

WSR 23-18-005
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Washington Medical Commission)
[Filed August 23, 2023, 3:34 p.m.]

Subject of Possible Rule Making: Removing postgraduate medical training barriers to licensing; WAC 246-919-330 Postgraduate medical training. The Washington medical commission (commission) is considering amending WAC 246-919-330(4) to remove two requirements that have become a barrier to licensure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering amending WAC 246-919-330 to eliminate the outdated requirement for consecutive years of training in no more than two programs. This change would remove a barrier for qualified applicants to obtain licensure.

Due to the practitioner shortage, multiple pathways to board certification eligibility have been opened by the University of Washington (UW), the Accreditation Council for Graduate Medical Education (ACGME), and the American Board of Medical Specialties (ABMS). Multiple ABMS boards have programs that specifically target international medical graduates and place them in four-year training programs, with only years one and three [being] ACGME accredited. The outcome of these programs would be physicians who are ineligible for licensure through the commission, despite four years of postgraduate training through UW. The first graduates of those programs will complete their training in June 2023.

Separately and recently, applications have come through where the physician has six years of postgraduate training from their efforts to become dual licensed as a physician and a dentist. This clause has resulted in denial of those applications since parts of the training are accredited under ACGME and the rest under the Commission on Dental Accreditation, the dental profession equivalent of ACGME.

The commission has also filed an emergency rule on WAC 246-919-330(4) under WSR 23-15-056 on July 13, 2023, to address this issue while permanent rule making is in process.

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 Amelia Boyd, Program Manager, P.O. Box 47866, Olympia, WA 98504, phone 360-918-6336, TTY 711, email amelia.boyd@wmc.wa.gov, website <https://wmc.wa.gov>.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

August 21, 2023
Melanie de Leon
Executive Director

WSR 23-18-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed August 24, 2023, 2:00 p.m.]

Subject of Possible Rule Making: WAC 110-148-1326 Can I get a license to care for a specific child, and what are the requirements?, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.125.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 110-148-1326 does not currently give department of children, youth, and families the authority to issue child-specific licenses to an Indian child's family or extended family member with children in the custody of an Indian tribe or the tribe's child placing agency. This authority is now required by SB 5683.

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: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ann Radcliffe, phone 253-341-2325, email ann.radcliffe@dcyf.wa.gov.

August 24, 2023
Brenda Villarreal
Rules Coordinator

WSR 23-18-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 25, 2023, 9:32 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-60B-0015 What definitions apply to this chapter?, 388-60B-0025 What is the purpose of this chapter?, 388-60B-0120 Facility requirements—What facility requirements must a program meet for the space where domestic violence intervention assessments or treatment services are provided?, 388-60B-0125 Quality management—What are the minimum treatment outcomes for participants and how must a program measure staff and treatment effectiveness?, 388-60B-0315 Group treatment—What standards must programs follow regarding the provision of group treatment?, 388-60B-0325 Victim safety—What steps must programs take in order to help increase victim safety?, 388-60B-0345 Participant requirements—What must the program require of participants accepted into a domestic violence intervention treatment program?, 388-60B-0500 On-site reviews and plans of correction—How does the department review certified programs for compliance with the regulations of this chapter?, and other rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20A.735.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will allow domestic violence intervention treatment (DVIT) programs to provide services via HIPAA compliant video sessions when certain standards are met. This filing is in response to a rule-making petition received from a consortium of DVIT providers seeking to preserve the ability to provide treatment through virtual platforms, which began during pandemic-related shut-downs. If applicable, these amendments will 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 Amie Roberts, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-790-1483, email amie.roberts@dshs.wa.gov.

August 25, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-18-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 25, 2023, 11:49 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-444-0030 Are able-bodied adults without dependents (ABAWD) subject to additional work requirements and time limits to be eligible for basic food? and 388-444-0035 Who is exempt from ABAWD time limits and minimum work requirements?; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to comply with federal regulatory changes under the Fiscal Responsibility Act of 2023, effective September 1, 2023. As 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: United States Department of Agriculture, Food and Nutrition Service.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Troy Burgess, P.O. Box 45470, Olympia, WA 98504, phone 425-999-5162, email Troy.Burgess@dshs.wa.gov.

