

WSR 22-23-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2022, 12:57 p.m.]

Subject of Possible Rule Making: Chapter 246-70 WAC, Cannabis product compliance. The department of health (department) is opening this chapter to consider updating the term "marijuana" to "cannabis," to examine the definition of compliant product, review compliant product labeling, and align quality assurance standards with the Washington state liquor and cannabis board (WSLCB).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.375; 2SHB 1210 (chapter 16, Laws of 2022).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating the rules with the term cannabis would implement and reflect 2022 statutory changes made by 2SHB 1210 (chapter 16, Laws of 2022).

Technical changes may need to be made to quality assurance standards to align with recent updates in rule from WSLCB.

Reviewing the current classifications for compliant cannabis products and the difference between tax exempt product verses medical cannabis product, which requires additional testing and a preselected label.

Reviewing the compliant product labeling requirements is in response to a petition which the department granted in June 2022.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSLCB and the Washington state department of revenue regulate licensed marijuana retailers that may have an interest in this proposal. We have organized meetings, discussions, and email correspondence with both agencies regarding this rule proposal.

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 Shannon Angell, P.O. Box 47860, Olympia, WA 98501-7860, phone 360-236-2820, fax 360-236-2901, TTY 711, email shannon.angell@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. 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, check the "Medical Cannabis Program" box. You may also check any other box of the professions listed that you may be interested in.

November 2, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah MD, MPH
Secretary

WSR 22-23-002
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2022, 1:02 p.m.]

Subject of Possible Rule Making: WAC 246-811-220, 246-811-230, 246-811-240, 246-811-250, 246-811-280, and creating a new section in chapter 246-811 WAC, Substance use disorder professionals (SUDP) and substance use disorder professionals trainees. The department of health (department) is considering implementing ESSB 5229 (chapter 276, Laws of 2021) by requiring health equity continuing education for SUDPs. The department may also consider additional changes to update, clarify, and streamline these rule sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.060; ESSB 5229.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be necessary to align chapter 246-811 WAC with recent statutory amendments. ESSB 5229, which passed during the 2021 legislative session, requires SUDPs and many other Washington health care professionals to complete continuing education on health equity.

As part of this rule making, the department will consider: (1) Whether two or more hours of health equity continuing education will be required for SUDPs; (2) the total amount of continuing education hours required; and (3) other issues related to continuing education. The department will also consider amendments to update and streamline these sections of chapter 246-811 WAC as appropriate.

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 Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule-making notices will be delivered via the GovDelivery SUDP health profession list. 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" and then check the box for "Substance Use Disorder Professionals." You may check the box next to one or more of the other professions listed to received information regarding those professions.

November 1, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 22-23-003
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2022, 1:08 p.m.]

Subject of Possible Rule Making: WAC 246-810-027, 246-810-0298, and creating a new section in chapter 246-810 WAC, Counselors. The department of health (department) is considering implementing ESSB 5229 (chapter 276, Laws of 2021) by requiring health equity continuing education for certified counselors and certified advisers. The department may also consider additional changes to update, clarify, and streamline these rule sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.19.050; ESSB 5229.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be necessary to align chapter 246-810 WAC with recent legislation. ESSB 5229, which passed during the 2021 legislative session, requires certified counselors, certified advisers, and many other Washington health care professionals to complete continuing education on health equity.

As part of this rule making, the department will consider: (1) Whether two or more hours of health equity continuing education will be required for certified counselors and certified advisers; (2) the total amount of continuing education hours required; and (3) other issues related to continuing education. The department will also consider amendments to update and streamline sections of chapter 246-810 WAC as appropriate.

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 Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule-making notices will be delivered via the GovDelivery certified counselors/certified advisers health profession list. 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" and then click on "Certified Counselors/Certified Advisers." You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

November 2, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 22-23-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2022, 1:16 p.m.]

