAC 284-30-595, health care service contractors and health maintenance organizations were unintentionally excluded. This rule making will specifically define health carriers as a permissibly [permissible] entity within WAC 284-30-595.

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

Process for Developing New Rule: Submit written comments by March 12, 2021.

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

January 26, 2021  
Mike Kreidler  
Insurance Commissioner

#### WSR 21-04-042

#### PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed January 27, 2021, 8:32 a.m.]

Subject of Possible Rule Making: Chapter 51-54A WAC, amendment of the 2018 International Fire Code; and chapter 51-50 WAC, amendment to the 2018 International Building Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To respond to legislative mandates affecting the fire code per chapter 51-04 WAC and RCW 19.27.074.

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: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stoyan Bumbalov, Managing Director, P.O. Box 41449, Olympia, WA 98504-1449, phone 360-407-9277, email Stoyan.bumbalov@des.wa.gov, website www.sbcc.wa.gov.

January 26, 2021  
Diane Glenn  
Council Chair

#### WSR 21-04-048

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2021, 11:20 a.m.]

Subject of Possible Rule Making: Chapter 246-834 WAC, Midwives, the department of health (department) is considering amendments to WAC 246-834-050 Examination requirements for licensure as a midwife, 246-834-060 Initial application requirements for licensure as a midwife, 246-834-160 Student midwife permit, 246-834-250 Legend drugs and devices, and 246-834-370 Data submission. The department is considering amendments to address barriers and repeal AIDS education requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering revisions to several sections of the midwifery chapter in order to modernize and reduce barriers in the rules.

First, midwifery applicants must take and pass three examinations to become a licensed midwife: Midwifery examination offered by the North American Registry of Midwives (NARM), Washington state licensure examination, and midwifery jurisprudence examination. The department is considering adding language to allow the department flexibility to remove an exam requirement if one of the exams is not able to be widely administered, as is the case during the coronavirus disease 2019 (COVID-19) pandemic.

Second, in support of ESHB 1551, chapter 76, Laws of 2020, the department is proposing repealing AIDS education and training requirements for licensed midwives. ESHB 1551 included removing AIDS training and education requirements for health professionals, health care facility staff, and emergency medical personnel.

Third, the legend drug and devices section does not currently include nasopharyngeal or nasal swabs, so midwives may not use them. The department is considering adding nasal swabs to test for COVID-19 to the legend drugs and devices section in support of the pandemic response.

Finally, proof of participation in data submission on perinatal outcomes to a research organization is a renewal requirement for midwives. Currently, there are two department approved organizations, Midwives Alliance of North America (MANA) stats and American Association of Birth Centers (AABC) Perinatal Data Registry. The MANA stats database for midwives is unfunded and access to the system is inconsistent. AABC Perinatal Data Registry annual costs may be prohibitive for individual midwives. Both databases present barriers, preventing midwives from participating in data submission to meet renewal requirements. The department is considering allowing a waiver for this requirement until a suitable database on perinatal outcomes is created and maintained for Washington midwives.

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 pub-

lication by contacting Kathy Weed, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4883, fax 360-236-2901, TTY 711, email [kathy.weed@doh.wa.gov](mailto:kathy.weed@doh.wa.gov).

January 25, 2021  
 Jessica Todorovich  
 Chief of Staff  
 for Umair A. Shah, MD, MPH  
 Secretary

**WSR 21-04-049**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed January 27, 2021, 1:14 p.m.]

This memo serves as notice that the pharmacy quality assurance commission (commission) is withdrawing the CR-101 for a new section in chapter 246-945 WAC, in which the commission was considering adopting a new section of rule to create criteria for a waiver for electronic prescribing as required by SSB 5380 (section 16, chapter 314, Laws of 2019). The CR-101 was filed on January 6, 2020, and published in WSR 20-03-020.

The commission is withdrawing this CR-101 because we received guidance on some procedural aspects of this rule that require us to refile the CR-101 paperwork. We are refiling this as a joint rule-making project to clarify that the commission and the department of health both have rule-making authority on this topic.

Individuals requiring information on this rule should contact Cori Tarzwell, policy analyst, at [cori.tarzwell@doh.wa.gov](mailto:cori.tarzwell@doh.wa.gov); or Lindsay Trant, rules consultant, at [pharmacyrules@doh.wa.gov](mailto:pharmacyrules@doh.wa.gov).

Tami M. Thompson  
 Regulatory Affairs Manager

**WSR 21-04-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Dental Quality Assurance Commission)

[Filed January 27, 2021, 1:59 p.m.]

