

WSR 23-04-080

AGENDA

DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 31, 2023, 8:46 a.m.]

The department of labor and industries' (L&I) prepares a semi-annual rules development agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is filed with the office of the code reviser for publication in the Washington State Register. This report details current and anticipated rule-making activities for L&I. This agenda is for informational purposes and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

L&I encourages the public to be involved in the rule-making processes by attending public hearings and submitting comments regarding rules. Rule-making information is available on the agency website at <https://www.lni.wa.gov/rulemaking-activity/>. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WADLI/subscriber/new>. Under "General," select "Rules Update."

Please contact Tracy West at 360-902-6954 or Tracy.West@lni.wa.gov if you have any questions.

KEY

CR: "Code reviser" on the rule-making forms, which are produced by the office of the code reviser for use by all state agencies.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making proposal filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

**Semi-Annual Rules Development Agenda
January 1 - June 30, 2023**

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
Division: Division of Occupational Safety and Health (DOSH)						
296-62 296-155	Lead	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.	4/19/16 16-09-092	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

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296-67	Process safety management of highly hazardous chemicals for petroleum refineries	The purpose of this rule making is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over 20 years and do not reflect current industry practices.	8/22/17 17-17-134	Anticipate filing spring 2023	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-52	Safety standards for possession, handling, and use of explosives	The purpose of this rule making is to update the safety standards concerning explosives in order to reflect technological advancements in explosives over the past 10 to 30 years, and better align with federal regulations. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among other sections.	1/23/18 18-03-162	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-307	Temporary worker housing (TWH)	The purpose of this rule making, in conjunction with the department of health (DOH), is to consider permanent amendments to further protect occupants in temporary worker housing and cherry harvest camps. In February 2020, Governor Inslee proclaimed a state of emergency in Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak, followed by proclamations and amendments. DOH and L&I also responded to the COVID-19 pandemic by adopting emergency rules (CR-103E) to protect occupants from COVID-19 hazards in licensed TWH.	9/10/20 20-19-050	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-820 296-307	Wildfire smoke	The purpose of this rule making is to develop new workplace safety and health rules regarding wildfire smoke. Some of the issues that may be addressed include: Identification of harmful exposures; communication; training and instruction; and control of harmful exposures. L&I filed emergency rules (CR-103E) on July 16, 2021 (WSR 21-15-067), to ensure these requirements were in place during the 2021 fire season while permanent rule making is ongoing. Emergency rules were filed again on June 1, 2022 (WSR 22-12-094), for the 2022 fire season.	10/20/20 20-21-093	Anticipate filing March 2023	Anticipate filing July 2023	Ryan Allen DOSH Standards Program 360-902-4758

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To be determined	Occupational exposures to infectious or contagious diseases (ESSB 5092)	The purpose of this rule making is to implement the requirements of 2021's ESSB 5092, section 220(8), to establish occupational health protections related to infectious diseases to ensure the state has general guidelines to follow in the case of an infectious disease outbreak. This would include when there is an outbreak subject to a public health emergency under a national or state-declared state of emergency.	5/13/21 21-11-051	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-155	Trenching rescue and excavation plan	The purpose of this rule making is to require employers to develop and implement a written excavation plan detailing appropriate risk analysis and rescue planning prior to beginning any work that requires a protective system (generally defined as any excavation four feet or deeper that is not in stable, solid rock).	6/22/21 21-13-140	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-155	Cranes, rigging, and personnel lifting	The purpose of this rule making is to amend the safety standards for cranes and derricks in construction, due in part to the federal Occupational Safety and Health Administration (OSHA) updating their standards. This rule making is also intended to provide clarity on L&I's interpretation of requirements related to crane decertification and reinstatement. In addition, state-initiated amendments will also be considered to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Due to OSHA updating their standard, prior rule-making preproposals regarding these subjects, initiated in 2018 and 2019, were withdrawn under WSR 21-14-078 and 21-14-079.	7/6/21 21-14-080	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

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296-62 296-307	Ambient heat exposure	<p>The purpose of this rule making is to consider occupational heat exposure hazards from high ambient temperatures in all industries, including outdoor and indoor exposures. Requirements considered, but not limited to, include: Trigger temperatures or another measure of environmental conditions stress to the human body such as the heat index or wet bulb globe temperature, time frames for when the rule is in effect, preventative measures (such as water, shade or other cooling means, and rest time/ breaks), emergency response measures, training, and planning.</p> <p>L&I filed emergency rules (CR-103E) for outdoor heat exposure on July 9, 2021 (WSR 21-15-017), to ensure requirements were in place during the summer of 2021 while permanent rule making was ongoing. Emergency rules were filed again on June 1, 2022 (WSR 22-12-095), for the summer of 2022.</p>	8/17/21 21-17-135	Anticipate filing February 2023	Anticipate filing June 2023	Ryan Allen DOSH Standards Program 360-902-4758
296-115	Safety requirements for charter boats	<p>The purpose of this rule making is to better align chapter 296-115 WAC, Safety requirements for charter boats, with chapter 88.04 RCW, the Charter Boat Safety Act; chapter 49.17 RCW, the Washington Industrial Safety and Health Act; and United States Coast Guard requirements under 46 C.F.R. In addition, this rule making will address items from an audit of the charter boat program.</p>	12/21/21 22-01-197	1/17/23 23-03-091	Anticipate filing 4/18/23	Ryan Allen DOSH Standards Program 360-902-4758
296-56	Longshore and waterfront operations and restrooms in ports and railyards (SHB 1706)	<p>The purpose of this rule making is to align the standard with SHB 1706 (RCW 70.54.480), passed by the legislature in 2022, regarding drayage truck operators' access to restrooms when operating in or on a port or rail yard property. New requirements will include access to restrooms and dedicated space for lactation. This rule making will also better align chapter 296-56 WAC with OSHA requirements for marine terminals in 29 C.F.R. 1917, Subpart A.</p>	9/6/22 22-18-081	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

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296-850	Beryllium	The purpose of this rule making is to update the standard regarding occupational exposure to beryllium, beryllium compounds, and dermal exposure issues to align with OSHA's final rule revising the beryllium standard for general industry, 29 C.F.R. 1910.1024, and OSHA's final rule occupational exposure to beryllium and beryllium compounds in construction and shipyard sectors, 29 C.F.R. 1915.1024 and 1926.1124.	N/A	1/17/23 23-03-092 (CR-105)	Anticipate filing 3/21/23	Ryan Allen DOSH Standards Program 360-902-4758
296-880	Unified safety standards for fall protection	The purpose of this rule making is to clarify how WAC 296-880-30005 Construction work, and WAC 296-880-40040 Warning line system requirements, work together when a safety monitor and/or warning line system may be used and to ensure alignment with 29 C.F.R. 1926.501 (b)(10).	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
286-305	Firefighters	The purpose of this rule making is to address a petition received related to personal protective equipment used in hazardous material response. This will also include a review of the wildland firefighting chapter and urban wildland interface firefighting. There are additional change log items that need to be addressed.	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-900	Daily penalties for violating an order of immediate restraint (OIR) (ESHB 1097)	Rule making is anticipated to implement the provisions of 2021's ESHB 1097 related to daily penalties for violating an OIR, including establishing inspection procedures and enforcement policies related to calculating penalties when OIRs and/or red tags are placed; and provide guidance on how to correctly calculate penalties arising from the placement of an OIR, or a red tag.	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
Division: Field Services and Public Safety						
296-150F	Factory-assembled structures (FAS): Factory-built housing and commercial structures	The purpose of this rule making is to update the rules regarding factory-built housing and commercial structures to include panelized construction. This rule making will include intent to make the rules related to E2SHB 1257—Energy efficiency, HB 1486—Delegation of authority, and SB 5383—Tiny homes.	7/2/19 19-14-106	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244

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296-96	Elevator rules (safety codes)	The purpose of this rule making is to consider adopting new safety codes from the 2019 edition of the American Society of Mechanic Engineers (ASME) A17.1/CSA B44 - 2019, Safety Code for Elevators and Escalators, and other related codes. The 2019 edition of ASME A17.1 would replace the current 2016 code. The elevator program is also considering updates, clarification, housekeeping, and other changes to the rules. This rule making excludes the rules with fees due to a separate rule making in progress.	10/19/21 21-21-088	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-400A	Plumber certification rules —Phase 3	The purpose of this rule making is to consider amendments under chapter 206-400A WAC, Plumber certification rules, in order to implement the legislative changes made within 2020's Plumbing Act (chapter 153, Laws of 2020, SB 6170), updates to continuing education, training programs, and other necessary updates to all plumbing rules.	1/18/22 22-03-073	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-46B	Electrical rules (SSB 6126 Good cause allowance)	The purpose of this rule making is to amend the qualifications for journey level electrician examinations in order to implement SSB 6126 (chapter 249, Laws of 2018). SSB 6126 enacted apprenticeship requirements for journey level electrician examination candidates that take effect July 1, 2023. SSB 6126 gives L&I the authority to permit applicants that have obtained experience and training equivalent to a journey level apprenticeship program to take the examination, if the applicant has "good cause" for not completing the minimum hours of work applicable on July 1, 2023 (RCW 19.28.195). L&I is authorized to exercise this discretion until July 1, 2025.	8/2/22 22-16-088	11/22/22 22-23-153	Anticipate filing 2/14/23	Alicia Curry Field Services and Public Safety 360-902-6244

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296-150C 296-150F 296-150P 296-150R 296-150V	FAS: Licensed professional plan reviews	The purpose of this rule making is to amend the FAS rules for design plan reviews by licensed professional engineers, architects, and firms for commercial coach trailers, factory-built housing and commercial structures, recreational park trailers, recreational vehicles, and conversion vendor units (food trucks and trailers). L&I filed emergency rules (CR-103E) on December 20, 2021 (WSR 22-01-190), to allow third-party reviews to take place to address the backlog of design plans. Emergency rules were filed again on April 19, 2022 (WSR 22-09-063), August 16, 2022 (WSR 22-17-070), and December 13, 2022 (WSR 23-01-038), to continue to address the backlog of design plans while permanent rules are being developed.	8/16/22 22-17-071	Anticipate filing February 2023	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-200A	Contractor registration— Classification updates	The purpose of this rule making is to consider updates to the definitions for specialty contractor classifications.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-46B	Electrical rules (code adoption)	The purpose of this rule making is to consider changes to adopt new safety codes from the 2023 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC), along with updates, housekeeping, and other rule changes.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
Division: Fraud Prevention and Labor Standards						
296-05	Apprenticeship rules (E2SSB 5600)	The purpose of this rule making is to update the apprenticeship rules in accordance with E2SSB 5600, which adds a sustainability assessment requirement to all new apprenticeship program applications and requires the Washington state apprenticeship and training council (WSATC) to establish industry sector-based platforms in eight areas.	5/3/22 22-10-067	Anticipate filing 2/28/23	Anticipate filing 5/23/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
296-140	Clean energy: Labor standards for tax incentives	The purpose of this rule making is to implement labor standard certification requirements for clean and renewable energy tax incentives under 2022's 2SHB 1988 and ESSB 5714. L&I filed emergency rules (CR-103E) on July 1, 2022 (WSR 22-14-094), to ensure requirements are in place on July 1, 2022, as required under the law.	6/21/22 22-13-148	Anticipate filing 2/28/23	Anticipate filing 5/23/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475

