

WSR 21-09-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed April 7, 2021, 4:05 p.m.]

Executive Director
Office of Health Professions

Subject of Possible Rule Making: WAC 246-933-250, 246-933-285, 246-933-401 through 246-933-460, 246-935-130, 246-935-270 through 246-935-310, and 246-937-080, veterinary board of governors (board), suicide prevention training and HIV/AIDS training. The board is considering amending its continuing education requirements and adding new sections to chapters 246-933 and 246-935 WAC to implement a one-time suicide prevention training for veterinarians and veterinary technicians as required by ESHB 2411. The board is also considering the repeal of WAC 246-933-285, 246-935-130, and 246-937-080; and amending WAC 246-933-250 in accordance with ESHB 1551, which removed the requirement of HIV/AIDS training for veterinarians, veterinary technicians, and veterinary medication clerks.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030; ESHB 2411 (chapter 229, Laws of 2020); ESHB 1551 (chapter 76, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2411 directs the board to consult with the University of Washington's Forefront Suicide Prevention Center of Excellence and affected professional associations to develop a one-time, three-hour suicide prevention training program for veterinarians and veterinary technicians. This training will be required as part of the continuing education requirements beginning July 1, 2022. This training will help veterinary professionals focus on veterinary mental health and well-being, understand general content on suicide risk, prevention, and resourcing, and specific content on imminent harm by lethal means.

ESHB 1551 repeals the requirement in RCW 70.24.270 for HIV/AIDS training requirements for veterinarians, veterinary technicians, and veterinary medication clerks and other health professionals. Repealing the relevant requirements in rule will align the rule with the statute.

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 loralei.walker@doh.wa.gov, website www.doh.wa.gov.

Additional comments: To subscribe to receive notices regarding this rule making go 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 "Veterinary Board."

April 7, 2021
Brad Burnham

WSR 21-09-014
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed April 9, 2021, 11:25 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 3 to implement portions of the program that are under the employment security department's (ESD) authority. This phase includes, but is not limited to, determinations of "qualified individual" status, audit functions, designated representatives, and other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (4)(e); 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. ESD 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 [98503], phone 360-485-2816, TTY Teresa Eckstein, state EO officer, 771 [711] or 360-902-9354, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/ltss/>.

April 9, 2021
April Amundson
Policy and Rules Manager
for the Leave and Care Division

WSR 21-09-015
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed April 9, 2021, 11:56 a.m.]

Subject of Possible Rule Making: WAC 260-70-650 Furosemide.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission staff is considering prohibiting the use of Furosemide in graded stakes.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

April 9, 2021
Douglas L. Moore
Executive Secretary

WSR 21-09-033

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed April 13, 2021, 11:20 a.m.]

Subject of Possible Rule Making: WAC 260-60-410 Claimed horse—In whose interest run—Delivery and passage of title.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission staff is recommending to adopt the ARCI model rule regarding the transfer of a horse following a claim that is directed to the test barn.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

April 12, 2021
Douglas L. Moore
Executive Secretary

WSR 21-09-038

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed April 13, 2021, 3:45 p.m.]

Subject of Possible Rule Making: WAC 246-830-201, 246-830-485, 246-830-490, 246-830-500, and 246-830-510, massage practitioners. The department of health (department), in coordination with the board of massage (board), is considering revising sections of the massage practitioner rules to correct the names of the national examinations, clarify the training requirements for somatic education and intraoral massage education, and clarify and modernize the language in the equipment and sanitation rule and the hygiene rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025 and 18.108.085.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The identified sections of chapter 246-830 WAC are being opened in response to the board's request to consider clarifying the training rules for somatic education and intraoral massage education, and modernizing the language in the equipment and sanitation rule and the hygiene rule that are necessary for public protection. The names of the national examinations also need to be corrected for accuracy.

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 Megan Maxey, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4945, fax 360-236-2901, TTY 711, email megan.maxey@doh.wa.gov, website www.doh.wa.gov.