Subject of Possible Rule Making: WAC 246-817-580 Novel coronavirus disease 2019 screening, the dental quality assurance commission (commission) is considering permanent rule making to allow dentists to delegate administration of novel coronavirus disease 2019 (COVID-19) screening tests to registered dental assistants, licensed expanded function dental auxiliaries, and licensed dental hygienists with appropriate supervision and demonstration of competency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.260.040, 18.260.070, 18.29.050, 18.32.002, and 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to the COVID-19 pandemic, screening for the disease is essential in dental

practice. Dentistry produces large amounts of aerosols and it is important for dentists to appropriately screen patients prior to dental treatment. Delegation of COVID-19 screening test of patients assists dentists by reducing their workload to effectively continue dental care to patients. Knowing whether a patient is positive for COVID-19 will assist dentists in appropriate oral health treatment planning for the patient.

As dental procedures are proceeding during this pandemic, there is an influx of patients needing dental care and a greater need of the dental workforce. Allowing dentists to delegate COVID-19 screening tests with supervision to appropriately credentialed dental staff, will allow dentists to provide safe dental care to more patients.

On October 23, 2020, the commission approved emergency rule making for COVID-19 screening tests. The commission intends for the emergency rule to be in place until the permanent rule is adopted.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 711, email [jennifer.santiago@doh.wa.gov](mailto:jennifer.santiago@doh.wa.gov), website [www.doh.wa.gov/dental](http://www.doh.wa.gov/dental), [dental@doh.wa.gov](mailto:dental@doh.wa.gov).

Additional comments: Stakeholders may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

January 27, 2021  
 Trina Crawford  
 Executive Director

**WSR 21-04-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Pharmacy Quality Assurance Commission)

[Filed January 27, 2021, 2:03 p.m.]

Subject of Possible Rule Making: Chapter 246-945 WAC, Pharmacy quality assurance commission (commission). The commission and the department of health (department), filing jointly, are considering adopting a new section of rule creating criteria for a waiver for the electronic prescribing mandate as required by SSB 5380 (section 16, chapter 314, Laws of 2019). This filing will supersede a previous filing on this topic under WSR 20-03-020, filed on January 6, 2020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5380 (section 16, chapter 314, Laws of 2019).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be necessary to allow for a waiver from compliance with the direction given

by the legislature in SSB 5380, which mandates all controlled substances be electronically communicated to pharmacies beginning January 1, 2021. The bill directed the department of health (department) to develop a waiver process which a practitioner can use if they have an economic hardship, technological limitation, or other exceptional circumstance that prevents them [from] complying with the mandate.

The commission and the department will consider rules that will accomplish the legislative directive by providing practitioners with the necessary criteria to request a waiver from the electronic prescribing mandate using the department's process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington medical commission, nursing care quality assurance commission, as well as the board of osteopathic medicine and surgery, dental quality assurance commission, podiatric medical board, board of optometry, and the board of naturopathy.

Commission and department staff will work with the program managers of these boards and commissions to ensure that their members and stakeholders are able to participate in the discussion and kept apprised of the rules.

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 Cori Tarzwell, P.O. Box 47990, Olympia, WA 98504, phone 360-236-4981, fax 360-236-2321, TTY 711, email [cori.tarzwell@doh.wa.gov](mailto:cori.tarzwell@doh.wa.gov); or Lindsay Trant, P.O. Box 47990, Olympia, WA 98504, phone 360-236-2932, fax 360-236-2321, TTY 360-833-6388 or 711, email [lindsay.trant@doh.wa.gov](mailto:lindsay.trant@doh.wa.gov).

Additional comments: To receive updates please sign up for our GovDelivery at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

January 27, 2021

Tim Lynch, PharmD, MS, FABC, FASHP  
Pharmacy Quality Assurance Commission Chair  
Jessica Todorovich  
Chief of Staff  
for Umair A. Shah, MD, MPH  
Secretary

### WSR 21-04-054

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed January 27, 2021, 2:28 p.m.]

Subject of Possible Rule Making: Chapter 246-12 WAC, Part 14 of the administrative procedures and requirements for credentialed health care providers, the department of health (department) is considering amending Part 14 (WAC 246-12-601 through 246-10-650) and possibly adding new sections to Part 14 to establish in rule the minimum standards for advanced suicide prevention trainings as required by ESHB 2411. The advanced training standards would apply to licensed psychologists, mental health counselors, marriage

and family therapists, independent clinical social workers, social worker associates-independent clinical, advanced social workers, and social worker associates-advanced.