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296-128	Transportation network companies (TNC) corrections	The purpose of this rule making is to correct inadvertent errors in WAC 296-128-99050 and 296-128-99290 filed under WSR 22-24-034 and to update WAC 296-128-99030 for clarity. The proposed language clarifies that a 12-month period is an acceptable interpretation of the 365 calendar day requirement outlined in WAC 296-128-99030 (2)(g) adopted effective January 1, 2023.	N/A	1/17/23 23-03-093 (CR-105)	Anticipate filing 3/21/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
296-05	Apprenticeship rules: WSATC meetings	The purpose of this rule making is to allow for the rescheduling of regularly scheduled quarterly meetings of WSATC.	N/A	Anticipate filing 2/14/23 (CR-105)	Anticipate filing 4/18/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
296-05	Apprenticeship rule and statute alignment (SSB 6126)	The purpose of this rule making is to clarify that apprenticeship training programs are not required to accept all hours granted by L&I's electrical program, unless otherwise required by statute.	N/A	Anticipate filing 2/14/23 (CR-105)	Anticipate filing 4/18/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
Division: Insurance Services						
296-17 296-17A	Employment covered by RCW 51.32.187 (Department of Energy (DOE) Hanford site contractors)	The purpose of this rule making is to allow contractors of DOE working at the Hanford site to have their contractors and subcontractors covered under the state fund. L&I filed continuances on October 27 and November 6, 2020, ultimately extending the comment period to February 1, 2021, under WSR 20-22-038 and 20-23-017. The CR-102 proposal was withdrawn (WSR 21-04-019) due to the need for more stakeholder involvement and coordination. L&I will continue working with stakeholders to refine proposed rules for potential future rule making.	3/3/20 20-06-060	9/22/20 20-19-132 (withdrawn)	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	TNC workers' compensation reporting and classification (ESHB 2076)	The purpose of this rule making is to implement requirements of ESHB 2076 (2022) concerning rights and obligations of TNC drivers and TNCs. This new law provides workers' compensation insurance coverage to TNC drivers during platform dispatch and passenger dispatch time, among other rights and protections.	8/23/22 22-17-127	12/6/22 22-24-088	Anticipate filing 2/14/23	Jo Anne Attwood Employer Services 360-902-4777

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296-17 296-17A	Reporting and classification amendments for 2024	The purpose of this rule making is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in numbers and reviewed classification and reporting rules for improvement and clarification.	Anticipate filing 5/2/23	Anticipate filing 8/22/23	Anticipate filing 11/21/23	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17B	Industrial insurance premium rates 2024	The purpose of this rule making is to establish the premium rates and experience rating parameters for calendar year 2024.	Anticipate filing 6/20/23	Anticipate filing 9/19/23	Anticipate filing 11/30/23	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Drywall classification rules rewrite	The purpose of this rule making is to rewrite the drywall classification rules for clarity and ease of administration for our customers.	To be determined	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-23	Independent medical examinations (IMEs) (ESSB 6440)	The purpose of this rule making is to create new rules required by ESSB 6440 to address how to accommodate an injured worker if no approved independent medical examiner in the specialty needed is available in a reasonably convenient location, as well as how telemedicine IMEs may be used.	10/6/20 20-20-111	Anticipate filing 4/18/23	Anticipate filing 8/22/23	Kristen Baldwin-Boe Health Services Analysis 360-902-6815
296-20 296-23	Medical aid rules —Conversion factors	The purpose of this rule making is to update rates for most professional health care services for injured workers, which are published annually in the medical aid rules and fee schedules.	12/20/22 23-01-117	Anticipate filing 3/21/23	Anticipate filing 5/23/23	Megan Lemon 360-902-5161 Bob Mayer 360-902-5021 Health Services Analysis
296-21	Master's level therapists (MLT) pilot	The purpose of this pilot rule making is to allow MLTs to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot began on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.	12/3/19 19-24-087	To be determined	To be determined	Suzy Campbell Legal Services 360-902-5003

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296-14	Verification for presumptive coverage of frontline employees and health care workers (ESSBs 5115 and 5190)	The purpose of this rule making is to implement ESSBs 5115 and 5190 (2021 legislative session), which establish presumptive coverage for frontline workers subject to a public health emergency under RCW 51.32.181 and 51.32.390. This rule making will create rules to clarify what is and is not verification of contraction of an infectious or contagious disease for frontline workers that is the subject of a public health emergency. The rules also clarify what is and is not verification of contraction or quarantine of an infectious or contagious disease for health care workers that is the subject of a public health emergency.	6/21/22 22-13-149	10/18/22 22-21-119	Anticipate filing 2/28/23	Jordan Ely Legal Services 360-902-4616
296-14	Presumptive coverage of posttraumatic stress disorder (PTSD) as an occupational disease (SSB 6214 and SHB 2758)	The purpose of this rule making is to implement SSB 6214 (2018) which updated RCW 51.08.142 and 51.32.185 and added a new section to chapter 51.08 RCW, and to implement SHB 2758 (2020), which also amended RCW 51.08.142. This rule making will add specified industries and presumption to WAC 296-14-300. This rule making provides for coverage of mental conditions or mental disabilities that specify pain primarily as a psychiatric symptom or that are characterized by excessive or abnormal thoughts, feelings, behaviors, or neurological symptoms [that] are not clinically related to occupational exposure. PTSD qualifies as such a medical condition and is covered as an occupational disease for certain industries.	7/19/22 22-15-091	11/22/22 22-23-145	Anticipate filing 4/4/23	Jordan Ely Legal Services 360-902-4616
296-14	Pension discount rate (PDR) 2023	The purpose of this rule making is to lower PDR to better align with the rate of return for long-term treasuries for self-insured pensions. PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.	8/2/22 22-16-089	11/22/22 22-23-146	1/31/23 23-04-078	Suzy Campbell Legal Services 360-902-5003

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296-20	Reopening workers' compensation claims (SHB 1902)	The purpose of this rule making is to implement SHB 1902 (2022), which amended RCW 51.28.040 Application for change in compensation. This rule making will allow reopening of workers' compensation claim up to 120 days prior to receipt of the application when certain criteria are met. This criteria includes when the provider does not complete and file the application within 60 days of medical services, and the worker submits the application within 30 days of medical services without medical completion.	8/23/22 22-17-126	12/6/22 22-24-087	Anticipate filing 2/14/23	Suzy Campbell Legal Services 360-902-5003
296-20	Osteopathic physician assistants	The purpose of this rule making is to make language on physician assistants in the medical aid rules consistent with language in SHB 2378 (chapter 80, Laws of 2020). This bill amends some sections in the DOH Title 18 RCW by deleting references to "osteopathic physician assistants" and repealing chapter 18.57A RCW, Osteopathic physician assistants. Effective July 1, 2022, all physician assistants will be regulated under chapter 18.71A RCW Physician assistants.	N/A	To be determined (CR-105)	To be determined	Jami Lifka Office of the Medical Director Jami.Lifka@ Lni.wa.gov
296-17B	Retrospective rating for workers' compensation insurance	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.	11/5/13 13-22-071	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17B	Retrospective rating for workers' compensation insurance— Common ownership (pilot)	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.	8/5/15 15-16-132	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967

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296-17 296-17B	Retrospective rating insurance tables update	<p>The purpose of this rule making is to consider updating the retrospective rating insurance tables. When WAC 296-17B-010 was updated in 2017, L&I made a commitment to "repeat the studies that resulted in the hazard group assignments and changes to retrospective plan tables that are shown in WAC 296-17-901, 296-17B-300, 296-17B-560, 296-17B-830, and 296-17B-910 through 296-17B-990. The repeated studies will determine whether the results are consistent with the expectation of improved fairness in the distribution of the retrospective rating refunds among participants. These repeated studies will be done by April 1, 2020. L&I will evaluate and if necessary update the tables beginning at WAC 296-17B-910 every five (5) years" (WSR 17-12-020).</p>	4/20/22 22-09-085	Anticipate filing 3/21/23	Anticipate filing 5/23/23	Jessica Nau Retrospective Rating 360-902-5694

WSR 23-04-081

AGENDA

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed January 31, 2023, 8:50 a.m.]

