

WSR 23-16-016
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 20, 2023, 10:59 a.m.]

Subject of Possible Rule Making: WAC 182-500-0010 Medical assistance definitions—A, 182-500-0095 Medical assistance definitions—R, 182-500-0100 Medical assistance definitions—S; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending medical assistance definitions to add a person's resources to the reasonable compatibility processes for eligibility renewals. During this review, the health care authority (HCA) may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, Washington state department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 20, 2023
Wendy Barcus
Rules Coordinator

WSR 23-16-017
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 20, 2023, 10:53 a.m.]

Subject of Possible Rule Making: WAC 182-532-001 Reproductive health services—Definitions, 182-532-510 Family planning only programs—Eligibility; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 74.09.830 provides full-scope coverage for 12 months postpartum for pregnant or postpartum persons. This coverage is more generous than and thus replaces the limited scope "Family planning only—Pregnancy related program." The health care authority (HCA) intends to remove language related to this superseded program from chapter 182-532 WAC. During this review, HCA may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of Health and Human Services, Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Jensen, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Melissa Rivera, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1423, fax 360-586-9727, TRS 711, email melissa.rivera@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 20, 2023
Wendy Barcus
Rules Coordinator

**WSR 23-16-023
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 20, 2023, 3:07 p.m.]

The economic services administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-14-006 on June 21, 2023, WAC 388-418-0005, 388-470-0005, 388-470-0045, and 388-470-0070, regarding resource limits for cash assistance and basic food assistance eligibility. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 23-16-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 20, 2023, 3:09 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-418-0005 How will I know what changes to report?, 388-470-0005 How do resources affect my eligibility for cash assistance and basic food?, 388-470-0045 How do my resources count toward the resource limits for cash assistance?, 388-470-0070 How vehicles are counted toward the resource limit for cash assistance, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective February 1, 2024, planned amendments will expand resource exemptions for community services division cash programs and increase the cash resource limit from \$6,000 to \$12,000. These amendments are necessary to implement 2SHB 1447 (chapter 418, Laws of 2023). If needed, planned amendments will also make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0068, email patrick.buddejr@dshs.wa.gov.

July 20, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-16-028
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Physical Therapy)
[Filed July 21, 2023, 8:44 a.m.]

Subject of Possible Rule Making: Physical therapists intramuscular needling requirements. The board of physical therapy (board) and department of health (department) are considering rule making in chapter 246-915 WAC, Physical therapists and physical therapist assistants, to clarify statutory requirements for education and training and define an intramuscular needling endorsement. The board and department may consider associated training and education requirements, updating definitions, establishing a fee for the intramuscular needling endorsement, and creating a process to apply for the endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SHB 1039 (chapter 198, Laws of 2023); RCW 18.74.023, 43.70.110, 43.70.250, and 43.70.280.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1039 expands the scope of practice of physical therapists to perform intramuscular needling, also known as dry needling. Rules may be needed to clarify statutory requirements for education and training to receive an initial endorsement to perform intramuscular needling. The board and the department will also consider establishing the steps to apply for the endorsement, including establishing a fee.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allyson McIver, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2878, fax 360-236-2901, TTY 711, email physical.therapy@doh.wa.gov, website doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department and the board will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, select the "Subscribe" button at the bottom of the page, select "Health Professions," and then select "Physical Therapy Program." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

July 18, 2023
Kathryn Dale, PT, DSc
Chair, Physical Therapy Board
and Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-16-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 24, 2023, 8:44 a.m.]

Subject of Possible Rule Making: Establishing chapter 246-929 WAC, Certified peer specialists. The department of health (department) is considering rule making to establish the new certified peer specialist profession created by 2SSB 5555 (chapter 469, Laws of 2023). This rule-making inquiry will consider rules regulating the new certified peer specialist and certified peer specialist trainee credentials. Topics that will be considered during rule making include, but are not limited to: Application process, education and training, experience, scope of practice, continuing competency, and fees. In collaboration with partners and other interested parties, the department may also consider any other rules appropriate to establish and regulate the peer specialist profession.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 5555 (chapter 469, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2023 legislative session, the legislature passed 2SSB 5555 to create the new certified peer specialist credentials, to establish authority of the department and the health care authority (HCA) over aspects of the profession, and to direct the department to begin issuing credentials by July 1, 2025. 2SSB 5555 also authorizes the secretary of health to adopt any rules necessary to implement the new profession, including rules on fees, forms and procedures, education and training requirements, scope of practice, equivalency with other states, supervised experience, continuing competency requirements, and appeal procedures. In addition to fulfilling the intent of 2SSB 5555, creating rules for this profession will allow the department to consistently uphold standards that protect patient safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under 2SSB 5555, the department and HCA share authority over the certified peer specialist profession. HCA is granted authority over specific elements, including developing training programs and examinations. The department will collaborate with HCA as the rule making proceeds.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Dale, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, website doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use the GovDelivery peer specialists list to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open on the box labeled "Health Professions," and then click on "Peer Specialists." You may also check the box next