Subject of Possible Rule Making: WAC 246-928-442 and new section in chapter 246-928 WAC, Respiratory care practitioners. The department of health (department) is considering implementing ESSB 5229 (chapter 276, Laws of 2021) by requiring health equity continuing education for respiratory care practitioners. The department may also consider additional changes to update, clarify, and streamline this rule section as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.89.050, 18.89.140; ESSB 5229.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to align chapter 246-928 WAC with recent legislation. ESSB 5229, which passed during the 2021 legislative session, requires respiratory care practitioners and many other Washington health care professionals to complete continuing education on health equity.

As part of this rule making, the department will consider: (1) Whether two or more hours of health equity continuing education hours will be required for respiratory care practitioners; (2) the total amount of continuing education hours required; and (3) other issues related to continuing education. The department will also consider amendments to update and streamline WAC 246-928-442 as appropriate.

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 Ted Dale, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule-making notices will be delivered via the GovDelivery respiratory care practitioner health profession list. To receive notices, interested persons may 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" and then check "Respiratory Care Practitioner Program." You may check other boxes next to one or more of the professions listed to receive information regarding those professions.

November 2, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 22-23-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Psychology)
[Filed November 4, 2022, 12:39 p.m.]

Subject of Possible Rule Making: WAC 246-924-230, 246-924-240, 246-924-250, 246-924-255, 246-924-300, 246-924-330, and possibly creating a new section in chapter 246-924 WAC, Psychologists. The examining board of psychology (board) is considering amending continuing education requirements to implement ESSB 5229 (chapter 276, Laws of 2021) by requiring health equity continuing education. The board may also consider additional changes to update, clarify, and streamline these rule sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050, 18.83.090; ESSB 5229.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to align chapter 246-924 WAC with recent statutory amendments. ESSB 5229, which passed during the 2021 legislative session, requires psychologists and many other Washington health care professionals to complete continuing education on health equity at least once every four years.

As part of this rule making, the board will consider: (1) How to best implement health equity continuing education requirements for the profession; (2) the amount of health equity continuing education hours required; and (3) other issues related to continuing education, as appropriate. The board will also consider amendments to update and streamline sections of chapter 246-924 WAC, as appropriate.

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 Nancy Delgado, P.O. Box 47850, Olympia, WA 98504, phone 360-236-4951, TTY 711, email psychology@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 the psychology profession list. 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."

November 4, 2022
Florence Katz Burstein, Chair
Examining Board of Psychology

WSR 22-23-025

PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed November 4, 2022, 4:08 p.m.]

Subject of Possible Rule Making: WAC 4-30-133 Reporting periods, carry-forward/back, and limitations on continuing professional education (CPE) credit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule change is proposed to change the increments in which CPE credit is earned. With the change, CPE credit will be earned in tenths (.1) of hours after the first hour is earned instead of half-hour (.5) increments after the first hour is earned. Five minutes will constitute one-tenth of a CPE hour based on the 50-minute CPE hour.

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov>.

November 4, 2022
Michael J. Paquette, CPA
Executive Director

WSR 22-23-032
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed November 7, 2022, 4:36 p.m.]

Subject of Possible Rule Making: New chapter 388-829Z WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 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 create a new chapter of rules to regulate the emergency transitional support services provided at Rainier School. These services were created in direct response to the COVID-19 public health emergency. With the declared state of emergency ending, these rules are intended to inform clients about the service they are receiving and the future of that service. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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 Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1500, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

November 7, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-23-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed November 8, 2022, 9:35 a.m.]

Subject of Possible Rule Making: The department is considering amending chapter 388-76 WAC, Adult family home minimum licensing requirements, to address a process gap that occurs when residents transfer or discharge from adult family homes and prescription medications for those residents continue to be filled by pharmacies. These filled prescriptions may not be returned to the pharmacy and are subject to diversion and misuse by others. The department may amend other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.040 Adoption of rules and standards—Negotiated rule making—Specialty license.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These changes will give adult family home providers clear requirements to address the transition or disposal of resident medications when residents transfer or discharge from the adult family home. It will also help prevent disruption or delay of resident medications when they transition to a new location.