Following is the department of social and health services (DSHS) semi-annual rule-making agenda for January 1 - June 30, 2023. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/office-of-the-secretary/dshs-semi-annual-rule-making-agenda>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

**Semi-Annual Rule-Making Agenda
January 1 - June 30, 2023**

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
Aging and Long-Term Support Administration					
Home and Community Services (HCS) Division					
	Chapter 388-106 WAC	The department is planning to add a new section in long-term services and supports presumptive eligibility and may amend other related rules as may be required.	WSR 21-09-071 Filed 4/20/2021		
	388-106-0010	The department is considering amending WAC 388-106-0010 What definitions apply to this chapter?, 388-106-0130 How does the department determine the number of hours I may receive for in-home care?, and other related rules as required.	WSR 22-12-084 Filed 5/31/2022		
	388-71-0503 388-106-0010 388-106-0060 388-115-0516	The department is planning to amend WAC to support the passage of the SB 5866, an act relating to medicaid long-term services and supports eligibility determinations being completed by federally recognized Indian tribes. The department is planning to amend the following WAC: What definitions apply to WAC 388-71-0500 through 388-71-05640?, What definitions apply to this chapter?, Who must perform the assessment?, What are the responsibilities of the consumer-directed employer when providing care to a client?, and other related rules as required.	WSR 22-13-116 Filed 6/16/2022		
	New chapter 388-112B WAC	During the 2017 legislative session, HB [ESHB] 1548 was codified as RCW 74.39A.080, resulting in the department considering adding new chapter 388-112B WAC, relating to curricula for persons in long-term care facilities with behavioral health needs. The department may amend other related rules as required.	WSR 22-14-034 Filed 6/27/2022		
	388-71-0992	WAC 388-71-0992 When must continuing education be completed when public health emergency waivers are lifted, and what continuing education credit is granted to long-term care workers employed during the pandemic? Proposing to correct a WAC reference.		WSR 22-16-026 Filed 7/25/2022	
	388-106-0270 388-106-0274	The department is planning to amend "What services are available under community first choice (CFC)?", "Are there limits to the assistive technology I may receive?", and other related rules as may be required.	WSR 22-17-014 Filed 8/04/2022		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-112A-0081 388-71-0876	WAC 388-71-0876 When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including required specialty training? and 388-112A-0081 When must long-term care workers who were working or hired during the COVID-19 public health emergency complete training, including required specialty training? The department is requiring that long-term care workers (LTCWs) complete training and certification by certain dates in response to the COVID-19 public health emergency. The department divided the group of LTCWs into cohorts based on the employee's date of hire or rehire. The rule requires each cohort to complete the requirements by deadlines in rule with the "oldest" LTCWs having the first deadline and then working through the groups chronologically. The department is extending the deadline of the first cohort by folding them into the second cohort deadline.			WSR 23-04-055 Filed 1/27/2023 WSR 22-22-043 Filed 10/26/2022
	388-106-1900 388-106-1910 388-106-1915 388-106-1933 Chapter 388-106 WAC	What definitions apply to medicaid alternative care (MAC) and tailored support for older adults (TSOA)?, Am I eligible for TSOA services?, What services may I receive in MAC and TSOA?, How is the GetCare screening scored to determine if I am eligible for MAC and TSOA services, and other related rules as may be required. The department is considering amending chapter 388-106 WAC to update definition language, add additional services that are included in the 1115 waiver renewal, clarify eligibility, and update language.	WSR 22-24-108 Filed 12/07/2022		
Management Services Division					
	Chapter 388-96 WAC	The department intends to amend chapter 388-96 WAC regarding its nursing facility medicaid methodology to implement a low-wage worker wage equity funding, verification, and other related rules as may be required.	WSR 22-13-097 Filed 6/14/2022		
Residential Care Services Division					
	Chapter 388-78A WAC	The department is considering adding new sections and repealing and amending existing sections in "Assisted living facility licensing rules" to consolidate the rules related to background checks, negative actions, and character, competence, and suitability (CC&S) determinations between HCS, RCS, and the developmental disabilities administration (DDA).	WSR 18-17-159 Filed 8/21/2018		
	Chapter 388-97 WAC	The department is considering adding new sections and repealing and amending existing sections in "Nursing homes" including WAC 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as may be required.	WSR 18-17-175 Filed 8/22/2018		
	Chapter 388-76 WAC	The department is considering adding new sections and repealing and amending existing sections in "Adult family home minimum licensing requirements."	WSR 18-17-177 Filed 8/22/2018		
	Chapter 388-97 WAC	The department is proposing to add new sections, repeal existing sections, and amend sections in "Nursing homes" related to tuberculosis (TB) screening.	WSR 19-18-051 Filed 8/30/2019		
	Chapter 388-107 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in "Licensing requirements for enhanced services facilities" related to TB screening.	WSR 19-18-059 Filed 9/3/2019		
	Chapter 388-76 WAC	The department is planning to add new sections, repeal existing sections, and amend sections in "Adult family home minimum licensing requirements" related to TB screening.	WSR 19-18-061 Filed 9/3/2019		
	Chapter 388-78A WAC	The department is planning to add new sections, repeal existing sections, and amend sections in "Assisted living facility licensing rules" related to TB screening.	WSR 19-18-062 Filed 9/3/2019		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	Chapter 388-76 WAC	The department is considering amending to incorporate ESHB 1023, 2020 regular session, into the rules.	WSR 20-08-110 Filed 3/31/2020	WSR 23-04-046 Filed 1/26/2023	
	388-107-0460 388-76-10265 388-76-10285 388-76-10290 388-78A-2480 388-78A-2484 388-78A-2485	The department is temporarily repealing or amending WAC 388-76-10265, 388-76-10285, 388-76-10290(1), 388-78A-2480(1), 388-78A-2484, 388-78A-2485(1), 388-101D-0650(1), 388-101D-0660(3), 388-107-0460(1), and 388-107-0490 to assure [ensure] long-term care programs are not significantly impeded during the hiring process due to inability to access the TB testing required as a part of the hiring process (COVID-19).	WSR 20-16-069 Filed 7/29/2020		WSR 22-07-004 Filed 3/3/2022 WSR 21-23-015 Filed 11/5/2021 WSR 21-15-113 Filed 7/21/2021 WSR 21-07-109 Filed 3/23/2021 WSR 20-24-060 Filed 11/24/2020 WSR 20-16-102 Filed 7/31/2020 WSR 20-09-009 Filed 4/2/2020
	388-97-1260	The department is considering amending WAC 388-97-1260 Physician services, and other related rules as may be required to identify the period of time that portions of the rule were held in suspension during the declared emergency of COVID-19 per the Governor's Proclamation 20-05.	WSR 20-17-133 Filed 8/18/2020		
	388-97-0300	The department is considering amending WAC 388-97-0300 Notice of rights and services, and other related rules as may be required to identify the period of time that portions of the rule were held in suspension during the declared emergency of COVID-19 per the Governor's Proclamation 20-05.	WSR 20-19-009 Filed 10/7/2020		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-97-1915 388-97-1975 388-97-0920	The department is amending WAC 388-97-1915 and 388-97-1975 and repealing WAC 388-97-0920 to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak.	WSR 21-11-062 Filed 5/14/2021		WSR 23-03-048 Filed 1/10/2023 WSR 22-19-023 Filed 9/13/2022 WSR 22-11-078 Filed 5/17/2022 WSR 22-09-014 Filed 4/11/2022 WSR 22-01-166 Filed 12/16/2021 WSR 21-18-065 Filed 8/26/2021 WSR 21-11-018 Filed 5/10/2021 WSR 21-08-055 Filed 4/5/2021 WSR 21-01-035 Filed 12/7/2020 WSR 20-17-048 Filed 8/11/2020 WSR 20-09-074 Filed 4/13/2020
	Chapter 388-107 WAC	The department is considering amending chapter 388-107 WAC and other related rules as may be required to implement SHB 2448 (chapter 278, Laws of 2020).	WSR 20-10-091 Filed 5/05/2020		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	Chapter 388-97 WAC	The department is amending rules in chapter 388-97 WAC to assure [ensure] nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak.	WSR 20-21-034 Filed 10/12/2020		WSR 22-11-088 Filed 5/18/2022 WSR 22-04-038 Filed 1/26/2022 WSR 21-20-134 Filed 10/6/2021 WSR 21-13-069 Filed 6/14/2021 WSR 21-05-059 Filed 2/16/2021 WSR 20-21-086 Filed 10/21/2020 WSR 20-14-026 Filed 6/23/2020
	388-97-1380 388-97-1580	The department is amending WAC 388-97-1380 and 388-97-1580 to assure [ensure] nursing homes are not obstructed from offering the COVID-19 vaccine to residents and staff because of clinical interference from required TB testing.	WSR 21-11-061 Filed 5/14/2021		WSR 21-18-064 Filed 8/26/2021 WSR 21-11-069 Filed 5/17/2021 WSR 21-04-020 Filed 1/25/2021
	Chapter 388-97 WAC	The department is considering adding a new section in nursing homes and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-046 Filed 7/1/2021		
	388-97-1080 388-97-1090	The department is considering amending nursing services, direct care hours, and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-049 Filed 7/1/2021		
	388-97-1660	The department is considering amending staff and equipment and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-14-051 Filed 7/1/2021		
	Chapter 388-107 WAC	The department is considering adding a new section in licensing requirements for enhanced services facilities (ESF) and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-17-121 Filed 8/17/2021		
	Chapter 388-78A WAC	The department is considering adding a new section in assisted living facility (ALF) licensing rules and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-17-123 Filed 8/17/2021		
	Chapter 388-76 WAC	The department is considering adding a new section in adult family home (AFH) minimum licensing requirements and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).	WSR 21-18-001 Filed 8/18/2021		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-97-0120 388-97-0130 388-97-0140	The department is amending WAC 388-97-0140 to waive and suspend the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal of the nursing home transfer or discharge decision. The COVID-19 pandemic continues to require more rapid transfers and discharges than the rule permits. This emergency rule waives the requirement for nursing homes to suspend transfers and discharges pending the outcome of a resident appeal hearing and improves resident safety by allowing faster grouping of COVID-19-positive residents in one facility or grouping asymptomatic residents together. This helps expedite infection control processes and maximizes the availability of nursing home beds. Also, WAC 388-97-0120 and 388-97-0130.	WSR 22-08-060 Filed 4/4/2022		WSR 22-23-155 Filed 11/22/2022 WSR 22-16-063 Filed 7/29/2022 WSR 22-08-062 Filed 4/4/2022 WSR 22-01-072 Filed 12/10/2021 WSR 21-24-069 Filed 11/30/2021
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections to SHB 1218. The department may amend other related rules as necessary. The department is considering amending the rules to adopt requirements for providers to publicly post stop placement orders, adopt requirements for providers to create and maintain resident rosters, as well as responding to requests from ombuds for roster information, incorporate new definition of resident representative, replace the phrase "his or her" with appropriate gender-neutral terms.	WSR 22-04-046 Filed 1/26/2022		
	Chapters 388-76, 388-78A, 388-97, 388-107 WAC	The department is considering amending to implement specific sections in SHB 1218. The department may amend other related rules as necessary to meet the legislative intent of SHB 1218. The department is considering amending the rules to add requirements related to facility communication systems, resident access to communications, and facility responsiveness to outside communications, comprehensive disaster preparedness plans, related policies and procedures, equipment for a range of potential hazards, emergencies, and disasters, visitation of essential support persons, and residents' rights to a safe and healthy environment.	WSR 22-04-047 Filed 1/26/2022		
	388-107-0080 388-76-10350 388-78A-2100	Because of the ongoing COVID-19 public health emergency, on January 18, 2022, HCS temporarily suspended conducting ongoing assessments for HCS clients living in AFHs, ALFs, and ESFs. The intent of this suspension is to allow HCS staff to focus on conducting assessments in hospitals, which will facilitate their discharge to long-term care facilities and improve the current surge capacity in hospitals. This emergency rule suspends the regulatory requirement for these facilities to complete assessments for HCS clients while the HCS assessors are not available. The Centers for Medicare and Medicaid Services (CMS) approved this flexibility for medicaid beneficiaries needing specific long-term care services and supports whose assessments meet the requirements under 42 C.F.R. 441.720. The emergency rule will be effective retroactively to match the suspension effective date by HCS.	WSR 22-13-121 Filed 6/17/2022		WSR 22-21-088 Filed 10/14/2022 WSR 22-13-185 Filed 6/22/2022 WSR 22-06-042 Filed 2/24/2022
	Chapter 388-76 WAC	The department is considering amending AFH minimum licensing requirements to address a process gap that occurs when residents transfer or discharge from AFHs 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.	WSR 22-23-041 Filed 11/8/2022		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	Chapter 388-76 WAC	The department is considering amending the following section in AFH minimum licensing requirements: WAC 388-76-10750 Safely [Safety] and maintenance. The intent is to provide clarity about access to hand sanitizer in compliance with infection control, safety, and maintenance regulations in AFHs. Homes must meet infection control requirements while also ensuring resident safety. The department may amend other related rules as appropriate.	WSR 22-24-012 Filed 11/29/2022		
Behavioral Health Administration					
	Chapter 388-878 WAC	The department is planning to amend to develop rules for a leave of absence and the procedures for program removal and program end and update definitions. The department may add new rules or amend other related rules as may be required.	WSR 22-21-057 Filed 10/12/2022		
Special Commitment Center (SCC)					
	388-880-010 388-880-055 388-880-056 388-880-059	The department is amending How SCC considers a resident for release to an LRA, How SCC considers a resident's revocation of LRA status, How SCC considers a recommendation for a resident's unconditional discharge, Communicating and coordinating resident discharge and conditional release related matters, and possible other sections as required. WAC 388-880-010 Definitions and 388-880-055 added before CR-102.	WSR 22-19-078 Filed 9/20/2022	WSR 23-01-074 Filed 12/15/2022	
DDA					
	388-101D-0065 388-845-2205 388-845-1615 Chapter 388-825 WAC	The department is planning to amend WAC 388-101D-0065, 388-845-2205, 388-845-1615, chapter 388-825 WAC, and other related rules as may be required.	WSR 21-21-113 Filed 10/20/2021 WSR 20-14-029 Filed 6/23/2020	WSR 23-03-013 Filed 1/6/2023	
	388-101D-0200	WAC 388-101D-0200 and other related rules as may be required regarding suspending and terminating a client's residential services.	WSR 21-03-042 Filed 1/14/2021		
	388-829B-200 388-829B-300 388-829B-400	WAC 388-829B-200, 388-829B-300, and 388-829B-400 and other rules as may be required. Planning to amend sections in chapter 388-829B WAC to expand enhanced case management capacity as directed by the legislature. During the course of the review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR 22-16-066 Filed 7/29/2022	WSR 23-01-058 Filed 12/14/2022	
	388-101D-0190 388-101D-0195 388-101D-0200	WAC 388-101D-0190, 388-101D-0195, and 388-101D-0200 dealing with suspending and terminating a client's residential services and to clarify and update policy and other related rules as may be required.	WSR 22-17-115 Filed 8/22/2022		
	Chapter 388-845 WAC	These changes are necessary to implement amendments to DDA's home and community-based services (HCBS) waivers as approved by CMS. Major changes to the chapter: Adjust the yearly limits applicable to certain waivers, add assistive technology to multiple waivers, remove the positive behavior support and consultation services from all waivers except the community protection waiver, amend the definition of the specialized evaluation and consultation services, and make other changes necessary to implement amendments to DDA's HCBS waivers as approved by CMS.	WSR 22-18-073 Filed 9/2/2022		WSR 23-02-022 Filed 12/27/2022 WSR 22-18-046 Filed 8/30/2022
	388-828-1520	WAC 388-828-1520 and other related rules as may be required.	WSR 22-22-013 Filed 10/20/2022		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	Chapters 388-829C and 388-829R WAC	DDA is planning to amend to allow companion home providers to access respite through overnight planned respite service providers and to access planned respite from residential habilitation centers. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.	WSR 22-22-078 Filed 10/31/2022		
	Chapter 388-829Z WAC	Create new chapter 388-829Z WAC to create regulations for the transitional support services provided at the Rainier School.	WSR 22-23-032 Filed 11/7/2022		WSR 22-24-076 Filed 12/5/2022 WSR 22-22-089 Filed 11/1/2022
Economic Services Administration					
Community Services Division					
	388-412-0025	The department is planning to amend How do I receive my benefits? and other related rules as may be required.	WSR 21-07-128 Filed 3/23/2021 WSR 20-22-077 Filed 11/3/2020		
	388-439-0005 388-439-0015 388-439-0020 388-439-0025	The department is adopting What is the pandemic EBT program?, Eligibility of pandemic EBT benefits for the 2020-2021 school year, and General information about pandemic EBT benefits. Also added WAC 388-439-0020 and 388-439-0025.	WSR 21-23-108 Filed 11/17/2021	WSR 23-03-096 Filed 1/17/2023	WSR 22-24-057 Filed 12/1/2022 WSR 22-16-097 Filed 8/2/2022 WSR 22-07-068 Filed 3/18/2022 WSR 21-23-112 Filed 11/17/2021 WSR 21-16-017 Filed 7/23/2021 WSR 21-08-010 Filed 3/26/2021
	388-464-0001	The department is planning to amend WAC 388-464-0001 Am I required to cooperate with quality assurance? and other related rules as may be required.	WSR 21-19-117 Filed 9/20/2021	WSR 22-22-100 Filed 11/2/2022 WSR 22-19-093 Filed 9/21/2022	
	388-434-0015	The department is adopting WAC 388-434-0015 Waiver of mid-certification reviews during the COVID-19 pandemic, to implement administrative flexibilities regarding mid-certification reviews as allowed under the Families First Coronavirus Response Act (H.R. 6201), extended via the Continuing Appropriations Act (H.R. 8337).	WSR 22-10-008 Filed 4/22/2022		WSR 22-10-038 Filed 4/27/2022 WSR 22-03-045 Filed 1/12/2022