to one or more of the other professions listed to receive information related to that specific profession.

July 24, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-16-038
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 24, 2023, 10:04 a.m.]

Subject of Possible Rule Making: Kidney disease treatment center temporary emergency exemptions. Chapter 246-310 WAC, Certificate of need, kidney disease treatment centers sections. The department of health (department) is considering creating a new section to implement SSB 5569 (chapter 48, Laws of 2023) that creates exemptions from certificate of need requirements for kidney disease centers due to a temporary emergency situation. The department is also considering amending kidney disease treatment center rules, WAC 246-310-800 through 246-310-833, based upon the effects of creating a new exemption for kidney disease centers pursuant to SSB 5569.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5569 (chapter 48, Laws of 2023); and RCW 70.38.135.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5569 adds a new section to chapter 70.38 RCW, Health planning and development, which creates an exemption allowing kidney disease centers to exceed their authorized number of dialysis stations during a temporary emergency situation. SSB 5569 defines "temporary emergency situation," provides examples, and allows the department to identify additional "temporary emergency situations" by rule. The bill also directs how kidney disease centers can apply for exemptions and authorizes the department to adopt any rules necessary to implement the bill. The department is also considering updates to kidney disease center need methodologies and rules to reflect the impact of kidney disease centers exceeding their authorized number of kidney dialysis stations.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Valore, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2955, TTY 711, email CNrulemaking@doh.wa.gov, website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need.

Additional comments: All rule-making notices and rule workshop information is sent to interested parties using GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Community Health Systems" and "Facilities Licensing and Certificate of Need," then check the box next [to] "Certificate of Need." Information will also be posted on the website www.doh.wa.gov/licenses-permits-and-certificates/facilities-z/certificate-need.

July 24, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-16-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Optometry)
[Filed July 25, 2023, 10:57 a.m.]

Subject of Possible Rule Making: Changing the scope of practice for optometrists. The board of optometry (board) is proposing to amend, establish new, and possibly repeal sections in chapter 246-851 WAC to implement SSB 5389 (chapter 400, Laws of 2023), which expands the optometrist scope of practice to include certain advanced procedures and establishes requirements for a license endorsement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070, 18.53.010; SSB 5389 (chapter 400, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5389 expands the scope of practice for optometrists, including allowing certain advanced procedures. The new law requires the board to adopt rules for education, training, and exams to implement a license endorsement allowing optometrists to perform the advanced procedures. The board will also examine rules establishing adverse reporting requirements regarding the advanced procedures performed under the license endorsement.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristina Bell, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 711, email Kristina.bell@doh.wa.gov, website doh.wa.gov.

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

June 8, 2023
Melissa G. Green
Executive Director

WSR 23-16-044
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 25, 2023, 11:13 a.m.]

Subject of Possible Rule Making: Creating new agency affiliated counselor (AAC) credentials and making other updates to chapter 246-810 WAC, Counselors.

Amending chapter 246-810 WAC, Counselors, and possibly repealing or creating new sections. The department of health (department) is considering rule making to establish two new credentials, the certified AAC and licensed AAC, which were created by 2SHB 1724. This rule-making project will consider requirements for the new credentials including, but not limited to, education, coursework, experience, and fees. The department will also consider other amendments to the chapter as appropriate. This may include addressing issues raised by the certified counselors and hypnotherapists advisory committee, partners, or interested parties.