August 24, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-18-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)
[Filed August 30, 2023, 1:24 p.m.]

Subject of Possible Rule Making: Pharmacy registration for mobile opioid treatment program units. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-060 and 246-945-250 and adding new sections in chapter 246-945 WAC to exempt mobile opioid treatment program (OTP) units from having to obtain separate registrations, as long as they are covered under the OTP site's controlled substance registration, and to develop more comprehensive facility requirements for analytical laboratories and dog handlers among other facilities that are licensed under the other controlled substance registration.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 69.50.302.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In July 2021, the federal Drug Enforcement Agency (DEA) lifted its moratorium on mobile OTP units, eliminating a separate registration requirement for OTP units by adding a "mobile component" to their existing registration. The Washington department of health (department) adopted permanent rules for licensed behavioral health agencies to approve these units as an extension of an existing OTP license and certification, though they must also register with the commission to possess controlled substances by obtaining the "other controlled substance registration."

While state law currently requires each mobile OTP unit to register separately with the commission, RCW 69.50.302(d)[(4)] allows the commission to waive by rule the requirement for registration of certain entities upon finding it consistent with public health and safety. The commission is considering amending WAC 246-945-060 and 246-945-250 to exempt mobile OTP units from having to register separately with the commission. The commission is also considering adding new sections to chapter 246-945 WAC to develop more comprehensive facility requirements for other controlled substance registrants, focusing on enhancing drug security and product integrity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The commission is coordinating with department staff who license behavioral health agencies, as well as with the health care authority's state opioid treatment authority.

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 Haleigh Mauldin, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-890-0720, fax 360-236-2321, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via 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 "Health Professions," then check the boxes next to either

"Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

August 31 [30], 2023
Kenneth Kenyon, PharmD, BCPS, Chair
Pharmacy Quality Assurance Commission

WSR 23-18-051
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed August 30, 2023, 9:20 a.m.]

Subject of Possible Rule Making: WAC 139-03-070 and 139-06-070 to update the burden of proof and make clear the requirements and responsibilities of the hearing process in regards to the office of administrative hearing, the Washington state criminal justice training commission, and the respondent.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are required to notify and make clear the due process rights of respondents whose certification is being brought before a hearing panel.

Process for Developing New Rule: Language was developed internally as planned changes are made based on existing rules that impact only internal governmental operations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, email Lacey.Ledford@cjtc.wa.gov, website cjtc.wa.gov; or Kayla Wold, email Kayla.Wold@cjtc.wa.gov.

August 30, 2023
Derek Zable
Records Manager

**WSR 23-18-056
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed August 31, 2023, 4:06 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws preproposal statement of inquiry (CR-101) WSR 23-11-132, filed May 23, 2023, interruptive military service credit for members of the state retirement systems. Comments, questions, or concerns may be directed to Bianca Stoner at 360-664-7291 or drs.rules@drs.wa.gov.

Bianca Stoner
Legal Services Manager
Rules Coordinator

WSR 23-18-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed September 1, 2023, 9:05 a.m.]

Subject of Possible Rule Making: Animal health care tasks for and supervision of veterinary technicians and veterinary medication clerks.

The veterinary board of governors (board) is considering updates and revisions to WAC 246-935-050 Animal health care tasks, 246-935-040 Responsibilities of a veterinarian supervising a licensed veterinary technician or unregistered assistant, 246-935-010 Definitions (veterinary technicians), and 246-937-010 Definitions (registered veterinary medication clerks).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering general industry updates to the animal health care tasks rule to review all allowable animal tasks, prohibited animal tasks, consider new tasks, and set appropriate delegation standards for animal chiropractic care. Definitions and responsibilities for other veterinarian professions may need to be updated to keep any amendments made in WAC 246-935-050 consistent.

In 2018, the chiropractic quality assurance commission (chiropractic commission) approached the board expressing a desire to collaborate with the board to determine whether qualified chiropractors could practice chiropractic care on animals. The purpose of the collaboration was to consider whether rules could be adopted to regulate such practice.