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

Process for Developing New Rule: 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 Coleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

November 7, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-23-090

**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed November 14, 2022, 3:49 p.m.]

Subject of Possible Rule Making: Chapter 172-118 WAC, Recreational equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add language prohibiting the charging of lithium-ion-powered scooters in residence hall facilities.

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

November 14, 2022
Annika Scharosch
Associate Vice President

WSR 22-23-121
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Chiropractic Quality Assurance Commission)
[Filed November 18, 2022, 10:34 a.m.]

This memo serves as notice that the chiropractic quality assurance commission (commission) is withdrawing the CR-101 for WAC 246-808-105, 246-808-115, 246-808-130, 246-808-133, 246-808-135, 246-808-140, 246-808-180, 246-808-181, 246-808-190, 246-808-201, 246-808-215, 246-808-510, and 246-808-535, regarding licensure application and eligibility requirements, which was filed October 18, 2016, and published in WSR 16-21-080.

The commission is withdrawing this CR-101 because it has identified additional areas within the rules that need to be updated; however, the CR-101 is not broad enough to cover all the anticipated changes that may need to be done. The commission intends to refile two new CR-101s to address these subjects.

Individuals requiring information on this rule should contact Betty J. Moe, regulatory analyst, at 360-236-2868 or email Betty.Moe@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-23-122
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 18, 2022, 10:54 a.m.]

Subject of Possible Rule Making: WAC 182-501-0060 Health care coverage—Program benefit packages—Scope of service categories, and from the medical nutrition therapy chapter, WAC 182-555-0300 Eligibility; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency intends to amend these rules to provide medical nutrition therapy for certain at-risk adult medicaid clients. This coverage would align with Results Washington Goal 4 - Healthy and safe communities. During the course of this review, the health care authority 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 Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Korrina Dalke, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-2005, fax 360-586-9727, TRS 711, email korrina.dalke@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 18, 2022
Wendy Barcus
Rules Coordinator

WSR 22-23-127

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed November 21, 2022, 9:19 a.m.]

Subject of Possible Rule Making: Chapter 16-302 WAC, General rules for seed certification. The department is considering amending this chapter by:

Providing clarity and transparency:

- Making clerical, typographical, and formatting changes throughout the chapter to improve clarity and readability;
- Addressing inconsistencies throughout the chapter between crop standards;
- Removing references to chapters that have been previously repealed;
- Adding a new section for definitions;
- Correcting information within the tables to accurately reflect the current national standards; and
- Repealing WAC 16-302-390 since it contains references to fees that are no longer applicable.

Updating existing language:

- Aligning with other seed certification states for blended and mixture tagging of certified seed;
- Adding a Pacific Northwest sod quality seed standard and tagging process;
- More closely aligning with Association of Official Seed Certify[ing] Agencies (AOSCA) newly adopted seed and field standards for applicable crops produced in Washington;
- Adding standards for foundation classes in relation to maximum damaged seed, inert matter, splits, and weed seed maximums that are currently not listed;
- Adding language for standards that are currently in place, but not currently listed in rule;
- Adding an application deadline to meet the needs of dryland seed production; and
- Aligning weed seed scientific names with nomenclature updates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005, [15.49].021, [15.49].310, [15.49].370, and 15.140.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Making clerical/formatting changes, addressing inconsistencies between crop standards, removing references to repealed chapters, updating section numbers, adding definitions, correcting information within the tables, and repealing WAC 16-302-390 will provide stakeholders with the most accurate standards and allow them to conduct business more efficiently with the agency.

Aligning with other seed certification states for blended and mixture tagging of certified seed and adding a Pacific Northwest sod quality standard and tagging process will add uniformity among Washington, Oregon, and Idaho, making it easier for the grass industry to conduct business.

Sections which do not match the AOSCA standards are proposed to be updated for all applicable crop kinds to add unity among states and align with established national standards.

The current standards for production of field corn parent material is not in alignment with current industry practices or AOSCA field

standards. Adding definitions and standards to rule will better serve industry. This update will put into rule what is already in practice and define the expectation for field application and standards.

The current application due dates for seed production in dryland areas are unrealistic for industry to meet. The establishment of a quality crop takes additional time in the dryland areas compared to irrigated regions of the state. Adding application deadlines allowing for a petition for dryland production area to submit a late application will allow industry to better assess the crop establishment before submitting an application for seed certification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will notify AOSCA, Washington State Crop Improvement Association, Idaho Crop Improvement Association, Oregon Seed Certification, and the Oregon department of agriculture via email.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, including the Washington State Crop Improvement Association, Oregon Seed Certification, Idaho Crop Improvement Association, and individual seed companies that may be affected. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paula Moore, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone 509-314-1032, fax 509-545-4395, TTY 800-833-6388, email pmoore@agr.wa.gov, website <https://agr.wa.gov/Inspection/SeedInspection/ContactUs.aspx>.

Additional comments: Washington turfgrass commission is in favor of adding a Pacific Northwest sod quality exam and tags, in addition to aligning the blending standards and policy to align with Oregon state seed certification. The commission supports the proposal to make these updates to chapter 16-302 WAC.

November 16, 2022
Jessica Allenton
Assistant Director

WSR 22-23-135
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 21, 2022, 11:45 a.m.]

Subject of Possible Rule Making: WAC 182-550-4400 Services—Exempt from DRG payment; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending WAC 182-550-4400 to change a reference to the chemical-using pregnant (CUP) women program to the substance-using pregnant people program in subsection (2)(b). HCA is also amending subsection (2)(g) to reflect that HCA no longer denies payment for claims grouped to DRG 469 or DRG 470. 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, Rule-Making 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, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Craig, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-0938, fax 360-586-9727, TRS 711, email melissa.craig@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 21, 2022
Wendy Barcus
Rules Coordinator

WSR 22-23-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed November 21, 2022, 11:45 a.m.]

Subject of Possible Rule Making: Implementation of 2022 legislation (SSB 5722, chapter 177, Laws of 2022) directing commerce to adopt a state energy management and benchmarking requirement for "tier 2 covered buildings." Requirements will relate to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking and associated reporting and administrative procedures (including exemptions for financial hardship and an appeals process for administrative determinations, including penalties imposed by the department).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.250, 19.27A.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2022 legislation (in part codified in RCW 19.27A.250) requires commerce to adopt energy management and benchmarking requirements for covered commercial and multifamily buildings. Requirements will relate to energy management planning, operations and maintenance planning, and energy use analysis through benchmarking and associated reporting and administrative procedures (including exemptions for financial hardship and an appeals process for administrative determinations, including penalties imposed by the department).

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Liz Reichart, 1011 Plum Street S.E., phone 360-515-8194, email buildings@commerce.wa.gov, website <https://www.commerce.wa.gov/growing-the-economy/energy/buildings/>.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

November 21, 2022
Amanda Hathaway
Rules Coordinator

WSR 22-23-156
PREPROPOSAL STATEMENT OF INQUIRY
COMMISSION ON
JUDICIAL CONDUCT

[Filed November 22, 2022, 2:58 p.m.]

Subject of Possible Rule Making: Commission on judicial conduct public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Article IV, section 31(10) of the State Constitution.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Case law has established that the Public Records Act, chapter 42.56 RCW, with some exceptions not applicable here, does not apply to judicial branch records. Therefore, chapter 292-10 WAC regarding commission on judicial conduct public records is not legally applicable. The commission on judicial conduct was created under the State Constitution as an independent agency of the judicial branch. The commission will establish its own rule to facilitate access to commission records.