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

April 12, 2021
Jessica Todorovich
Chief of Staff
for Umair A. Shah, MD, MPH
Secretary
Renee Fullerton
Board of Massage Executive Director

WSR 21-09-041

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR AND CANNABIS BOARD

[Filed April 14, 2021, 10:21 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering rule making to create summary license suspension and petition for stay provisions that would allow for enforcement of gover-

nor's proclamations. These permanent rules would supersede and replace emergency rules WAC 314-12-250 and 314-12-275, which established summary license suspension and petition for stay provisions for the enforcement of governor's proclamations issued as a result of the novel coronavirus (COVID-19) outbreak, filed as WSR 21-07-077 on March 17, 2021, and any successive emergency rules that supersede and replace WSR 21-07-077. As part of this rule making, the WSLCB is considering potentially amending or repealing existing summary license suspension and petition for stay provisions, and any related provisions, in Title 314 WAC and consolidating these provisions into new rule sections applicable to all licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.08.150, 66.44.010, 69.50.342, 69.50.345, 70.155.150, 70.345.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The WSLCB has the authority and responsibility to adopt rules for the preservation of public health and safety. The WSLCB originally adopted emergency rules WAC 314-12-250 and 314-12-275 establishing summary license suspension and petition for stay provisions for the enforcement of governor's proclamations issued as a result of the COVID-19 outbreak on April 6, 2020, as WSR 20-09-026, after the governor issued a series of proclamations affecting establishments licensed by the WSLCB:

- On February 29, 2020, Governor Inslee issued Proclamation 20-05 that confirmed the person-to-person spread of the novel coronavirus (COVID-19) in Washington state, and proclaimed a State of Emergency for all counties throughout the state of Washington based on the COVID-19 outbreak in the United States.
- On March 16, 2020, Governor Inslee issued Proclamation 20-13 that imposed statewide limits on food and beverage services, and areas of congregation to limit opportunities for disease exposure and transmission in the state. Proclamation 20-13 was based on both guidance from the United States Center[s] for Disease Control and Prevention to reduce the size of gatherings from two hundred fifty persons to fifty persons, and the necessity to prohibit any number of people from congregating in public venues for the purposes of entertainment, recreation, food or beverage service, theater, bowling or other similar activities.
- On March 23, 2020, Governor Inslee issued Proclamation 20-25, first entitled, "Stay Home - Stay Healthy," that among other things, imposed limits on conducting or participating in essential activities and employment in essential activities, temporarily prohibited certain public and private gatherings, and established a list of essential and nonessential businesses in Washington state. Nonessential businesses were prohibited from operation except for performing basic minimum operations. Essential businesses were encouraged to remain open and maintain operations.

Establishments licensed by the WSLCB are subject to the restrictions of Governor's Proclamations 20-05, 20-13, and 20-25. Although some establishments licensed by the

WSLCB are considered essential, others are not or are subject to specific limitations. For example, while cannabis licensees are considered essential, alcohol, tobacco, and vapor licensees generally are not and are subject to specific limitations. (See Appendix "WA Essential Critical Infrastructure Workers" to the March 23, 2020, Proclamation 20-25).

Between March 2020 and January 2021, Governor Inslee issued a series of proclamations in response to the changing conditions of the COVID-19 pandemic, including Proclamations 20-25.01 through 20-25.12, which amended Proclamations 20-05 and 20-25 et seq. and incorporated issued amendatory proclamations, including [Proclamation] 20-13.

In response to the changing conditions of the COVID-19 pandemic and the resulting amendments to the governor's proclamations, the WSLCB extended the emergency rules for a first time on July 22, 2020, as WSR 20-15-162, for a second time on November 18, 2020, as WSR 20-23-123, and for a third time on March 17, 2021, as WSR 21-07-077.

The governor's proclamations describe how the conditions of the COVID-19 pandemic and the state of emergency changed over time. An outline of major updates between April 2020 and April 2021 is provided below:

- On April 27, 2020, Governor Inslee issued Proclamation 20-25.2, making certain adjustments and modifications to the "Stay Home, Stay Healthy" order.
- On May 4, 2020, Governor Inslee issued Proclamation 20-25.3, making additional adjustments and modifications to the "Stay Home, Stay Healthy" order.
- On May 31, 2020, Governor Inslee issued Proclamation 20-25.4, entitled "Safe Start - Stay Healthy—County-by-County Phased Reopening.["] Limitations established were gradually relaxed based on county-by-county phasing established according to metrics provided by the secretary of health.
- On June 24, 2020, the secretary of health first issued Order of the Secretary of Health 20-03 which, among other things, requires (with exceptions) the use of face coverings throughout the state. (See department of health news release dated June 24, 2020.)
- On July 1, 2020, Governor Inslee issued Proclamation 20-25.05, extending and modifying certain statewide restrictions. The following day, on July 2, 2020, Governor Inslee ordered a freeze on all counties moving forward to a subsequent phase due to increased COVID-19 infection rates across the state (see governor's news release dated July 2, 2020).
- On July 7, 2020, Governor Inslee issued Proclamation 20-25.06, again extending and modifying certain statewide restrictions.
- On July 24, 2020, Governor Inslee issued Proclamation 20-25.07 and the secretary of health issued Order of the Secretary of Health 20-03, extending the requirement (with exceptions) to use face coverings throughout the state.
- On October 7, 2020, Governor Inslee announced several updates to the "Safe Start Washington - Phased Reopening County-by-County" plan to align guidance and adjustments to regulations of several industries. (See governor's news release dated October 6, 2020.)

- On November 15, 2020, in response to a large surge of new COVID-19 cases and increased hospitalizations and deaths, Governor Inslee issued Proclamation 20-25.8, entitled "Stay Safe - Stay Healthy—Rollback of County-by-County Phased Reopening Responding to a COVID-19 Outbreak Surge."
- In December 2020, Governor Inslee amended Proclamation 20-25 several times, extending and modifying some statewide restrictions. (See Proclamation 20-25.9 issued December 10, 2020; Proclamation 20-25.10 issued December 21, 2020; and Proclamation 20-25.11 issued December 30, 2020.)
- On January 11, 2021, Governor Inslee issued Proclamation 20-25.12, entitled "Healthy Washington - Roadmap to Recovery." Proclamation 20-25.12 introduced a new phased recovery plan with a regional recovery approach that replaced the previous county-by-county approach. Proclamation 20-25.12 was based on evidence of increasing COVID-19 infection rates across the state, evidence of how the virus is spread through very small droplets called aerosols, the known factors that increase the risk for person-to-person COVID-19 transmission, and the knowledge that two vaccines have been approved for use in the United States and efforts to vaccinate vulnerable populations are underway.
- On March 11, 2021, Governor Inslee announced that "Healthy Washington - Roadmap to Recovery" would transition from a regional approach back to a county-by-county evaluation process. The governor also announced that a new third phase of the Roadmap to Recovery had been added, and effective March 22, 2021, the entire state would enter Phase 3.
- On April 9, 2021, Governor Inslee updated the criteria for counties to stay in Phase 3 of the "Healthy Washington - Roadmap to Recovery" pandemic reopening plan. In addition to being individually evaluated, large and small counties have different sets of appropriate criteria based on case counts and hospitalizations. (See PDF issued by the office of the governor on April 9, 2021, <https://www.governor.wa.gov/sites/default/files/HealthyWashington.pdf>.)

At this point, it is impossible to know precisely when the state of emergency as a result of COVID-19 will end. Given the uncertainty about the duration of the current state of emergency and the possibility of future states of emergency, the WSLCB is considering permanent rule making to create summary license suspension and petition for stay provisions that would allow for enforcement of governor's proclamations. The ability to use summary license suspension and petition for stay provisions to enforce governor's proclamations will support efforts to preserve public health and safety.

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 Audrey Vasek, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-

664-1758, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

April 14, 2021
David Postman
Chair

WSR 21-09-049

PREPROPOSAL STATEMENT OF INQUIRY HUMAN RIGHTS COMMISSION

[Filed April 15, 2021, 2:26 p.m.]

Subject of Possible Rule Making: Public records, WAC 162-04-030 and 162-04-035.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.120, 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public records rules for this agency are out of date, and do not contain current information on the charges that can be imposed for the copying of public records. The public records rules need to be updated to reflect the Public Records Act—Model rules, chapter 44-14 WAC, and to reflect the costs incurred by the agency in providing copies of public records. The subject of WAC 162-04-035 is no longer relevant, and the process does not conform to current records release exemptions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Attorney general's office; the attorney general's office has drafted model rules related to the Public Records Act. This agency is utilizing the model rules in updating our own public records WAC. In addition, this agency is in consultation with its assistant attorneys general regarding this rule making.