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-410-0020 388-410-0030 388-446-0015	The department is planning to amend What happens if I receive more basic food, FAP, or WASHCAP benefits than I am supposed to receive?, How does the department calculate and set up my basic food, FAP, or WASHCAP overpayment?, What is an intentional program violation and administrative disqualification hearing for basic food?, and other related rules as required.	WSR 22-13-019 Filed 6/3/2022		
	388-454-0006	The department is planning to amend "The department makes background checks on adults who are acting in place of a parent without court-ordered custody" and other related rules as may be required (in loco parentis).	WSR 22-14-027 Filed 6/24/2022		
	388-412-0015 388-450-0185 388-450-0190 388-450-0195 388-470-0005 388-478-0060	The department is adopting emergency amendments to General information about your food assistance allotments, What income deductions does the department allow when determining if I am eligible for food benefits?, How does the department figure my shelter cost income deduction for basic food?, 388-450-0195 Does the department use my utility costs when calculating my basic food or WASHCAP benefits?, 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?, and 388-478-0060 What are the income limits and maximum benefit amounts for basic food? The United States Department of Agriculture, Food and Nutrition Services has issued annual updates to standards for the federal fiscal year 2023, effective October 1, 2022. These updates affect the standard deduction, shelter deduction, homeless shelter deduction, utility deduction, minimum and maximum allotments, and resource limits for the basic food program.	WSR 22-20-084 Filed 10/3/2022	WSR 23-04-045 Filed 1/26/2023	WSR 23-04-051 Filed 1/27/2023 WSR 22-20-070 Filed 9/30/2022
	388-444-0055	The department is planning to amend WAC 388-444-0055 What are the penalties if I refuse or fail to meet basic food work requirements? and other related rules as appropriate.	WSR 22-20-075 Filed 09/30/2022	WSR 23-03-049 Filed 1/10/2023	
	388-450-0015 388-470-0045 388-470-0055	The department is planning to amend What types of income are not used by the department to figure out my benefits?, How do my resources count towards the resource limits for cash assistance?, How do my resources count towards the resource limit for basic food?, and other related rules as may be required	WSR 22-21-071 Filed 10/13/2022	WSR 23-02-028 Filed 12/28/2022	
	388-460-0005	The department is planning to amend WAC 388-460-0005 Can I choose someone to apply for basic food for my assistance unit?, and other related rules as appropriate.	WSR 22-22-020 Filed 10/21/2022	WSR 23-03-046 Filed 1/10/2023	
	388-437-0015	The department is proposing to repeal good cause extension of Social Security number (SSN) requirement for basic food applicants during COVID-19. Federal flexibility waiver expired September 30, 2022; SSN good cause rules are found in WAC 388-476-0005 and based on federal rules.		WSR 22-23-033 Filed 11/7/2022	
	388-310-0100 388-450-0165	WorkFirst—Purpose and Gross earned income limit for TANF/SFA. These amendments revise obsolete policy language that was not updated when related TANF laws changed in 1999. With the passage of P.L. 104-193, there is no longer a requirement under federal law for a pregnant person with no other eligible child to be in their third trimester to qualify for TANF. In addition, these amendments remove references to the "general assistance for pregnant women," which is not a current public assistance program that provides WorkFirst services.		WSR 22-24-099 Filed 12/6/2022	

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-412-0040	Can I get my benefits replaced? to issue replacement benefits to households whose cash benefits were either cloned or skimmed between March 1 and December 31, 2022. Loss in benefits must be reported to and verified by the department no later than March 31, 2022, and the department will provide a one-time replacement of no more than \$300.			WSR 23-02-011 Filed 12/22/2022
	388-61-001	How does the family violence amendment affect me if I am getting TANF/SFA?		WSR 23-04-073 Filed 1/30/2023	
Division of Child Support (DCS)					
	[388-14A-3375]	DCS is proposing to amend WAC 388-14A-3375 What kinds of credits does the division of child support give when establishing or enforcing an administrative support order?	WSR 21-20-048 Filed 9/28/2021		
	[Chapter 388-14A WAC]	DCS proposes to amend, adopt, or repeal, as needed, various sections in chapter 388-14A WAC to make the administrative support establishment process more efficient and user-friendly as we: (1) Implement ESSB 6037 (chapter 6, Laws of 2018, which adopted the 2017 version of the Uniform Parentage Act) and the technical corrections made to that bill by SSB 5333 (chapter 46, Laws of 2019); and (2) update terminology and clarify and streamline the rules and procedures regarding parentage to conform with current state and federal laws.	WSR 22-15-050 Filed 7/15/2022		
Office of the Secretary, Chief of Staff, and Headquarters Units					
	Chapter 388-01 WAC	OIG - organization, disclosure of public records, and other related rules as appropriate.	WSR 22-14-033 Filed 6/27/2022		
Division of Vocational Rehabilitation (DVR)					
	388-891A-0610 388-891A-0890	The department is amending to remove references in WAC to post-employment services provided by DVR as being available to the customer post exit.	WSR 22-12-030 Filed 5/24/2022		WSR 23-02-044 Filed 12/30/2022 WSR 22-18-090 Filed 9/7/2022 WSR 22-11-034 Filed 5/11/2022

Katherine Vasquez
Rules Coordinator

WSR 23-05-003

NOTICE OF PUBLIC MEETINGS

BENTON CLEAN AIR AGENCY

[Filed February 1, 2023, 2:58 p.m.]