Additionally, this rule-making project will continue work started under WSR 21-21-036 to implement E2SHB 1504, which requires the department to define when a "student intern" can become an AAC. Rule making to implement E2SHB 1504 and 2SHB 1724 are being combined for efficiency because both bills impact the same rule sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.19.050; 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 1504 (chapter 170, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2023 legislative session, the legislature passed 2SHB 1724 to create the new AAC credentials, establish their scope of practice, and direct the department to adopt additional rules regulating the credentials, including required coursework. These new statutory amendments conflict with the current language of chapter 246-810 WAC, which only contains the registered AAC credential; rule making will be necessary to resolve this conflict. Existing statute, RCW 18.19.050, also authorizes the department to adopt rules regulating the AAC profession.

In addition to fulfilling the intent of 2SHB 1724, creating rules for these credentials will allow the department to consistently uphold standards that protect patient safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The AAC profession intersects with the work of the health care authority (HCA) because services provided by AACs are covered by the state medicaid plan. The department will collaborate with HCA throughout rule making to ensure that the department's regulatory framework aligns with HCA's work.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Dale, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-2991, TTY 711, email ted.dale@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use the GovDelivery AAC list to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, please visit www.doh.wa.gov and select the "Subscribe" button at the bottom of the page. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and then click on "Agency Affiliated Counselor." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

July 25, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-16-053
PREPROPOSAL STATEMENT OF INQUIRY
MILITARY DEPARTMENT

[Filed July 26, 2023, 9:25 a.m.]

Subject of Possible Rule Making: To add a state disaster individual assistance chapter to Title 118 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.030(9) and 38.52.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this chapter is to establish eligibility, activation, funding, and programmatic criteria for a Washington state disaster individual assistance program (WAIA). The WAIA program is designed to provide supplemental state assistance for disaster survivors. Funding is issued through reimbursements to eligible county and/or tribal governments for all nonspecial programs. Special programs are issued in the form of grants to eligible county and/or tribal governments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Extensive research and outreach activities were conducted during the course of the agency study to develop a state-funded individual assistance program. Key federal stakeholders include the Federal Emergency Management Agency, the United States Department of Housing and Urban Development, and the United States Small Business Administration which support individuals following a federally declared disaster. The Washington military department also met with representatives from the Washington state department of agriculture, commerce, social and health services, health, veterans affairs, and the Washington state conservation commission which provide some disaster individual assistance.

Process for Developing New Rule: Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations in the course of drafting rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Taylor Dietz, 20 Aviation Drive, Camp Murray, WA 98430, phone 253-302-1338, email taylor.dietz@mil.wa.gov, website mil.wa.gov/EMD; or Joel Haarstad, 20 Aviation Drive, Camp Murray, WA 98430, phone 253-512-7484, email joel.haarstad@mil.wa.gov, website mil.wa.gov/EMD.

July 19, 2023

Taylor Dietz

Human Services Program Supervisor

**WSR 23-16-079
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed July 28, 2023, 12:51 p.m.]

This memo serves as notice that, effective July 7, 2023, the department of health (department) is rescinding the preproposal statement of inquiry CR-101 for WAC 246-810-010, 246-810-011, 246-810-012, 246-810-015, and 246-810-018 in chapter 246-810 WAC, Counselors, which was filed October 12, 2021, and published as WSR 21-21-036.

The department is rescinding this CR-101 because legislation passed during the 2023 legislative session impacts the agency affiliated counselor profession and requires amendments to some of these rule sections. For the sake of efficiency, the department will rescind WSR 21-21-036 and complete all necessary rule making under a new rule package.

Individuals requiring information on this rule should contact Ted Dale, email ted.dale@doh.wa.gov, or phone 360-236-2991.

Tami Thompson
Regulatory Affairs Manager

WSR 23-16-080
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS

[Filed July 28, 2023, 2:07 p.m.]

Subject of Possible Rule Making: The office of administrative hearings (OAH) is proposing to clarify the organizational description in WAC 10-04-025.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The purpose of chapter 10-04 WAC is to implement the provisions of chapter 42.56 RCW relating to public records.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For WAC 10-04-025, OAH has changed the way administrative law judges are organized within the agency. They are no longer assigned to locations, but rather are organized within five different "divisions" based on their work assignments. The different divisions are as follows: Headquarters; child and family care; public assistance and health; regulatory and education; and unemployment insurance.

The proposal will also clarify that OAH's procedures are found in Title 10 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Public Records Act (chapter 42.56 RCW) mandates the following disclosures:

"Duty to publish procedures.

(1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he or she has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed."

RCW 42.56.040.