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

Process for Developing New Rule: The commission will propose new rules and repeal old rules, and will provide public notice of this rule making through its filings in the Washington State Register and through posting information on the commission's website at www.cjc.state.wa.us. During the public comment period, the commission will seek comment: (1) As shall be described in the anticipated rule-making proposal form (CR-102); (2) from persons who have requested notice of rule making; and (3) from persons who attend the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tanya Calahan, Rules Coordinator, P.O. Box 1817, Olympia, WA 98507, phone 360-753-4585, fax 360-586-2918, email RulesComments@cjic.state.wa.us, website www.cjc.state.wa.us.

November 22, 2022
J. Reiko Callner
Executive Director

WSR 22-23-163

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed November 23, 2022, 8:21 a.m.]

Subject of Possible Rule Making: Real estate appraisers (chapter 308-125 WAC). This rule making is to align state rule with recognized national industry guidance for real estate appraiser qualifications, allow for an alternative pathway to licensure, and other rule changes as identified during the review of this chapter of rule.

During the review of chapter 308-125 WAC, the agency will consider rule making as necessary to implement recently passed legislation, align rule to current policy or practice, correct references to law, improve readability of the rule, or make other changes identified during the review of the WAC section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.140.030 and 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is to align state rule with recognized national industry guidance for real estate appraiser qualifications, allow for an alternative pathway to licensure, and other rule changes as identified during the review of this chapter of rule. This rule making would be beneficial to real estate appraisers by allowing them to pursue licensure through an alternative pathway that is recommended in recognized national industry guidance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The agency is rule making in response to recently released national industry guidance. The ensuing agency analysis of the chapter of rule will identify necessary or desired rule changes, the agency will seek approval of the rule from the Washington state real appraiser commission, propose changes as necessary, and seek public comment.

Process for Developing New Rule: Negotiated rule making; and the department of licensing will review the chapter of rule for potential alignment with national industry guidance. The department will seek feedback from the Washington real estate appraiser commission, Appraiser Coalition of Washington, and other stakeholders identified during the rule review.

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 98501, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules.

November 23, 2022
Ellis Starrett
Rules and Policy Manager

WSR 22-23-164
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed November 23, 2022, 8:22 a.m.]

Subject of Possible Rule Making: Within chapter 308-83 WAC, Limousine services, the subject of rule making is WAC 308-83-010 Definitions.

During the review of WAC 308-83-010 Definitions, the agency may make rules to be more inclusive of modern vehicle sizes within the definitions of the limousine category.

During the review of chapter 308-83 WAC, the agency will consider rule making as necessary to implement recently passed legislation, align rule to current policy or practice, correct references to law, improve readability of the rule, or make other changes identified during the review of the WAC section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.72A.030(1), 42.04.274(1), and 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (DOL) has received a petition from a limousine services company requesting that the agency revise rules to allow for inclusion of modern vehicle sizes. Thus, the agency is considering rule making on WAC 308-83-010 to be more inclusive of modern vehicle sizes. Decreasing the wheelbase requirement for executive sedans and executive SUVs would allow for a greater range of modern vehicle sizes. Decreasing the capacity of executive vans for number of passengers behind the driver would allow for additional modern luxury vans to be included under the definition of a limousine.

The current definition of a limousine is putting undue burden on limousine services, especially as DOL is seeing more environmentally friendly vehicles and other modern luxury vehicles with either smaller wheelbase or seating capacity than the definitions allow for within the limousine category. This rule making is beneficial to, or requested or supported by the regulated entities, local governments, or businesses it affects.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOL, in consultation with the Washington state patrol, may develop this rule in coordination with other state agencies as identified during the review. These agencies may include the department of revenue, utilities and transportation commission, Washington state department of transportation, and Washington traffic safety commission. DOL may inform the relevant agencies of the rule making and encourage input.

Process for Developing New Rule: DOL is rule making in response to a petition. The ensuing agency analysis of chapter 308-83 WAC will identify necessary or desired rule changes; the agency will consult with relevant parties, propose changes as necessary, and seek public comment.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting [no information supplied by agency].

November 23, 2022
Ellis Starrett
Rules and Policy Manager