Board of Directors
Meeting Schedule for Calendar Year 2023

Meetings are held on the fourth Thursday of each month, with three noted exceptions, at 5:00 p.m., at the agency offices, 526 South Steptoe Street, Kennewick, WA 99336 and via Zoom.

2023	
January 26	
February 23	
March 23	
April 27	
May 25	
June 22	
July 27	
August 24	Canceled
September 28	
October 26	
November 23	Canceled
December 14***	Second Thursday

WSR 23-05-009

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed February 2, 2023, 1:03 p.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Simulation Use and Clinical Training for Medical Assistants-Certified. Policy Number: PS22-01.

Issuing Entity: Department of health, medical assistant program.

Subject Matter: Providing guidance and options for completion of clinical hours for the medical assistant-certified credential training programs.

Effective Date: October 28, 2022.

Contact Person: Becky McElhiney, medical.assistants@doh.wa.gov, 360-236-4766.

WSR 23-05-011
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Dental Quality Assurance Commission)
 [Filed February 2, 2023, 4:23 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the revised schedule of regular meetings for the department of health (DOH), dental quality assurance commission (commission), for the year 2023. The commission meetings are open to the public, and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via dental commission GovDelivery email list and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the commission reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
January 20, 2023	10:00 a.m.	TBD
March 10, 2023	10:00 a.m.	TBD
April 28, 2023	10:00 a.m.	TBD
June 16, 2023	10:00 a.m.	TBD
July 28, 2023	10:00 a.m.	TBD
September 8, 2023	10:00 a.m.	TBD
October 27, 2023	10:00 a.m.	TBD
December 8, 2023	10:00 a.m.	TBD

If you need further information, please contact Amber Freeberg, Program Manager, DOH, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, email dental@doh.wa.gov, web www.doh.wa.gov.

Please be advised the commission is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the commission, including personal information, may ultimately be subject to disclosure as a public record.

WSR 23-05-012

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed February 2, 2023, 4:37 p.m.]

Pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011, on February 1, 2023, the industrial statistician determined and published on the internet the statewide prevailing rates of wage. These rates become effective 30 days from publication on March 3, 2023.

For more information on prevailing wage or a copy of the rates, please visit our website at <https://lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/> or call 360-902-5335.

WSR 23-05-020

PUBLIC RECORDS OFFICER

CENTRAL WASHINGTON UNIVERSITY

[Filed February 6, 2023, 10:00 a.m.]

Pursuant to RCW 42.56.580, the public records officer for Central Washington University is Toni Burvee, Director, Business Services, 400 East University Way, Ellensburg, WA 98926-7474, phone 509-963-2335, fax 509-963-2336, email Toni.Burvee@cwu.edu.

A. James Wohlpart
President

WSR 23-05-024

AGENDA

DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 7, 2023, 9:55 a.m.]

SEMI-ANNUAL RULE-MAKING AGENDA

January - June 2023

This is the semi-annual rule-making agenda from the department of retirement systems (DRS) for publication in the Washington State Register pursuant to RCW 34.05.314.

As conditions warrant, additional rule-making activity may occur beyond what is listed on this agenda. For questions, please contact Bianca Stoner, Rules Coordinator, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, email bianca.stoner@drs.wa.gov.

WAC Citations	Subject Matter/Purpose of Rule	Current Activity/Anticipated Activity Dates		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
415-104-111 415-104-109 (New)	Law enforcement officers' and firefighters' (LEOFF) Plan 2 return to work options: To clarify language regarding the benefit options available to LEOFF Plan 2 retirees and members who return to work in a DRS covered position.	WSR 22-11-025 Filed 5/10/2022	CR-102 - TBD	TBD
415-112-640 (New)	Teachers' retirement system (TRS) Plan 2 and 3 disability benefits: To clarify TRS Plan 2 and 3 disability retirement benefits, including eligibility and application requirements.	WSR 21-12-098 Filed 6/2/2021	CR-102 - TBD	TBD
415-02-380	Nonspousal survivor benefit option: To comply with Internal Revenue Service (IRS) regulations governing nonspousal survivor benefits from a retirement plan.	WSR 21-04-142 Filed 2/3/2021	CR-102 - TBD	TBD
415-108-710 415-110-710 415-112-525	Retiree employment in an ineligible position: Eligibility for retirement requires a 30-day separation from covered employment. This amendment will clarify whether the 30-day separation requirement is met if the member has been employed in a position that is ineligible for membership in a retirement plan.	WSR 20-24-128 Filed 12/2/2020 Please note: We plan to rescind this CR-101.	Not applicable because we plan to rescind the CR-101 for this rule.	Not applicable because we plan to rescind the CR-101 for this rule.
TBD	Public safety employees' retirement system (PSERS) disability benefits: To support the implementation of HB [ESHB] 1669 from the 2022 legislative session regarding PSERS disability benefits.	CR-101 - TBD	CR-102 - TBD	TBD
415-02-115 415-02-325 415-108-710 415-110-710 415-112-525	Retiree return to work limits for retirees from public employees' retirement system (PERS), TRS, and school employees' retirement system (SERS) return to work option: To support the implementation of HB [ESHB] 1699 from the 2022 legislative session, which allows individuals who retired from PERS, TRS, or SERS to have additional opportunities to work for a school district for up to 1,040 hours per school year until July 1, 2025, while still receiving pension benefits.	WSR 23-04-065 Filed 1/30/2023	CR-102 - TBD	TBD
TBD	LEOFF Plan 1 and 2 benefit enhancements: To support the implementation of SHB 1701 and SB [SSB] 5791 from the 2022 legislative session, which add benefit enhancements to LEOFF Plan 1 and 2.	WSR 20-24-128 Filed 12/2/2020 Please note: We plan to rescind this CR-101 soon, then file a new CR-101 to add making a modification to meet IRS requirements to the scope of this rule-making activity.	CR-102 - TBD	TBD
415-104-480	LEOFF Plan 2 medical reimbursement: To clarify what type of medical premiums are available for reimbursement for a LEOFF Plan 2 member who is catastrophically disabled in the line of duty.	CR-101 - TBD	CR-102 - TBD	TBD

WAC Citations	Subject Matter/Purpose of Rule	Current Activity/Anticipated Activity Dates		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
415-501-110 415-501-315 415-501-410 415-501-415 415-501-416 415-501-420 415-501-430 415-501-435 415-501-475 415-501-480 415-501-485 415-501-486 415-501-495 415-501-510 415-501-600 415-02-177 415-02-178	Roth 457 option for deferred compensation plan (DCP): To support the implementation of EHB 1752 from the 2022 legislative session, which adds a Roth option for DCP customers.	WSR 23-03-021 Filed 1/9/2023	CR-102 July 2023	CR-103 August 2023
415-02-261 (New)	Disclaiming beneficiary benefits: Clarifies how any disclaimed benefits will pass to other beneficiaries and/or to the member's estate.	WSR 22-21-126 Filed 10/18/2022	WSR 23-03-035 Filed 1/9/2023	TBD
415-02-075 (New)	Retirement record corrections: Clarifies how DRS can correct a member's record when DRS has under- or overpaid a member.	WSR 22-21-120 Filed 10/18/2022	WSR 23-03-036 Filed 1/9/2023	TBD

Bianca Stoner
Rules Coordinator

WSR 23-05-025

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Applied Behavior Analysis Advisory Committee)

[Filed February 7, 2023, 10:52 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is a revised schedule of regular meetings for the department of health (DOH) applied behavior analysis advisory committee (committee) for the year 2023. The committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2023, we are assuming that all meetings will be held virtually.

Date	Time	Location
February 3, 2023	10:00 a.m.	Microsoft Teams (physical location TBD)
June 2, 2023	10:00 a.m.	Microsoft Teams (physical location TBD)
October 6, 2023	10:00 a.m.	Microsoft Teams (physical location TBD)

If you need further information, please contact Kendra Pitzler, Program Manager, DOH, Applied Behavior Analysis Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email Kendra.Pitzler@doh.wa.gov, web www.doh.wa.gov.

Please be advised the committee is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 23-05-026
PUBLIC RECORDS OFFICER
OFFICE OF
INDEPENDENT INVESTIGATIONS
[Filed February 7, 2023, 11:07 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Office of Independent Investigations is Joanna Carns, P.O. Box 40270, Olympia, WA 98504-0270, 360-764-3168, Joanna.carns@oii.wa.gov.

Jane Nesbitt
Chief of Staff

WSR 23-05-027

AGENDA

OFFICE OF

FINANCIAL MANAGEMENT

[Filed February 7, 2023, 11:19 a.m.]

Following is the office of financial management's (OFM) semi-annual rule-making agenda for publication in the Washington State Register. This list identifies rules under development and rules with anticipated rule-making action during the next six months.

This agenda is available on OFM's website at <https://ofm.wa.gov/about/rule-making-activities>. The information on the OFM website is updated as rule-making notices are filed. If OFM should begin rule-making activities for a rule not listed on the attached agenda, that information will also be posted.