Process for Developing New Rule: Public hearing and opportunity for written public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Laura Lindstrand, 711 South Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2490, phone 360-878-4106, fax 360-586-2282, email policy@hum.wa.gov, website www.hum.wa.gov.

April 8, 2021
Laura Lindstrand
Policy Analyst

WSR 21-09-063**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Pharmacy Quality Assurance Commission)

[Filed April 19, 2021, 10:52 a.m.]

Subject of Possible Rule Making: Chapter 246-945 WAC, the pharmacy quality assurance commission (commission) is considering adding a new section to the chapter to allow retired pharmacists to apply for a retired active pharmacist license status and practice pharmacy under certain conditions. The commission may also amend other sections in chapter 246-945 WAC to correspond to the new section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 18.64.205.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On March 26, 2020, Governor Inslee signed Proclamation 20-32 to help increase the number of healthcare workers available to meet the needs of patients during the novel coronavirus disease (COVID-19) pandemic. This proclamation included a provision that allows a pharmacist with a retired active pharmacist license status to practice pharmacy. Specifically, the proclamation waived "shall not be authorized to practice pharmacy and" from WAC 246-863-080(2) Retired pharmacist license. In other words, the proclamation permitted those with the retired pharmacist license to practice pharmacy.

However, the commission recently updated and consolidated all rules under its authority into one new chapter (chapter 246-945 WAC). In this rewrite process, WAC 246-863-080 and the retired active pharmacist license was repealed, effective July 1, 2020.

The commission adopted an emergency rule on February 1, 2021, under WSR 21-04-116 creating a retired active pharmacy license status in the new chapter to meet the intent of the governor's proclamation and allow retired pharmacists to assist with the COVID-19 response with pharmacy services such as vaccine administration. Permanent rules are now necessary to keep the retired active pharmacist license status in place.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None; this rule aligns with the governor's proclamations permitting those with a retired pharmacist license to practice pharmacy.

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.

April 19, 2021

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

WSR 21-09-065**PREPROPOSAL STATEMENT OF INQUIRY
ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE**

[Filed April 19, 2021, 1:20 p.m.]

Subject of Possible Rule Making: Changes chapter 242-03 WAC, the procedural rules for the growth management hearings board (GMHB).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: GMHB proposes changes to chapter 242-03 WAC to align with 2019 legislative changes to chapter 36.70A RCW. The changes include reducing the number of board members from seven to five; changing the title of the board's administrative officer to chair and clarifying the chair's duties; adding statutory references to environmental and land use hearings office and correct email and contact information; deletes outdated or inaccurate references; adds remote site meetings to telephonic meetings; clarifies procedural requirements when practicing before the GMHB; compliance with 2021 legislative action on court of appeals procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of commerce is a key stakeholder and will be consulted during the review process. Other stakeholders to be contacted: Counties, cities, nonprofit organizations, attorneys. They are parties before the GMHB.

Process for Developing New Rule: Technical clean up and reconciliation with new laws.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Coverdell, 1111 Israel Road S.W., Tumwater, WA 98501, phone 360-664-9171, fax 360-586-2253, email Nancy.Coverdell@eluh.wa.gov, website <https://www.eluh.wa.gov/>; or Nina Carter, 1111 Israel Road S.W., Tumwater, WA 98501, phone 360-664-9173, fax 360-586-2253, email Nina.Carter@eluh.wa.gov, website <https://www.eluh.wa.gov/>.

April 16, 2021

Nina Carter
Director

WSR 21-09-070**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed April 20, 2021, 8:50 a.m.]

Subject of Possible Rule Making: Chapter 246-853 WAC, Osteopathic physicians and surgeons, the board of osteopathic medicine and surgery (board) is considering establishing new rules to regulate the provision of anesthesia in a dental setting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will consider rule making to address the practice of osteopathic physicians and surgeons providing anesthesia to patients in a dental setting. The Washington medical commission (WMC) recently adopted dental anesthesia rules. The board works to remain consistent with WMC rules, as osteopathic physicians and allopathic physicians provide care in the same settings. Regulating the provision of anesthesia in a dental setting would place the board in an active patient safety role. Furthermore, striving for consistency with WMC makes rules easier for licensees to understand and comply with in the complex health care regulatory environment.