A committee was created and the board and chiropractic commission, along with interested parties, considered and discussed this topic between 2018 and 2023 in a series of public meetings. Together, the board and chiropractic commission determined additional specific training is necessary to provide chiropractic adjustment on animals. Both licensed veterinarians and chiropractors typically attend these specialized trainings.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Poppy Budrow, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-0026, fax 360-236-2901, TTY 711, email poppy.budrow@doh.wa.gov, website <https://doh.wa.gov>, veterinary@doh.wa.gov.

Additional comments: Notices will be emailed through the program's GovDelivery interested parties list. To sign up, please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Interested parties will be invited to participate in meetings and rule drafting workshops. At the formal proposal stage of rule making, proposed rule language will be posted on the department's rules comments website to receive public comment for the public hearing.

August 31, 2023
Melissa G. Green
Executive Director
Office of Health Professions

**WSR 23-18-061
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 1, 2023, 9:08 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-17-177 on August 22, 2018, chapter 388-76 WAC, regarding background checks, negative actions, and character, competence and suitability involving adult family home minimum licensing requirements. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

**WSR 23-18-062
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 1, 2023, 9:09 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-17-159 on August 21, 2018, chapter 388-78A WAC, regarding background checks, negative actions, and character, competence and suitability involving assisted living facility licensing rules. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

**WSR 23-18-063
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed September 1, 2023, 9:11 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 18-17-175 on August 22, 2018, chapter 388-97 WAC, regarding background checks, negative actions, and character, competence and suitability involving nursing homes. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 23-18-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed September 5, 2023, 8:31 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations; good faith and fair dealing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SHB 1521, chapter 293, Laws of 2023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1521 adds a new section to chapter 51.14 RCW, which explicitly requires the department of labor and industries (L&I) to "adopt by rule additional applications of the duty of good faith and fair dealing as well as criteria for determining appropriate penalties for violations." It also adds that an employer that violates the duty of good faith and fair dealing three times within a three-year period shall be decertified.

Good faith and fair dealing in this context refers to the administration of workers' compensation benefits. Rules on this subject seek to protect the best interests of impacted workers by ensuring that they are free from coercion or other unfair practices regarding industrial insurance benefits that may be due to them.

This rule making will establish a "good faith and fair dealing" standard for self-insured employers and their third-party administrators (TPAs); establish criteria for determining the appropriate penalty amount for self-insured penalties; establish or amend criteria for decertification, including corrective action, of a self-insured employer; and establish criteria for providing benefits for workers if an employer is decertified, including payment of benefits if the employer had not provided a surety.

L&I is tasked with adopting such rules with consideration to "recognized and approved claim processing practices within the insurance industry, the department's own experience, and the industrial insurance and insurance laws and rules of this state," among other factors.

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: Parties interested in these rules 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. Public hearings will be held after the proposed language is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nicole Mitchell, L&I, Insurance Services, Self-Insurance, P.O. Box 44890, Olympia, WA 98504-4890, phone 360-902-6833, fax 360-902-6977, email Nicole.Mitchell@lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>; or Cyal Christmas, L&I, Insurance Services, Self-Insurance, P.O. Box 44890, Olympia, WA 98504-4890, phone 360-902-6839, fax 360-902-6977, email Cyal.Christmas@lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

September 5, 2023
Joel Sacks
Director

WSR 23-18-090

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE UNIVERSITY

[Filed September 6, 2023, 9:39 a.m.]

Subject of Possible Rule Making: The university is updating the rules regarding health and safety regulations, chapter 504-36 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments modify, clarify, and update the health and safety rules in accordance with current practice.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Policies, Records, and Forms, and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, email prf.forms@wsu.edu, website <https://policies.wsu.edu/prf/index/wac/>.

Additional comments: A public hearing will be held to permit comments on all proposed rules and revisions. There will also be an opportunity to provide written comments on the proposed rules.

September 6, 2023

Deborah L. Bartlett, Director
Office of Policies, Records, and
Forms and University Rules Coordinator