If you have any questions, please contact Nathan Sherrard at Nathan.Sherrard@ofm.wa.gov or 360-972-6551. If you have specific questions about state personnel rules, these can readily be addressed by Brandy Chinn with OFM rules and appeals. Brandy can be reached at Brandy.Chinn@ofm.wa.gov or 360-407-4141.

**Semi-Annual Rule-Making Agenda
January 1 through June 30, 2023**

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/Approximate Filing Date
357-16-017 357-19-377 357-19-380	Wage and salary, amend chapters 357-16 and 357-19 WAC to align with chapter 242, Laws of 2022 (ESSB 5761).	CR-102 filing anticipated in June.
357-31-480	Housekeeping in nature.	CR-102 filing anticipated in June.
357-31-500	Amend WAC 357-31-500 to remove the reference to "permanent employee" to align with Washington state law against discrimination.	CR-102 filing anticipated in June.
357-58-141	Location-based premium cleanup, amend WAC 357-58-141 to clarify when a Washington management service employee must receive location-based premium pay.	CR-102 filing anticipated in June.
Chapter 357-31	Health Labor Emergency Standards Act (HELSEA), amend chapter 357-31 WAC to align with HELSEA.	CR-102 filing anticipated in June.

David Schumaker
Director

WSR 23-05-028
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Child Support)
[Filed February 7, 2023, 11:19 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34-05-230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Policy Clarification Memo (PCM) 23-002: Using the Office of Child Support Enforcement (OCSE) Communication Center.

Subject: DCS PCM 23-002.

Effective Date: January 23, 2023.

Document Description: This PCM explains how staff use the OCSE Communication Center.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-05-030
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Child Support)
[Filed February 7, 2023, 11:20 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34-05-230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Policy Clarification Memo (PCM) 23-003: Change to the Self-Support Reserve.

Subject: DCS PCM 23-003.

Effective Date: February 6, 2023.

Document Description: This PCM explains the 2023 change to the self-support reserve amount.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-05-033

NOTICE OF PUBLIC MEETINGS

OFFICE OF CIVIL LEGAL AID

(Civil Legal Aid Oversight Committee)

[Filed February 7, 2023, 4:23 p.m.]

The civil legal aid oversight committee (committee) established by RCW 2.53.010 will meet and conduct business on the following dates during calendar year 2021 [2023]:

Friday, March 31, 2023

Friday, June 30, 2023

Friday, October 6, 2023

Friday, December 15, 2023

Meetings generally run from 10:30 a.m. to 1:00 p.m. Specific meeting times and agendas will be published prior to each meeting and materials will be available on the committee's website at <http://ocla.wa.gov/oversight-committee>. All meetings will be virtual and open to the public except for those portions for which the committee may meet in executive session. Virtual meeting links will be posted on the committee's website at least 10 days prior to the meeting.

Access for Persons With Disabilities/Requests for Accommodation: The committee complies with applicable laws ensuring access for persons with disabilities. Upon request, the committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of physical, mental, cognitive, or other disabilities. We request that you let us know at least one week in advance if you need interpreter services or assistive technology.

Contact: For further information about these meetings and/or to request reasonable accommodation, please contact James A. Bamberger, Director, office of civil legal aid, 360-485-1530, jim.bamberger@ocla.wa.gov.

WSR 23-05-036

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

(Agricultural and Seasonal Workforce Services Advisory Committee)

[Filed February 8, 2023, 7:47 a.m.]

Meeting Dates

February 2023 - January 2024

Third Wednesday at 1:00 p.m., unless otherwise indicated

Date	Location	Notes
February 15, 2023	Virtual	^Recorded meeting
March 15, 2023	Granger	KDNA 121 Sunnyside Avenue Granger, WA 98932
April 19, 2023	Virtual	^Recorded meeting
May 17, 2023	Virtual	^Recorded meeting
June 21, 2023	Granger	Cosecha Court Community Room 416 East 5th Street Granger, WA 98932
July 19, 2023	Virtual	^Recorded meeting
August 16, 2023	Virtual	^Recorded meeting
September 20, 2023	Granger	Cosecha Court Community Room 416 East 5th Street Granger, WA 98932
October 18, 2023	Virtual	^Recorded meeting
November 15, 2023	Granger	KDNA 121 Sunnyside Avenue Granger, WA 98932
January 17, 2024	Virtual	^Recorded meeting

Per vote of the agricultural and seasonal workforce services advisory committee members, meetings are being recorded as of the May 21, 2020, meeting.

^RECORDING DISCLAIMER: This meeting may be recorded. Please be advised that if the meeting is recorded, your image will be captured and recorded during the videoconference. Your participation in this videoconference equals consent to be recorded as required by law. Questions about the collection may be addressed to Agriculture and Seasonal Workforce Services, 815 North Kellogg Street, Suite D, Kennewick, WA 99336.

WSR 23-05-046

DEPARTMENT OF

NATURAL RESOURCES

(Committee on Geographic Names)

[Filed February 9, 2023, 3:28 p.m.]

Pursuant to RCW 43.30.294, the following geographic names have been adopted by the Board and filed with the State Register:

Smith Island: Island; 0.08 acres; located in the middle of Island Lake 2 miles North of the City of Shelton; Named for Bill Smith who acquired the island on April 19, 1955 and transferred the island to the Island Lake Foundation in 2011 prior to his death on 12/11/2011; Mason County, Washington; Sec 6, T20N, R3W, Willamette Meridian; 47°14'54.851"N, 123°6'53.441"W; USGS map - Shelton 1:24,000; Approved 12/4/2018.

Littleneck Beach: Beach; 1,600 feet long, extending 800 ft. in either direction from the mouth of Dean Creek, 0.25 miles NW of Blyn; The Jamestown S'Klallam Tribe named the beach for the littleneck clams that live there; Clallam County, Washington; Sec 12, T29N, R3W, Willamette Meridian; 48°1'33.38"N, 123°0'33.018"W; USGS map - Sequim 1:24,000; Approved 2/5/2019.

Howard Point: Cape; 1.2 acres; located in the City of Olympia on the E side of East Bay, 1.2 mi. SE of Priest Point; Named for Alexander (1810?-1890) and Rebecca (1827-1881) Howard, African-American pioneers and business owners whose home was located near the cape in the 1860s and 1870s; Thurston County, Washington; Sec 11, T18N, R2W, Willamette Meridian; 47°03'20"N, 122°53'39"W; USGS map - Tumwater 1:24,000. Approved 2/5/2019.

Saddle Gap: Gap; 1,985 ft. elevation; located 0.5 miles SW of the City of Wenatchee.; The name is descriptive, as the gap and nearby summit resemble a saddle, name replaces Squaw Saddle; Chelan County, Washington; Sec 16, T22N, R20E, Willamette Meridian; 47°24'4.353"N, 120°20'20.211"W; USGS map - Wenatchee 1:24,000; Approved 10/1/2019.

Saddle Rock: Summit; 1,980 ft. elevation; located 0.5 miles SW of the City of Wenatchee; The name is descriptive, as the summit and nearby gap resemble a saddle; Chelan County, Washington; Sec 16, T22N, R20E, Willamette Meridian; 47°24'4.836"N, 120°20'26.27"W USGS map - Wenatchee 1:24,000; Approved 10/1/2019.

Traitors Islet: Island; 85 acres; located 1 mile NE of the town of South Arbor at the mouth of Johns River; Named by the Wilkes Expedition in 1841 because Native Americans hired by Wilkes refused to work and threatened violence; Grays Harbor County, Washington; Sec 36, T17N, R11W, Willamette Meridian; 46°54'36.38"N, 124°0'12.906"W USGS map - Westport 1:24,000; Approved 10/1/2019.

LeCuyer Creek: Stream; 0.6 mi. long; heads at 1.6 miles NW of Indianola at 47°46'8.084"N, 122°32'43.693"W, flows SW into Miller Bay at 47°45'41.326"N, 122°33'12.939"W; Named for Jim LeCuyer (1953-2012) who was the Hydrologist and Water Resource Manager for the Kitsap PUD for 28 years; Kitsap County, Washington; Sec 4 and 9, T26N, R2E, Willamette Meridian; 47°45'41.326"N, 122°33'12.939"W USGS map - Port Gamble 1:24,000; Approved 10/1/2019.

- Nason Bach:** Stream; 0.2 mi. long; heads 1.5 mi. SE of Merritt at 47°46'17"N, 120°48'37"W, flows S then E into an unnamed stream proposed to be named Wald Bach, 1.6 mi. SE of Merritt; The word "bach" is German for brook or stream and reflects the German theme of Leavenworth, located thirteen miles to the S/SE; Sec 11, T26N, R16E, Willamette Meridian; Chelan County, Washington; 47°46'11"N, 120°48'31"W; USGS map - Lake Wenatchee 1:24,000; Approved 3/3/2020.
- Wald Bach:** Stream; 0.1 mi. long; heads 1.9 mi. SSE of Round Mountain at 47°46'15"N, 120°48'30"W, flows SSW into Nason Creek 2 mi. SSE of Round Mountain; The name is German for "forest" and "stream" and reflects the German theme of Leavenworth thirteen miles to the S/SE; Sec 11, T26N, R16E, Willamette Meridian; Chelan County, Washington; 47°46'09"N, 120°48'32"W; USGS map - Lake Wenatchee 1:24,000; Approved 3/3/2020.
- Páatstel Creek:** Stream; 4 mi. long; heads 2 mi. NE of Lynden at 48°58'52.415"N, 122°23'25.169"W, flows SE/E into Johnson Creek at 48°58'9.411"N, 122°19'45.22"W; "Páatstel" is a the Nooksack name for this creek, which was associated with a historical Nooksack village located near the source of the creek; Whatcom County, Washington; Sec 2,11,12,13, T40N, R3E, Sec 7,8,18, T40N, R4E, Willamette Meridian; 48°58'9.411"N, 122°19'45.22"W USGS map - Lynden and Sumas 1:24,000; Approved 3/3/2020.
- Riley Cove:** Bay; approx. 50 acres; on the N coast of Mercer Island in Lake Washington; The name commemorates Huston "Hu" Riley (d. 2011). Mr. Riley is the US soldier who appears in the famous "The GI in the Surf" photograph, taken on D Day June 6, 1944; King County, Washington; Sec 1, T24N, R4E, Willamette Meridian; 47°35'37.34"N, 122°14'15.972"W; USGS map - Mercer Island 1:24,000; Approved 1/4/2022.
- Rabbit Chase Creek:** Stream; 1.4 mi. long; heads at Lawson Lake 4.9 mi. NW of False Bay at 48°32'49.46"N, 123°7'23.079"W, flows SE into an unnamed creek at 48°32'4.139"N, 123°6'12.231"W; There is a large population of rabbits in the area, and landowners would chase rabbits to the creek edge for capture and sale to meat markets in Seattle; San Juan County, Washington; Sec 7,17,18, T35N, R3W, Willamette Meridian; 48°32'4.139"N, 123°6'12.231"W USGS map - Friday Harbor 1:24,000; Approved 1/4/2022.
- Barney Kolker Canyon:** Valley; 3 mi. long, running SW to NE; located 4.3 mi. NW of Seven Mile at 47°49'37"N, 117°31'15"W; Named for Bernard "Barney" Kolker who was one of the original homesteaders in the area. The proposed name fixes a spelling error, as the feature is labeled "Barney Coker Canyon" on USGS Maps; Stevens & Spokane County, Washington; Sections 20,21,28,29,30, T27N, R42E, Willamette Meridian; 47°49'37"N, 117°31'15"W USGS Map - Nine Mile Falls 1:24,000; Approved 1/4/2022.
- Holland Marsh:** Swamp; 8 acres; located 3.8 mi SW of Granite Falls at 48°2'21.966"N, 121°54'49.484"W; Name commemorates Andy Holland (d. 2008). Mr. Holland was an Everett Community College Forestry and Mathematics Professor, and community leader; Snohomish County, Washington; Sec 33, T30N, R7E, Willamette Meridian; 48°2'21.966"N, 121°54'49.484"W USGS map - Granite Falls 1:24,000; Approved 7/5/2022.

- Basket Island:** Island; approx. 0.15 acres; located in West Sound off Orcas Island, NE of Picnic Island; the name is associated with the adjacent Picnic Island; San Juan County, Washington; Sec 9 T36N R2W, Willamette Meridian; 48°37'43"N, 122°57'28"W USGS map - Eastsound 1:24,000; Approved 7/5/2022.
- Cayou Channel:** Bay; approx. 1.5 sq. miles; located between Shaw Island and Orcas Island in San Juan County; Name would honor Henry Cayou (1869-1959). Mr. Cayou was a prominent member of the commercial fishing industry and processing plant in Deer Harbor and farmed on Decatur Island; San Juan County, Washington; Sec 21,22,23,24,26, and 27, T36N, R2W, Willamette Meridian; 48°35'23.653"N, 122°55'44.763"W; USGS map - Shaw Island 1:24,000. Approved 7/5/2022.
- Chaenn Hill:** Locale; located 1 mile N of the City of Tenino at 46°52'49.483"N, 122°50'44.559"W; The proposed name would correct the current incorrect spelling of "Chain Hill." The area was originally named in honor of Charles Chaenn, who purchased 80 acres in 1884; Thurston County, Washington; Sec 7, T16N, R1W, Willamette Meridian; 46°52'49.483"N, 122°50'44.559"W; USGS map - East Olympia; Approved 7/5/2022.
- Rizeor Lake:** Lake; 7.1 acres; located on WDFW property in the Rendezvous Wildlife Area Unit, part of the Methow Wildlife Area, 2.7 miles NW of the town of Winthrop at 48°30'20.993"N, 120°13'35.208"W; The name commemorates Henry Rizeor (b. 1849). Mr. Rizeor homesteaded on the property surrounding the lake, and used the lake for irrigation purposes; Sec 28, T35N, R21E, Willamette Meridian; Okanogan County, Washington; 48°30'20.993"N, 120°13'35.208"W; USGS map - Lewis Butte 1:24,000; Approved 10/4/2022.
- Kloke Peak:** Summit; 6,480 ft. elevation; located in the Twin Sisters Mountain Range in the Mt Baker - Snoqualmie National Forest at 48°41'39.616"N, 121°59'13.327"W; The proposed name would commemorate Dallas Kloke (d. Sept of 2010) who first summited the peak in September of 1972; Whatcom County, Washington; 48°41'39.616"N, 121°59'13.327"W; USGS map - Twin Sisters Mountain; Approved 10/4/2022.
- Reeds Bay:** Bay; located on SW end of Decatur Island at 48°29'38.31"N, 122°49'7.35"W; Named for the Reed family who settled on the bay in the 1860's. Tacee and her husband John P. Reed were the first settlers on Decatur Island.; San Juan County, Washington; Sec 28, T35N, R1W, Willamette Meridian; 48°29'38.31"N, 122°49'7.35"W USGS map - Lopez Pass 1:24,000; Approved 1/17/2023.
- Wenaha Peak:** Summit; 5,950 ft elevation; located in the Wenaha-Tucannon Wilderness Area in the Umatilla National Forest at 46°1'49.38"N, 117°53'30.16"W; Name references nearby North Fork Wenaha River ("Wenaha" is a Cayuse place name); Columbia County, Washington; Sec 2, T6N, R39E, Willamette Meridian; 46°1'49.38"N, 117°53'30.16"W USGS Map - Deadman Peak 1:24,000; Approved 1/17/2023.
- Noskeliikuu:** Stream; 0.75 miles in length, heads in the Olympic National Park at 47°37'40.00"N, 123°39'17.00"W, flows NE into North Fork Quinault River at 47°38'7.32"N, 123°38'42.65"W; Name means "the place where the whale dropped" after an event witnessed by

Quinault ancestors in the area. The proposed name for the feature has been used in oral histories for at least four generations; Jefferson County, Washington; Sec 36, T25N, R8E, Willamette Meridian; 47°38'7.32"N, 123°38'42.65"W USGS Map - Kimta Peak 1:24,000; Approved 1/17/2023.

Sq'wanana: Island; 1.5 acres located in the Columbia River 2.2 miles N NW of the City of Dallesport at 45°38'54.43"N, 121°11'53.26"W; The name references a legend story of "two sitting on lap." These islands are within the Yakama Lands and in the Traditional Territories of the Wishxam and Klickitat bands; Klickitat County, Washington; T2N, R13E, Willamette Meridian; 45°38'54.43"N, 121°11'53.26"W USGS Map - The Dalles North 1:24,000; Approved 1/17/2023.

Condon Mountain: Summit; 3,444 ft. elevation, located in the Colville Indian Reservation at 48°10'58.99"N, 119°3'52.09"W; The name commemorates the Condon family, a well-established and widely recognized tribal name, particularly in the Kartar Valley; Okanogan County, Washington; Sec 17, T31N, R30E, Willamette Meridian; 48°10'58.99"N, 119°3'52.09"W USGS Map - Armstrong Creek 1:24,000; Approved 1/17/2023.

Aalvic Wahtum: Lake; 3.9 acres located 2.5 miles SW of the City of Stevenson at 45°40'25.11"N, 121°55'55.12"W; Lucille Aalvic was a Yakama tribal member who resided in Stevenson and had the Yakama Nation enrollment #1. Lucille was an active tribal member living along the Columbia River during the time when the Bonneville Dam was constructed and removed from her original family site by the US Army Corp. of Engineers; Skamania County, Washington; Sec 10, T2N, R7E, Willamette Meridian; 45°40'25.11"N, 121°55'55.12"W; USGS Map - Bonneville Dam 1:24,000; Approved 1/17/2023.

Pataniks Pushtye: Summit; 4565 ft. in elevation, located in the Gifford Pinchot National Forest at 46°7'1.39"N, 121°48'8.34"W; Name means "child of the woman twin buttes Lulukash." Yakama legendary stories related to a mother and child. This area is also associated with deer and know for camas and huckleberry harvesting; Skamania County, Washington; Sec 4, T7N, R8E, Willamette Meridian; 46°7'1.39"N, 121°48'8.34"W; USGS Map - Lone Butte 1:24,000; Approved 1/17/2023.

Timla Wapykt: Stream; 2.7 miles long located in the Gifford Pinchot National Forest. Heads at 46°18'25.00"N, 121°38'37.00"W, then flows E then S to enter the Cispus River at 46°20'8.42"N, 121°40'17.31"W; Name means "little heart mountain," and is located in the traditional territory of the Klickitat, one of the signatory tribes of the Yakama Nation.; Skamania County, Washington; Sec 22, T10N, R9E, Willamette Meridian; 46°20'8.42"N, 121°40'17.31"W; USGS Map - East Canyon Ridge 1:24,000; Approved 1/17/2023.

Shluxiksikswana: Stream; 2.8 miles long, heads in the Gifford Pinchot National Forest at 45°45'17.713"N, 121°41'28.392"W, flows E to enter the Little White Salmon River at 45°44'48.455"N, 121°38'20.486"W; The name originates from the village known as "the eating place" at the end of the small drainage. This is a Klickitat village location that was also visited by Wishxam; Chelan County, Washington; Sections 14,15, T27N, R16E, Willamette

Meridian; 47°50'0.40"N, 120°49'25.03"W; USGS Map - Lake Wenatchee 1:24,000; Approved 1/17/2023.

Sngilt Creek: Stream; 1.8 miles long; heads on the edge of the Colville National Forest at 48°53'42.68"N, 117°49'36.95"W and flows SE to enter the Columbia River at 48°54'44.00"N, 117°51'22.00"W 2 miles W of the town of Northport; "Sngilt" is an Indian word for the area above Little Dalles to Northport, in the traditional territory of the Lakes Tribe; Stevens County, Washington; Sections 3,4,10, T39N, R39E, Willamette Meridian; 48°54'44.00"N, 117°51'22.00"W USGS Map - Northport 1:24,000; Approved 1/17/2023.

Nathaniel Sargent Lake: Lake; 10.5 acres, located 2.5 miles NE of the town of Tahuya at 47°24'17.539"N, 123°2'6.887"W; Name commemorates Nathaniel Sargent (d. 1954) who was born into slavery. Nathaniel Sargent settled in Seabeck and was elected a justice of the peace in the late 19th century after homesteading there; Mason County, Washington; Sec 15, T22N, R3W, Willamette Meridian; 47°24'17.539"N, 123°2'6.887"W; USGS Map - Lilliwaup 1:24,000; Approved 2/7/2023.