The intent of ESHB 2411 is to ensure that health care professionals have current, evidence-based information about identification and treatment of individuals at risk for suicide. Under ESHB 2411, the department must create minimum standards for advanced six-hour suicide prevention trainings, working in consultation with experts in the field of suicide prevention. Once completed, qualifying trainings will be listed on the department's suicide prevention training model list and required for psychologists, marriage and family therapists, mental health counselors, and social workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.442; ESHB 2411 (chapter 229, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2411 requires the department to create minimum standards for new, advanced six-hour suicide prevention trainings. Part 14 of chapter 246-12 WAC contains minimum standards for the current suicide prevention trainings; amending and adopting new sections of rule in Part 14 will allow the department to permanently adopt minimum standards for the new trainings, while collocating the new section with existing rule on similar trainings.

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 U. James Chaney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2831, fax 360-236-2901, TTY 711, email [ulysses.chaney@doh.wa.gov](mailto:ulysses.chaney@doh.wa.gov).

Additional comments: Rule-making notices will be delivered via GovDelivery to various health profession lists. Notices for this rule making will be the same regardless of the GovDelivery list they are sent through. To receive notices, interested persons may sign up for any or all of the lists. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions." From there, you may check the box next to one or more of the professions listed.

January 25, 2021

Jessica Todorovich  
Chief of Staff  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 21-04-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 (Securities Division)

[Filed January 28, 2021, 4:40 p.m.]

Subject of Possible Rule Making: The securities division is considering amending chapter 460-17 WAC, which governs an optional method of registration known as small company offering registration (SCOR), in light of amendments to federal exemptions from registration and amendments to the SCOR statement of policy and SCOR form promulgated by the North American Securities Administrators Association (NASAA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SCOR registration is an optional method of state registration, available to companies offering securities in reliance on the federal exemption from registration under Rule 504 of Regulation D or under Section 3 (a)(11) of the Securities Act of 1933.

Effective January 20, 2017, the Securities and Exchange Commission (SEC) amended federal Rule 504 to increase the offering amount limitation thereunder from \$1 million to \$5 million. SEC also amended Rule 147, an intrastate offering safe harbor to Section 3 (a)(11) of the Securities Act of 1933 and further adopted a new intrastate offering exemption in Rule 147A.

In response to these amendments, NASAA promulgated an amended SCOR statement of policy, and made corresponding amendments to the Form U-7 (the registration statement and disclosure document to be completed in connection with a SCOR registration) in order to allow issuers to more fully take advantage of this program under the amended federal rules.

On November 2, 2020, SEC adopted further amendments to Rule 504, including raising the offering limit from \$5 million to \$10 million.

To allow issuers to more fully take advantage of the SCOR program under the amended federal rules, the division is considering amending chapter 460-17 WAC.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposal amendments would conform the division's existing rules to recent amendments to federal rules, and to the statement of policy promulgated by NASAA. This will allow issuers to take advantage of the program and raise capital consistent with investor protection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The amendments that the division is considering affect the regulation of securities and exempt securities transactions. Securities are subject to regulation by other state regulatory agencies and SEC. The amendments under consideration would better coordinate our rules with other state and federal agencies, and with uniform standards promulgated by NASAA.

Process for Developing New Rule: The securities division is soliciting comments from interested persons and will adopt rules only after the consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michelle Webster, Esq., P.O. Box 9033, Olympia, WA 98507-9033, phone 360-902-8760, fax 360-902-0524, TTY 360-664-8126, email michelle.webster@dfi.wa.gov, website <https://dfi.wa.gov/securities>.

January 28, 2021  
 William Beatty  
 Securities Administrator

**WSR 21-04-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed February 1, 2021, 9:57 a.m.]

Subject of Possible Rule Making: Title 181 WAC, specialty endorsements.

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: A stakeholder workgroup is meeting to review specialty endorsements. This rule making would reflect recommendations made by this workgroup on specialty endorsements and educator professional learning.

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](mailto:maren.johnson@k12.wa.us), website [www.pesb.wa.gov](http://www.pesb.wa.gov).

January 25, 2021  
 Maren Johnson  
 Rules Coordinator

**WSR 21-04-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed February 1, 2021, 9:58 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, reflect alignment between professional educator standards board (PESB) program standards and national standards for school psychologist and school counselor 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: Clarify which of PESB program standards 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](mailto:maren.johnson@k12.wa.us), website [www.pesb.wa.gov](http://www.pesb.wa.gov).

January 29, 2021  
Maren Johnson  
Rules Coordinator

**WSR 21-04-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed February 1, 2021, 9:59 a.m.]

Subject of Possible Rule Making: Title 181 WAC; changes to Title 181 WAC.

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: The professional educator standards board is tasked with oversight and regulation of rules regarding teacher preparation and certification. Potential changes in these rules may address issues identified by the board or impacted stakeholders.

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](mailto:maren.johnson@k12.wa.us), website [www.pesb.wa.gov](http://www.pesb.wa.gov).

January 29, 2021  
Maren Johnson  
Rules Coordinator

**WSR 21-04-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
(Public Employees Benefits Board)

[Order 2021-01—Filed February 1, 2021, 12:15 p.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-08, 182-12, and 182-16 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC to support the public employees benefits board program.

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 Barbara Scott, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [Barbara.Scott@hca.wa.gov](mailto:Barbara.Scott@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Stella Ng, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0852, fax 360-586-9727, TRS 711, email [Stella.Ng@hca.wa.gov](mailto:Stella.Ng@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

February 1, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-04-109**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
(School Employees Benefits Board)

[Order 2021-01—Filed February 1, 2021, 12:18 p.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-30, 182-31, and 182-32 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC to support the school employees benefits board program.

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

Barbara Scott, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [Barbara.Scott@hca.wa.gov](mailto:Barbara.Scott@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Stella Ng, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0852, fax 360-586-9727, TRS 711, email [Stella.Ng@hca.wa.gov](mailto:Stella.Ng@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

February 1, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-04-112**

**PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed February 1, 2021, 12:30 p.m.]

Subject of Possible Rule Making: Chapter 182-531A WAC, Applied behavioral analysis (ABA); WAC 182-501-0060 Health care coverage—Program benefit packages—Scope of service categories; 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: In chapter 182-531A WAC, the agency is revising these rules to remove the age limits and changing the term child or children to client for ABA. In WAC 182-501-0600, the agency is updating the "N" (No) to a "Y" (Yes) in the ABA covered services table for ABP 21+, CN 21+, and MN 21+. The agency is also adding a Y to the covered services table for ambulance (ground and air) ABP 21+, which was erroneously missing. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The 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 Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [valerie.freudenstein@hca.wa.gov](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Annette Schuffenhauer, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1254, fax 360-586-9727, TRS 711, email [Annette.schuffenhauer@hca.wa.gov](mailto:Annette.schuffenhauer@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

February 1, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-04-121**

**PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed February 1, 2021, 3:06 p.m.]

Subject of Possible Rule Making: WAC 182-70-030 Additional definitions authorized by chapter 43.371 RCW; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 43.371.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is adding a definition of de minimis to the section to specify a minimum reporting threshold below which a data supplier is not required to submit data. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Lorie Geryk, Program Questions, P.O. Box 45530, Olympia, WA 98504-5530, phone 360-725-1598, fax 360-586-9727, TRS 711, email [lorie.geryk@hca.wa.gov](mailto:lorie.geryk@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

February 1, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-04-138**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Filed February 2, 2021, 3:44 p.m.]

Subject of Possible Rule Making: WAC 246-843-130 Continuing education requirements for nursing home administrators, the board of nursing home administrators (board) is considering amending this rule to permanently allow continuing education credit for pandemic related training and experience and, for a limited time, allow nursing home administrators to attest to such trainings acquired under self-study methods if proof of course completion isn't otherwise provided.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board currently has an

emergency rule on this topic, adopted on October 12, 2020, under WSR 20-21-035. The emergency process was used to allow licensees to continue to perform their job of protecting residents and focus on immediate patient needs during the coronavirus 2019 disease (COVID-19) response, which continues to be overwhelming for many nursing homes and long-term care facilities. Permanent adoption of the emergency rule would allow administrators who are currently affected by the COVID-19 pandemic to encourage more training for licensees in the subject and to assist in avoiding a lapse in licensing, which would adversely affect residents. Permanent adoption of the rule would also allow licensees to continue with this type of continuing education through the pandemic and beyond that time frame as it is important that administrators be prepared for pandemic emergencies in the future.

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 Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email [kendra.pitzler@doh.wa.gov](mailto:kendra.pitzler@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: All notices will be sent to the public through the department of health's applied nursing home administrator distribution list. Interested parties can join the distribution list at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email [Rules@drs.wa.gov](mailto:Rules@drs.wa.gov), website [www.drs.wa.gov/rules/](http://www.drs.wa.gov/rules/).

February 3, 2021  
Jilene Siegel  
Rules Coordinator

February 2, 2021  
Ann B. Zell  
Chair

**WSR 21-04-142**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed February 3, 2021, 9:15 a.m.]

Subject of Possible Rule Making: Nonspouse survivor benefit options.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with Internal Revenue Service (IRS) regulations governing nonspousal survivor benefits from a retirement plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of retirement systems (DRS) will consult with tax counsel to ensure compliance with IRS regulations.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, DRS, P.O. Box 48380,