Process for Developing New Rule: OAH welcomes the public to participate in developing its rules. Anyone interested should contact the staff person identified below. OAH is compiling a list of parties who might be interested in these proposed amendments. At a later date, OAH will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the notice will be sent to everyone on the list of interested parties, as well as anyone who requests a copy. The notice will also be posted on our website at the following web page

<https://oah.wa.gov/Content-Area-Management/Rule-Making-Hub/Rulemaking-Activities>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Johnette Sullivan, P.O. Box 42488, Olympia, WA 98504-2488, phone 360-407-2700, fax 360-664-8721, TTY 711, email rulemaking@oah.wa.gov, website <https://oah.wa.gov>. Tell OAH if you need a language interpreter or assistance for persons with disabilities.

July 28, 2023

Lorraine Lee

Chief Administrative Law Judge

WSR 23-16-083

PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed July 28, 2023, 3:29 p.m.]

Subject of Possible Rule Making: Chapter 172-121 WAC, Student conduct code.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the definition of a threat and add cross-references to options for alternative dispute resolution.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

July 28, 2023

Annika Scharosch
Associate Vice President

WSR 23-16-084

PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed July 28, 2023, 3:32 p.m.]

Subject of Possible Rule Making: Creation of new chapter 172-125 WAC, Alternative dispute resolution.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Create a new process for alternative dispute resolution of concerns raised under the student conduct code, chapter 172-121 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu, website <https://inside.ewu.edu/policies/>.

July 28, 2023
Annika Scharosch
Associate Vice President

WSR 23-16-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed July 31, 2023, 9:05 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-112A-0080 Who is required to complete the seventy-hour long-term care worker basic training and by when? This section relates to adult family home administrator training certification. During the course of this rule making, we may amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.128.120, 74.39A.009, 74.39A.070, 74.39A.074, 71A.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are needed due to the lack of alignment between WAC 388-112A-0800 and RCW 70.128.120. Currently, WAC and the law have conflicting information related to the number of hours of training needed for required adult family home administrator training. This conflict is causing concerns during the application process.

Additionally, unlike rules for home care aide certificates of training completion, current rules do not specify a time limit for validity of adult family home administrator training certificates for the purpose of new adult family home applicants. Assuring [Ensuring] that training be reasonably current for new applicants is in the best interests of adult family home residents. Well-trained adult family home administrators are essential to the wellbeing of residents.

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

Process for Developing New Rule: Collaborative. DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Chappell, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2516, TTY 1-800-833-6388, email david.chappell@dshs.wa.gov.

July 31, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-16-090

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed July 31, 2023, 10:27 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: It is necessary to update WAC to reflect legislative
changes and to update and clarify procedures.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Fina Ormond, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4146, fax 360-664-4619, email fina.ormond@sos.wa.gov, website
sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA
98504, phone 360-725-5788, fax 360-664-4619, email
victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

July 31, 2023
Randy Bolerjack
Deputy Secretary of State

WSR 23-16-091

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed July 31, 2023, 10:28 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: It is necessary to update WAC to reflect legislative
changes and to update and clarify procedures.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Fina Ormond, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4146, fax 360-664-4619, email fina.ormond@sos.wa.gov, website
sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA
98504, phone 360-725-5788, fax 360-664-4619, email
victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

July 28, 2023

Randy Bolerjack

Deputy Secretary of State

WSR 23-16-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-14—Filed July 31, 2023, 10:41 a.m.]

Subject of Possible Rule Making: The department is considering adding new sections to chapter 220-500 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New sections are necessary to add to chapter 220-500 WAC to prevent further resource damage to department-managed lands.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Eric Gardner, 1111 Washington Street S.E., [Olympia,] WA 98501, phone 855-925-2801, project code 2963, fax 360-902-2162, TTY 360-902-2349 or 711, email illegal-routes@PublicInput.com, website <https://publicinput.com/illegal-routes>; or Heather Bonagofski, 1111 Washington Street S.E., [Olympia,] WA 98501, phone 360-902-2512, TTY 1-800-833-6388, email heather.bonagofski@dfw.wa.gov, website <https://publicinput.com/illegal-routes>.

Additional comments: Rule-making information <https://wdfw.wa.gov/about/regulations>.

July 31, 2023
Scott Bird
Rules Coordinator

WSR 23-16-097
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 31, 2023, 1:31 p.m.]

Subject of Possible Rule Making: WAC 182-531-0150 Noncovered physician-related and health care professional services—General and administrative and 182-531-0950 Office and other outpatient physician-related services; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to align with Section 11405 of the Inflation Reduction Act (P.L. 117-169), which requires states to cover approved adult vaccines recommended by the Advisory Committee on Immunization Practices. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Korrina Dalke, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-2005, fax 360-586-9727, TRS 711, email korrina.dalke@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 31, 2023
Wendy Barcus
Rules Coordinator

WSR 23-16-100

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 31, 2023, 2:12 p.m.]

Subject of Possible Rule Making: The dental quality assurance commission (commission) is considering amending rules about granting licenses to dental school faculty members. The commission is considering removing specific references in WAC 246-817-150 about granting licenses to University of Washington faculty and replacing this with a reference to a faculty of any institution of higher education in Washington state accredited by the commission on dental accreditation (CODA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.32.0365; and SB 5113 (chapter 89, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2023, the Washington state legislature passed SB 5113 amending RCW 18.32.195 to include any institution of higher education in Washington state accredited by CODA for faculty licensure.

On April 28, 2023, the commission authorized rule making to align WAC 246-817-150 with the recent statutory changes.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amber Freeberg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 711, email amber.freeberg@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov, and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and then click on "Dental List." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

June 15, 2023

David L. Carsten, DDS, Chair
Dental Quality Assurance Commission

WSR 23-16-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 1, 2023, 8:36 a.m.]

Subject of Possible Rule Making: WAC 296-14-8810 Pension tables, pension discount rate and mortality tables.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to amend the rule by lowering the pension discount rate to better align with the rate of return for long-term treasuries for self-insured pensions. These reductions allow our financial statements to more accurately reflect our liabilities and overall financial position, and are consistent with recommendations from our annual independent actuarial review of our rate making.

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

Process for Developing New Rule: Parties interested in this rule may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. A public hearing will be held after the proposal is filed.

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

August 1, 2023
Joel Sacks
Director

WSR 23-16-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 1, 2023, 11:42 a.m.]

Subject of Possible Rule Making: SECURE Act 2.0 Deduction of medical premiums by former public safety officers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; and the SECURE Act 2.0, part of the Consolidated Appropriations Act of 2023 (P.L. 117-328).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Until recently, former public safety officers needed to have medical premiums deducted from their pension in order to qualify for a tax deduction, but under the federal SECURE Act 2.0, they can now deduct \$3,000 in medical premiums directly from their taxes. The department of retirement systems (DRS) needs to revise WAC language to reflect this change.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bianca Stoner, DRS, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

August 1, 2023
Bianca Stoner
Rules Coordinator

WSR 23-16-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 1, 2023, 11:57 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-449-0001 What are the disability requirements for the aged, blind, or disabled (ABD) program?, 388-447-0001 What are the incapacity requirements for referral to the housing and essential needs (HEN) program?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments will clarify program rules regarding disability requirements for aged, blind, or disabled cash and incapacity requirements for the housing and essential needs referral program. If applicable, planned amendments will also make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sam Del Vecchio, P.O. Box 45470, Olympia, WA 98504-5470, phone 425-412-2787, email samantha.del-vecchio@dshs.wa.gov.

August 1, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-16-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed August 1, 2023, 11:58 a.m.]

Subject of Possible Rule Making: Creating a fee and updating a surcharge for a multistate nursing license. WAC 246-840-990 Fees and renewal cycle. The department of health (department) in consultation with the Washington state board of nursing (board), formerly known as nursing care quality assurance commission, must update an existing licensing surcharge amount in rule to comply with the new surcharge amount in law. The department and the board are also considering rule making to create a fee for a new multistate license option for registered nurses (RNs) and licensed practical nurses (LPNs) residing in Washington state in keeping with SSB 5499 Multistate nurse licensure compact (chapter 123, Laws of 2023), effective July 23, 2023.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.202, 43.70.110, 43.70.250, 43.70.280; and SSB 5499 (chapter 123, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to bring the rule in compliance with the law as amended by SSB 5499, effective July 23, 2023, which changes an existing surcharge from \$5 to \$8 on all license types for RNs and LPNs. Advanced registered nurse practitioners are only required to pay the surcharge on their RN licenses. The surcharge provides grants to a central nursing resource center.

Rule making is also necessary to enact provisions in SSB 5499 to include Washington state in a nurse licensure compact with multiple states. The legislation created a new multistate license option for RNs and LPNs whose primary state of residence is Washington. The department and board will consider the fee to be charged for the new license type during the rule-making process. The multistate license option will allow RNs and LPNs who reside in Washington State to forgo their single-state license and practice in person or via telehealth in other compact states. To maintain the multistate license issued in Washington State, the RN or LPN must maintain their primary residence in Washington state.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-236-4738, TTY 711, email NCQAC.RULES@doh.wa.gov, website www.nursing.wa.gov.

Additional comments: The board will notify interested parties of rule making by posting information on the department website, the board website, and by use of GovDelivery. Interested parties may sign up to receive board rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>, select the "Subscribe" button at the bottom of the page, and then select "Nursing Commission." The board will hold virtual meetings at varying times to encourage participation.

July 28, 2023
Kristin Peterson, JD
Chief of Policy

for Umair A. Shah, MD, MPH
Secretary

WSR 23-16-129
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-13—Filed August 1, 2023, 2:06 p.m.]

Subject of Possible Rule Making: The department is considering rule changes to WAC 220-412-090 which relate to multiseason tags.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to create a subset of multi-season tags for the Washington department of fish and wildlife's (WDFW) chronic wasting disease surveillance program.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Eric Gardner, 1111 Washington Street S.E., [Olympia,] WA 98501, phone 855-925-2801, project code 3679, fax 360-902-2162, TTY 360-902-2349 or 711, email cwd@PublicInput.com, website <https://publicinput.com/c1684>; or Heather Bonagofski, 1111 Washington Street S.E., [Olympia,] WA 98501, phone 360-902-2512, TTY 1-800-833-6388, email heather.bonagofski@dfw.wa.gov, website <https://publicinput.com/cwd>.

Additional comments: WDFW rule-making information <https://wdfw.wa.gov/about/regulations>.

August 1, 2023
Scott Bird
Rules Coordinator

WSR 23-16-131
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed August 1, 2023, 3:40 p.m.]

Subject of Possible Rule Making: The gambling commission is considering amendments to chapter 230-17 WAC including, but not limited to, addressing timeliness for filings before the commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In recent commission enforcement actions, motions, responses, and other legal documents associated with a particular petition for review or reconsideration have been filed for review days prior to the upcoming meeting. Some filings have been received less than 24 hours before the next commission meeting, forcing a continuance. The current rule framework does not directly address motions, responses, and similar pleadings with regard to timeliness. Other parts of the rule chapter on hearing rules (chapter 230-17 WAC) may also be amended to add clarity or ensure consistency.

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

Process for Developing New Rule: Regular rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa C. McLean, Legislative and Policy Manager, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3454, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov.

August 1, 2023

Lisa C. McLean

Legislative and Policy Manager

WSR 23-16-137
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-07—Filed August 2, 2023, 8:39 a.m.]

Subject of Possible Rule Making: Implementation of ESSB 5122 (2011-12), ESHB 1222 (2023-24), E2SHB 1357 (2023-24), SB 5036 (2023-24), SB 5066 (2023-24), SB 5242 (2023-24), SSB 5396 (2023-24), and other related legislation incorporated as consolidated health care rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (to effectuate chapter 314, Laws of 2011; chapter 8, Laws of 2023; chapter 107, Laws of 2023; chapter 194, Laws of 2023; chapter 245, Laws of 2023; chapter 366, Laws of 2023; and chapter 382, Laws of 2023); as well as RCW 48.43.735, 48.44.050, 48.46.200, 48.200.040, and 48.200.900.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the insurance commissioner (OIC) is considering consolidated health care rule making due to the recent passage of insurance related legislation. Currently, multiple provisions of health care and insurance regulations in WAC may need to be updated by OIC to be consistent with the legislation passed and codified in RCW. These rules will facilitate implementation of the new laws by ensuring that all affected health care and insurance entities understand their legal rights and obligations under the enacted legislation.

This effort may include, but is not limited to, updating regulatory definitions for emergency medical condition and prior authorizations, clarifying hearing instrument coverage requirements, updating telemedicine time frames, providing guidance for health care benefit manager [manager] and health carrier contract reporting requirements, and clarifying cost sharing for abortion and diagnostic or supplemental breast exams. This rule making may impact the following authorities: WAC 284-43-0160, 284-43-7220, 284-44-046, 284-50-270, 284-170-130, 284-180-460, and new sections in chapters 284-43 and 284-46 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OIC is promulgating administrative regulations related to the commercial plans that it regulates. However, there are other state agencies who may be affected by the legislation requiring this rule making.

The state health care authority (HCA) and OIC have similar statutory duties for the cost sharing provisions pertaining to abortion and breast examinations. HCA and OIC are both affected by the new legislation for prior authorizations and telemedicine time frames. HCA and OIC also have statutory duties related to the legislation affecting hearing instrument coverage. Therefore, OIC will coordinate on this rule making with other agencies, including HCA, by offering notices and opportunities for written comment or feedback with multiple participation forums.

Process for Developing New Rule: Submit written comments by August 16, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA

98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email
rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

August 2, 2023
Mike Kreidler
Insurance Commissioner

WSR 23-16-138
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2023-06—Filed August 2, 2023, 8:40 a.m.]

Subject of Possible Rule Making: Health care benefit manager (HCBM) registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.200.900.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Existing HCBM rules require the submission of a significant amount of documentation for registration. It has been determined that some of the requirements for submission are excessive and do not assist in the registration process. The purpose of this rule making is to modify the existing HCBM rules to reduce the overall amount of documentation required for registration. Additionally, the rules will be updated to require HCBMs to disclose federal violations.

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

Process for Developing New Rule: Submit comments by August 18, 2023.

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

August 2, 2023
Mike Kreidler
Insurance Commissioner

**WSR 23-16-141
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 2, 2023, 9:40 a.m.]

The department of licensing requests the withdrawal of the proposed [preproposed] rule making for WAC 308-100-005, filed as WSR 23-14-115 on July 5, 2023.

Ellis Starrett
Rules Coordinator

**WSR 23-16-150
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 2, 2023, 11:14 a.m.]

The economic services administration, division of child support requests the withdrawal of preproposal statement of inquiry notice filed as WSR 21-20-048 on September 28, 2021 (WAC 388-14A-3375), regarding credits given when establishing or enforcing an administrative support order. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 23-16-151
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 2, 2023, 11:16 a.m.]

Subject of Possible Rule Making: WAC 308-100-005 Definitions, 308-100-033 Minimum training requirements, 308-100-035 Employer certification, 308-100-040 Examination requirement for commercial driver's license, 308-100-050 Examination fees, 308-100-100 Intrastate waiver, 308-100-130 Serious traffic violations, 308-100-180 Third-party testing fee; and creation of two new WAC to cover retesting and retraining requirements following the surrender, disqualification, or cancellation of a driver's commercial driver's license (CDL), and CDL drivers from Canada and Mexico.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing is proposing the amendment of current definitions related to CDL holders to decrease regulatory barriers to obtaining a CDL per a petition from the Washington trucking association, as well as implementation pursuant to HB 1058 passed during the 2023 legislative session. This will include technical corrections clarifying rules related to training, testing, and reporting requirements for CDL holders, training providers, and employers, which is intended to increase Washington's capacity to train CDL holders, improve agency efficiency and oversight capabilities, and ensure compliance with state statute and federal regulation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Workforce training and education coordinating board.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rulemaking-activity; or Dan Cooke, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3826, email dcooke@dol.wa.gov.

August 2, 2023
Ellis Starrett
Rules and Policy Manager

**WSR 23-16-152
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 2, 2023, 11:21 a.m.]

The aging and long-term support administration, HCS requests the withdrawal of preproposal statement of inquiry notice filed as WSR 21-01-121 on December 15, 2020 (WAC 388-71-0975), regarding home care aid certification qualifications, requirements, and time frames. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 23-16-153

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed August 2, 2023, 11:21 a.m.]

Subject of Possible Rule Making: Chapter 308-124 WAC, Real estate—Definitions and brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.041 Director—General powers and duties and 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing is considering rule making to define "as soon as reasonably practical" related to the timeline for entering into a written services agreement, per SSB 5191 passed during the 2023 legislative session, and other rule changes as identified during chapter rule review.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-0131, email rulescoordinator@dol.wa.gov, website www.dol.wa.gov/about/rules.

August 2, 2023

Ellis Starrett

Rules and Policy Manager