Rodney White Slough: Swamp; 18 acres, located 2 miles N of the town of Tahuya at 47°23'53.098"N, 123°3'10.473"W; Name commemorates Rodney White (d. 1913) who was born into slavery in Missouri. Rodney White came to Mason County in 1890 and had a farm and ranch, and cut some of the roads in the area that are still used to this day; Mason County, Washington; Sec 15, T22N, R3W, Willamette Meridian; 47°23'53.098"N, 123°3'10.473"W; USGS Map - Lilliwaup 1:24,000. Approved 2/7/2023.

South Tucannon Spring: Spring; located in the Wenaha-Tucannon Wilderness area in the Umatilla National Forest at 46°7'26.50"N, 117°35'11.24"W; The name was selected by the U.S. Dept. of Interior as part of an effort to replace feature names containing the derogatory term "squaw"; Garfield County, Washington; Section 31, T8N, R42E, Willamette Meridian; 46°7'26.50"N, 117°35'11.24"W USGS Map - Diamond Peak 1:24,000; Approved 2/7/2023.

Gooseberry Creek: Stream; 2 miles long; heads at 48°35'18.16"N, 119°0'6.49"W and flows S to enter Frosty Creek at 48°33'52.70"N, 119°0'17.00"W 1.5 miles W of the town of Aeneas. The name was selected by the U.S. Dept. of Interior as part of an effort to replace feature names containing the derogatory term "squaw"; Okanogan County, Washington; Sec 17, T31N, R30E, Willamette Meridian; 48°10'58.99"N, 119°3'52.09"W USGS Map - Bailey Creek 1:24,000; Approved 1/19/2023.

WSR 23-05-050
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed February 10, 2023, 12:08 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS AP 10.05.00: Information Security Risk Management.

Subject: DCS AP 10.05.00.

Effective Date: January 30, 2023.

Document Description: This DCS policy incorporates federal, state, and departmental information security requirements for managing information security risks.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-05-051

CLEMENCY AND PARDONS BOARD

[Filed February 10, 2023, 12:38 p.m.]

2023 Quarterly Hearing Dates

The Washington state clemency and pardons board hereby gives notice of the quarterly hearing dates and times scheduled for 2023 to be held via Zoom or in person at a location TBD¹:

¹ Please note that these hearing dates, times, and locations may be subject to change depending on room availability and the number of petitions set for hearing during each quarter.

Date	Time	Location
March 9, 2023	9:00 a.m.	Via Zoom
March 10, 2023	9:00 a.m.	Via Zoom
June 8, 2023	9:00 a.m.	TBD
June 9, 2023	9:00 a.m.	TBD
September 7, 2023	9:00 a.m.	TBD
September 8, 2023	9:00 a.m.	TBD
December 7, 2023	9:00 a.m.	TBD
December 8, 2023	9:00 a.m.	TBD

WSR 23-05-057

CLEMENCY AND PARDONS BOARD

[Filed February 10, 2023, 2:00 p.m.]

The Washington state clemency and pardons board hereby gives notice of its quarterly hearings scheduled for March 9 and 10, 2023, via virtual hearing, starting at 9:00 a.m.¹ The following petitions will be considered by the board:

¹ Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.

March 9, 2023

Petitioner:	County of Conviction:	Relief Requested:
Lennon, David John	Benton	Commutation
Martin, William Gary	Spokane	Commutation
McDaniel, Mary Jo	Pierce	Commutation

March 9, 2023 (morning), <https://www.tvw.org/watch/?clientID=9375922947&eventID=2023031041>.

March 9, 2023 (afternoon), <https://www.tvw.org/watch/?clientID=9375922947&eventID=2023031042>.

March 10, 2023

Petitioner:	County of Conviction:	Relief Requested:
Hutcheson, James Elbert	King	Commutation
Goode, Carlton	Pierce	Pardon
Lewis, Ray Albert	King	Commutation

March 10, 2023 (morning) <https://www.tvw.org/watch/?clientID=9375922947&eventID=2023031043>.

March 10, 2023 (afternoon) <https://www.tvw.org/watch/?clientID=9375922947&eventID=2023031044>.

WSR 23-05-084

**NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION**

[Filed February 14, 2023, 1:57 p.m.]

The Washington state parks and recreation commission (WSPRC) will be holding their regularly scheduled commission work session virtually on March 1, 2023. Please note that this is an online meeting. We will be providing a meeting space for the public to watch at the WSPRC Headquarters, 1111 Israel Road S.W., Olympia, WA 98504. Staff and commissioners will be attending virtually.

You may participate remotely by listening and/or watching using the following link on TVW <https://www.tvw.org/watch/?clientID=9375922947&eventID=2023031012>.

You can find the agenda and presentations on our website <https://parks.state.wa.us/154/Commission-meetings-agendas>.

The public is invited to attend, but no public comment will be taken. No decisions will be made by the commission at the work session.

The work session will be from 5:30 to 7:30 p.m.

A recording is retained by WSPRC as the formal record of meeting. The recording is accessible on the park's website approximately one week after the meeting - Commission meetings & agendas | Washington State Parks and Recreation Commission [contact agency for link].

WSR 23-05-085
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Filed February 14, 2023, 1:58 p.m.]

Following is the schedule of regular meetings for the Washington coastal marine advisory council (council) for 2023.

Date	Time	Location*
March 8, 2023	9:30 a.m.	Virtual
June 14, 2023	9:30 a.m.	Virtual or Port of Grays Harbor Commission Chambers Room 111 South Wooding Street Aberdeen, WA 98520
September 13, 2023	9:30 a.m.	Virtual or Port of Grays Harbor Commission Chambers Room 111 South Wooding Street Aberdeen, WA 98520
December 6, 2023	9:30 a.m.	Virtual or Port of Grays Harbor Commission Chambers Room 111 South Wooding Street Aberdeen, WA 98520

*The final meeting location, duration, and details on how to attend virtual meetings will be updated on the council website (listed below) at least seven days before each meeting.

Information about the council can also be found on the website at <https://www.ezview.wa.gov/?alias=1962&pageid=37058>.

If you need further information, contact Casey Dennehy, P.O. Box 47600, Olympia, WA 98504-6700 [7600], 360-688-0142, casey.dennehy@ecy.wa.gov.

WSR 23-05-088

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF ECOLOGY

[Filed February 14, 2023, 2:18 p.m.]

Notice of Interpretive and Policy Statements

Under chapter 42.56 RCW, ecology maintains an index that includes interpretive and policy statements issued by the agency. Under RCW 34.05.230, we are filing notice in the Washington State Register about these statements.

To obtain copies of these items, please:

- Copy and paste the web address (URL) from the table below into a web browser to view and download; or
- Submit an email records request to ecology's public records officer at PublicRecordsOfficer@ecy.wa.gov following the instructions on the Public Records Requests web page at <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>.

New Statements:

Title of Interpretive/Policy Statement	Web Link (if applicable)
Identification of Overburdened Communities Highly Impacted by Air Pollution (Section 3 of the Climate Commitment Act)	https://fortress.wa.gov/ecy/publications/summarypages/2302016.html

WSR 23-05-094

HEALTH CARE AUTHORITY

[Filed February 15, 2023, 9:05 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendments (SPAs) 23-0012 and 23-0013 Community Behavioral Support Services.

Effective Date: July 1, 2023.

Description: The health care authority (HCA) intends to submit medicaid SPAs 23-0012 and 23-0013 to amend the 1915(i) section of the medicaid state plan for home and community-based service benefits regarding behavioral health personal care (BHPC). The new community behavioral health support services (CBHS) will be implemented as a covered medicaid benefit if approved by the Centers for Medicare and Medicaid Services (CMS).

- SPA 23-0012 will amend the financial eligibility for individuals seeking CBHS to disregard income equal to the difference between 150 percent of the federal poverty level and 300 percent of the federal benefit rate.
- SPA 23-0013 will amend Attachment 3.1-F Part 2 to add CBHS to the list of benefits that the managed care organizations (MCOs) are responsible for when the client is in managed care.

SPAs 23-0012 and 23-0013 are being submitted at the request of CMS to accompany SPA 22-0007, which has been submitted to CMS to amend Washington's 1915(i) section of the medicaid state plan for home and community-based service benefits regarding BHPC, in compliance with legislative direction. HCA filed notice of its intent to submit SPA 22-0007 under WSR 22-01-142.

SPAs 23-0012 and 23-0013 are expected to increase the annual aggregate cost/payment for CBHS, which includes protective oversight and supervision and direct skill development or restoration. HCA will set rates to be paid for these new services in both the managed care and fee-for-service delivery models. HCA will utilize its established rate-setting methodologies. The costs/payments associated with these new services will increase because HCA forecasts an increase in the number of clients eligible for these services. However, specific data is not currently available.

SPAs 23-0012 and 23-0013 are in the development process. To request a copy when they become available or to submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: SPA 23-0012: Paige Lewis, paige.lewis@hca.wa.gov; SPA 23-0013: Jessica Diaz, Jessica.diaz@hca.wa.gov; Medicaid Programs Division, 626 8th Avenue S.E., Olympia, WA 98501, TRS 711.

WSR 23-05-100

NOTICE OF PUBLIC MEETINGS

EVERETT COMMUNITY COLLEGE

[Filed February 15, 2023, 10:01 a.m.]

Following is the schedule of regular meetings for the Everett Community College for 2023:

Date	Time	Location
January 17, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
March 21, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
May 16, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
June 20, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom

If you need further information, please contact Lisa Corner, 2000 Tower Street, Everett, WA 98201, 425-388-9202.

WSR 23-05-103
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed February 15, 2023, 10:08 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS AP 1.21: DCS Building Visitor Sign-in.

Subject: DCS AP 1.21.

Effective Date: February 13, 2023.

Document Description: This DCS administrative policy explains procedures for signing in visitors and DCS staff who do not have key card access or a work station in a DCS building.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-1520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-05-105
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed February 15, 2023, 10:28 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS AP 1.08: Reply (Return) Envelope Use.

Subject: DCS AP 1.08.

Effective Date: February 14, 2023.

Document Description: This DCS administrative policy explains when staff provide self-addressed reply envelopes.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-1520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 23-05-106
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed February 15, 2023, 10:31 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS AP 10.0.0: Information Security Definitions.

Subject: DCS AP 10.0.0.

Effective Date: February 14, 2023.

Document Description: This DCS administrative policy ensures a common understanding of information security terms referenced in DCS policy by providing definitions for common information security terms.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-1520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.