Possible subjects the board may address are effective perioperative communication, appropriate charting, appropriate equipment, recovery and discharge requirements, emergency care, and reporting adverse events. The board may also consider other subjects pertaining to the provision of anesthesia in a dental setting that arise during stakeholder work.

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 Tracie Drake, Program Manager, P.O. Box 47852, phone 360-236-4766, fax 360-236-2901, TTY 711, email tracie.drake@doh.wa.gov, website www.doh.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.

April 19, 2021
Renee Fullerton
Executive Director

WSR 21-09-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)

[Filed April 20, 2021, 10:23 a.m.]

Subject of Possible Rule Making: The department is planning to add a new section in chapter 388-106 WAC for long-term services and supports (LTSS) presumptive eligibility, and may amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is adding a new section in chapter 388-106 WAC describing LTSS presumptive eligibility and functional eligibility criteria for clients who are discharging from acute care hospitals or diverting from community psychiatric facilities into an in-home setting with home and community-based services.

Other related rule changes that arise during this rule making may be incorporated, and other related WAC sections may need to be updated because of this rule making.

The health care authority will also be filing a CR-101 and amending chapters 182-513 and 182-515 WAC to define financial eligibility for LTSS presumptive eligibility.

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. DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making at a later date. The department will send a copy of the proposal 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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-407-7582, TTY 360-493-2637, email Angel.Sullivan@dshs.wa.gov.

April 20, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-09-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed April 20, 2021, 11:04 a.m.]

Subject of Possible Rule Making: Title 308 WAC; WAC 308-124A-775 Real estate fees, and 308-124H-990 Real estate course, school, and instructor approval fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. The real estate program has not had an increase in fees since 2010. The department is increasing fees to continue covering the cost of administering this program, as costs have increased over the years.

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 will seek input from impacted stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98371, phone 360-902-3846.

April 19, 2021
Ellis Starrett

Rules Coordinator

WSR 21-09-080**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed April 20, 2021, 4:03 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0250 What is the roads to community living (RCL) demonstration project and who is eligible?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520; Affordable Care Act (ACA), Deficit Reduction Act of 2005 (P.L. 109-171), and Consolidated Appropriations Act of 2021 (Section 204).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will ensure that RCL eligibility aligns with the federal Money Follows the Person (MFP) demonstration eligibility criteria. The Consolidated Appropriations Act of 2021, Section 204 outlines an extension of MFP rebalancing demonstration and changes the institutional residency period requirement, striking the ninety day institutionalized eligibility period and inserting a sixty day institutionalization period. In addition, MFP demonstration eligibility includes all settings identified as home and community-based settings. RCL is the name of Washington state's MFP demonstration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The aging and long-term support administration will coordinate with developmental disabilities administration during this rule-making process.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate 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 Julie Cope, RCL Systems Change Specialists, P.O. Box 45600, Lacey, WA 98504, phone 360-725-2529, fax 360-438-8633, email Julie.cope@dshs.wa.gov; or Stephanie VanPelt, RCL Enrollment Specialist, P.O. Box 45600, Lacey, WA 98504, phone 360-725-2526, fax 360-438-8633, email Stephanie.Vanpelt@dshs.wa.gov.

April 20, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-09-085**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed April 21, 2021, 9:18 a.m.]

Subject of Possible Rule Making: WAC 388-101D-0500 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 this rule to change the requirements related to how residences are reviewed for community protection program participants. During the course of this review, DDA 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, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

April 21, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-09-086**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed April 21, 2021, 10:16 a.m.]

Subject of Possible Rule Making: WAC 392-121-249 through 392-121-299, Finance—General apportionment, certificated instructional staff.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule revisions regarding data collection requirements on the S-275 school personnel report after the 2018 Washington legislature made significant changes to how school districts are funded and how educators are compensated. The Washington legislature no longer provides funding to school districts for teacher sal-

ary and benefits tied to their education level (degree and credits) and certificated years of experience. Rule revisions are needed to implement those changes while continuing to collect S-275 education and experience data as needed.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-725-6308, fax 360-753-4201, TTY 360-664-3631, email ross.bunda@k12.wa.us, website k12.wa.us.

April 21, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction