

WSR 23-20-004

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed September 21, 2023, 8:16 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: Clarification and refinement of WAC to align with
state law and update procedures.

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 Dave Piersma, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4172, fax 360-664-4619, email dave.piersma@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.

September 21, 2023

Randy Bolerjack

Deputy Secretary of State

**WSR 23-20-019
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed September 25, 2023, 8:58 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for chapter 246-320 WAC, Hospital licensing regulations (construction standards only), which was filed August 8, 2018, and published as WSR 18-17-045.

The department is withdrawing this CR-101 because it specifies an outdated edition of the Guidelines for Design and Construction of Health Care Facilities. Since the filing of this CR-101, the 2022 edition of the guidelines has been published. The department is filing a new CR-101 to consider updating the construction requirements of chapter 246-320 WAC to reference the most recent edition.

Individuals requiring information on this rule should contact John Williams, executive director of construction review and facilities, at 360-236-2950 or john.williams@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 23-20-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 28, 2023, 1:49 p.m.]

Subject of Possible Rule Making: WAC 388-825-206 and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to repeal WAC 388-825-206 and write a new chapter of rules for enhanced respite services. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

September 28, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-20-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 28, 2023, 3:30 p.m.]

Subject of Possible Rule Making: WAC 458-61A-201 Real estate excise tax—Gifts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.01.060(2), 82.32.300, 82.45.150, and 82.45.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 82.45.010 (3)(a) exempts gifts from the real estate excise tax (REET). The purpose of this rule-making effort is to further clarify this existing gift exemption rule by also expanding upon situations where an interest in the property is granted while there is debt remaining on the property.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Darius Massoudi, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1572, fax 360-534-1606, TTY 800-833-6384, email DariusM@dor.wa.gov, website dor.wa.gov.

Additional comments: The department plans to share a preliminary rule draft before the public meeting. Written comments may be submitted by mail or email and should be directed to Darius Massoudi using one of the contact methods above. Written and oral comments will be accepted at the public meeting on October 25, 2023, at 10:00 a.m.

Public Meeting Location: This meeting will be conducted over the internet/telephone. Contact Cathy Holder at CathyH@dor.wa.gov for dial in/login information.

September 28, 2023
Atif Aziz
Rules Coordinator

WSR 23-20-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 28, 2023, 4:37 p.m.]

Subject of Possible Rule Making: Chapter 388-850 WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120, and 71A.14.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend these rules to: Increase the percentage of a county's allocated funds for county administrative expenses; remove text that duplicates requirements dictated by statute; and update the distribution formula and other outdated service names and processes. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

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

September 28, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-20-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed September 29, 2023, 12:15 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 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?, and 388-478-0060 What are the income limits and maximum benefit amounts for basic food? and other related rules as appropriate.

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: The United States Department of Agriculture (USDA), Food and Nutrition Services (FNS) has issued annual updates to standards for federal fiscal year 2023. Effective October 1, 2023, under emergency rule, 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. 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: USDA, FNS.

Process for Developing New Rule: The department invites the 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's 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 Alexis Miller, P.O. Box 45470, Olympia, WA 98504-5470, phone 253-579-3144, email alexis.a.miller@dshs.wa.gov.

September 27, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-20-080

PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 29, 2023, 2:14 p.m.]

Subject of Possible Rule Making: WAC 260-52-040 Post to finish.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The Washington horse racing commission is consider-
ing adopting the "Category 1" disqualification rule.

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 Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA
98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email
Amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov; or Ann-Ka-
thrin Zemann, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone
360-450-6462, fax 360-450-6461, TTY 360-450-6462, email
annkathrin.zemann@whrc.state.wa.us, website www.whrc.wa.gov.

September 29, 2023
Amanda Benton
Executive Secretary

WSR 23-20-081

PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 29, 2023, 2:14 p.m.]

Subject of Possible Rule Making: WAC 260-48-960 Handicapping contests.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission is considering changing the percent of entry fees distributed as prizes to the winners.

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 Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email Amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov; or Ann-Kathrin Zemann, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email annkathrin.zemann@whrc.state.wa.us, website www.whrc.wa.gov.

September 29, 2023
Amanda Benton
Executive Secretary

WSR 23-20-082

PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 29, 2023, 2:14 p.m.]

Subject of Possible Rule Making: WAC 260-08-675 Hearing before the commission.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission may need to clarify the commission's authority to amend penalties imposed by the stewards upon appeal.

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 Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email Amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov; or Ann-Kathrin Zemann, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email annkathrin.zemann@whrc.state.wa.us, website www.whrc.wa.gov.

September 29, 2023
Amanda Benton
Executive Secretary

WSR 23-20-083

PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 29, 2023, 2:15 a.m.]

Subject of Possible Rule Making: WAC 260-32-180 Fees.

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

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The Washington horse racing commission is consider-
ing adopting the ARCI model rule regarding amending jockey fees during
the race meet.

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 Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA
98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email
Amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov; or Ann-Ka-
thrin Zemann, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone
360-450-6462, fax 360-450-6461, TTY 360-450-6462, email
annkathrin.zemann@whrc.state.wa.us, website www.whrc.wa.gov.

September 29, 2023
Amanda Benton
Executive Secretary

WSR 23-20-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 2, 2023, 1:15 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend the following WAC sections and other related rules as may be required: WAC 388-412-0025 How do I receive my benefits?, 388-450-0162 How does the department count my income to determine if my assistance unit is eligible and how does the department calculate the amount of my cash and basic food benefits?, 388-450-0165 Gross earned income limit for TANF/SFA, 388-450-0200 Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for basic food?, 388-450-0225 How are my assistance unit's benefits calculated for the first month I am eligible for cash assistance?, 388-455-0015 When and how does the department treat lump sum payments as income for cash assistance programs?, 388-473-0010 What are ongoing additional requirements and how do I qualify?, 388-473-0020 When do we authorize meals as an ongoing additional requirement?, 388-473-0040 Food for service animals as an ongoing additional requirement, 388-473-0050 Telephone services as an ongoing additional requirement, 388-473-0060 Laundry as an ongoing additional requirement, and 388-478-0050 Payment standards for ongoing additional requirements.

The department is also planning to create the following WAC sections: WAC 388-473-XXXX Transportation as an ongoing additional requirement and 388-473-XXXX Medical related items or services as an ongoing additional requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.08.283.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective April 1, 2024, individuals with an incapacity who are eligible for the housing and essential needs referral program (via WAC 388-400-0070) are potentially eligible for ongoing additional requirements (OAR). Payment standards for existing OAR benefits will increase, and new OAR benefits will be added to assist with things such as transportation and medical related items not covered by insurance. As needed, planned amendments will make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

The operating budget (ESSB 5187, chapter 475, Laws of 2023) includes funding to support this change.

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 Evelyn Acopan, P.O. Box 45470 Olympia, WA 98504, phone 253-778-2381, email evelyn.acopan@dshs.wa.gov.

October 2, 2023

Katherine I. Vasquez
Rules Coordinator

WSR 23-20-104

PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION COMMISSION

[Filed October 3, 2023, 11:00 a.m.]

Subject of Possible Rule Making: WAC 468-270-075 and 468-270-077, State Route (SR) 167 high occupancy toll (HOT) Lanes and I-405 express toll lanes (ETL) toll rates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.850, 47.56.880, 47.56.884, 47.56.886, 47.56.888.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Per RCW 47.56.880, the Washington state transportation commission (WSTC), as the state tolling authority, must consider toll rates that will help effectively maintain travel time, speed, and reliability on the I-405 and SR 167 corridors. In addition, per RCW 47.56.850, WSTC must ensure that toll rates generate sufficient revenue to meet the operating costs of the toll facilities as well as financing obligations. This rule is necessary to ensure these requirements are met.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Other agencies that regulate this subject are the Washington state department of transportation, as the operator of the tolled facilities, and the office of the state treasurer who oversees the financing of tolled facilities. WSTC works closely and coordinates with both agencies in developing toll setting proposals and carrying out the rule making process for making toll adjustments.

Process for Developing New Rule: Negotiated rule making and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carl See, WSTC, P.O. Box 473308, Olympia, WA 98504, phone 360-705-7070, email transc@wstc.wa.gov, website <http://www.wstc.wa.gov>.

October 2, 2023
Reema Griffith
Executive Director

WSR 23-20-107
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed October 3, 2023, 11:47 a.m.]

Subject of Possible Rule Making: Adopting a new rule in chapter 391-45 WAC that governs compliance of remedial orders in unfair labor practice cases. Amending WAC 391-35-020 to clarify timeliness for unit clarification proceedings. Making typographical corrections to other existing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 47.64.135, and 49.39.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency currently lacks a rule that provides structure to the compliance process for remedial orders in unfair labor practice cases. WAC 391-35-020, as currently drafted, may cause confusion as to when positions may be removed from a bargaining unit due to a change in circumstances. Agency staff identified typographical errors in certain rules that need to be corrected.

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 Michael Sellars, 112 Henry Street, Suite 300, phone 360-570-7300, fax 360-570-7334, email info@perc.wa.gov, website www.perc.wa.gov.

October 3, 2023
Dario de la Rosa
Rules Coordinator

WSR 23-20-109
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL

[Filed October 3, 2023, 12:19 p.m.]

Subject of Possible Rule Making: New chapter to Title 446 WAC; work zone speed safety camera systems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.63.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sections 1 - 3, chapter 17, Laws of 2023, (ESSB 5272), require the Washington state patrol (WSP) to adopt rules related to the enforcement and adjudication of speed violations including, but not limited to, notice of infraction verification and issuance authorization and determining which types of emergency vehicles are exempt from being issued notices of infraction under the law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSP anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: Agency review. WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, website wsp.wa.gov/rules-development/.

October 3, 2023
John R. Batiste
Chief

WSR 23-20-110

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 3, 2023, 2:02 p.m.]

Subject of Possible Rule Making: The employment security department (department), leave and care division, is considering amending sections of rules to provide clarity and improve programmatic operations. Subjects that may be addressed include, but are not necessarily limited to, placement and precedential decisions for the paid family and medical leave program (PFML).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50A.05.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for the public and staff and is considering amending rules related to placement to clarify under which circumstances PFML can be taken and amending rules to explain under which circumstances precedential decisions will be available to the public. The department may also consider providing additional guidance as needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No federal agencies and no other state agencies regulate the PFML program, as authority is granted solely to the department.

Process for Developing New Rule: Collaborative rule making. The draft rules will be shared with the public, stakeholders, and the program's advisory committee. The department will solicit input from all involved parties and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janette Benham, 212 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-790-6583, TTY Theresa Eckstein, relay 771 [711], 360-507-9890, or teckstein@esd.wa.gov, email rules@esd.wa.gov, website paidleave.wa.gov/rulemaking/.

October 3, 2023
April Amundson
Policy and Rules Manager
Leave and Care Programs

WSR 23-20-111

**PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT**

[Filed October 3, 2023, 3:25 p.m.]

Subject of Possible Rule Making: This rule making will consider permanently adopting the employment security department's (department) emergency rules concerning natural disasters and any additional rule changes needed to address the impacts of natural or other types of disasters on claimants and employers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, 50.20.010, 50.22.155, and 50.29.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to address the impact of disasters, such as wildfires, on claimants and employers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stephanie Frazee, P.O. Box 9046, phone 425-465-0313, fax 844-652-7096, TTY relay 711, email stephanie.frazee@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/>.

October 3, 2023

Joy Adams, Acting Director
Employment System Policy and Integrity

WSR 23-20-113
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 3, 2023, 4:35 p.m.]

Subject of Possible Rule Making: Holiday leave bank cash-out.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Providing clarification regarding employers report-
ing cash-outs from holiday leave banks. Additional background informa-
tion is available through department of retirement systems (DRS) No-
tice 22-012, holiday leave banks at [www.drs.wa.gov/drs-notice-22-012-
holiday-leave-banks/](http://www.drs.wa.gov/drs-notice-22-012-holiday-leave-banks/).

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.

October 3, 2023
Bianca Stoner
Rules Coordinator

WSR 23-20-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)
[Filed October 3, 2023, 4:43 p.m.]

Subject of Possible Rule Making: Transfer practices for a dispensed prescription drug for the purpose of redispensing or subsequent administration to a patient. The pharmacy quality assurance commission (commission) is proposing to create a new section(s) in chapter 246-945 WAC related to the regulation of the practices of "white bagging" and "brown bagging" or any other transfer of a prescription or drug for the purpose of redispensing or subsequent administration to a patient.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: According to a 2018 report prepared by the National Association of Boards of Pharmacy, "white bagging" refers to "the distribution of patient-specific medication from a pharmacy ... to the physician's office, hospital, or clinic for administration" and "brown bagging" refers to "the dispensing of a medication from a pharmacy ... directly to the patient, who then transports the medication(s) to the physician's office for administration." Certain drugs are often the subject of white bagging and brown bagging practices. In 2015, 28 percent of medical benefit drugs, drugs that are injected or infused by a health care professional in an infusion center, were distributed to physician offices via brown bagging. As of 2016, 28 percent of oncology drugs were distributed through white bagging and brown bagging practices. There is currently a lack of clear regulatory standards on these practices in Washington state.

These drug transfer practices represent a different approach to the traditional chain of custody for prescribed medications. Concerns have been raised over ensuring the integrity and quality of these medications is maintained if such practices are used by prescribers, hospitals, or patients because these practices can create an unknown chain of custody.

Following discussions held at commission business and subcommittee meetings, the commission determined that it needed to consider adding more robust regulatory standards to ensure product integrity and patient safety in its rules chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the insurance commissioner (OIC) oversees the registration and regulation of pharmacy benefit managers (PBMs), who in turn manage the use of benefits and health care services by patients, including the practices of white bagging and brown bagging. The commission will contact the OIC as the commission considers collecting data and drafting rule language related to practices for which PBMs and OIC have specialized knowledge and experience.

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 Joshua Munroe, P.O. Box 47852, Olympia, WA 98502-7852, phone 360-502-5058, fax 360-236-2901, 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."

October 3, 2023

Kenneth Kenyon, PharmD, MBA, Chair
Pharmacy Quality Assurance Commission

WSR 23-20-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 3, 2023, 5:24 p.m.]

Subject of Possible Rule Making: Medical assistants; various provisions. The department of health (department) is considering rule amendments to WAC 246-827-0010, 246-827-0200, and 246-827-0240 to align with statutes updated by ESHB 1073 (chapter 134, Laws of 2023) and ensure that the rules are current and align with best practices. The department will also consider adding new WAC 246-827-0340 to address the medication administration requirements for the medical assistant-registered credential.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1073 (chapter 134, Laws of 2023); RCW 18.360.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1073 updated supervision requirements and the scope of practice for medical assistants. The department is considering amendments to medical assistant rules to align with the updates from ESHB 1073 and establish requirements for medication administration by a medical assistant-registered credential. ESHB 1073 significantly expanded the scope of practice for the medical assistant-registered credential, specifically medication administration. A new rule section is necessary to provide guidance regarding routes and supervision levels related to these tasks.

Additionally, the department is considering updating the medical assistant-certified training and certification requirements to expand the types of apprenticeship programs accepted to meet the training requirements. This would allow experienced medical assistants to more easily enter the Washington workforce.

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 Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email medical.assistants@doh.wa.gov.

Additional comments: All notices will be sent to the public through department distribution lists. Interested parties can join the distribution lists at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

October 3, 2023
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 23-20-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Pharmacy Quality Assurance Commission)
[Filed October 3, 2023, 5:28 p.m.]

Subject of Possible Rule Making: Removing fenfluramine from the list of Schedule IV substances. The pharmacy quality assurance commission (commission) is considering amending WAC 246-945-055 to remove fenfluramine from the list of Schedule IV substances and adding a new section to chapter 246-945 WAC to establish a list of Schedule IV exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 69.50.201.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received a petition on March 28, 2023 requesting to remove fenfluramine from the list of Schedule IV substances following the Drug Enforcement Administration's (DEA) removal of the substance from the federal Controlled Substances Act (CSA) in December of 2022. Fenfluramine is a medication used in the treatment of seizures associated with certain syndromes and as an appetite suppressant.

The commission voted to approve the petition and consider rule making at their May 4, 2023, business meeting. Schedule IV substances are described in WAC 246-945-055 but this section does not reference exemptions for substances listed in RCW 69.50.210 that are no longer scheduled. Removing fenfluramine from the list of Schedule IV substances will make it a legend drug which does not have the administrative and tracking requirements of controlled substances.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal CSA of 1970 regulates and schedules narcotics and other substances. Section 1308 of the CSA classified fenfluramine as a Schedule IV substance in 1973. Fenfluramine was descheduled by the DEA, the federal agency responsible for updating CSA regulations, in 2022 following a formal request. The request was made by a pharmaceutical company that manufactures a seizure medication containing fenfluramine that was recently approved by the Food and Drug Administration. While the commission has independent authority to schedule, amend the schedules, or remove drugs from a schedule, licensees must also acquire registrations from the DEA. Matching the drug schedules to those of the DEA will streamline licensee regulations.

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 Julia Katz, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-791-1167, fax 360-236-2901, 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."

October 3, 2023

Kenneth Kenyon, PharmD, BCPS, Chair
Pharmacy Quality Assurance Commission

WSR 23-20-122

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed October 4, 2023, 8:54 a.m.]

Subject of Possible Rule Making: Chapter 365-240 WAC, Affordable and supportive housing—Local sales and use tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.14.540.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For consistency with SB [SSB] 5604 (Laws of 2023), the department is proposing to amend chapter 365-240 WAC to clarify language regarding use of the tax revenue and size requirements for cities and counties.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of revenue is responsible for collecting the tax authorized by this act; no coordination is necessary since there are no proposed changes to the collection of the tax. Proposed changes only affect the way jurisdictions can use and report on the tax revenue.

Process for Developing New Rule: Standard rule-making process; the department will notify affected stakeholders of proposed changes via GovDelivery. Stakeholders will also have an opportunity to submit written comments on the proposed rule during the public comment period, and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kirsten Jewell, P.O. Box 42525, Olympia, WA 98504-2525, phone 360-725-2723, email Kirsten.jewell@commerce.wa.gov, website <https://www.commerce.wa.gov/affordable-and-supportive-housing-sales-and-use-tax/>.

October 4, 2023
Amanda Hathaway
Rules Coordinator

WSR 23-20-124
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R2023-08—Filed October 4, 2023, 8:56 a.m.]

Subject of Possible Rule Making: Life insurance disclosure requirements, WAC 284-23-650.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.83.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is attempting to resolve misalignment identified between rules and laws in the insurance code. The rules in chapter 284-23 WAC do not align with the laws in chapter 48.83 RCW, as applied to life insurance with long-term care insurance (LTCi) riders and accelerated benefits. The rules currently prohibit life insurers from offering life insurance policies with riders that have accelerated benefits for LTCi and require disclosure statements communicating this prohibition. This contradicts current law that allows life insurance policies with riders to fund LTCi benefits through the acceleration of the policy's death benefits under certain conditions (see WAC 284-23-650, RCW 48.83.010(3), 48.83.020 (5)(a), and 48.83.080).

The misalignment of authorities causes complications for all affected parties including insurers, consumers, and regulators. The effective rules cause complications for insurers who submit product filings for life insurance policies with accelerated death benefits to fund LTCi. Currently, insurers are experiencing difficulty in filing and marketing the policies as such to consumers due to the misalignment in rules as identified above. This rule making will attempt to achieve alignment between the life insurance disclosure requirements in WAC and the statutory provisions provided by chapter 48.83 RCW.

Process for Developing New Rule: Submit written comments by close of business (5 p.m. PDT) on Friday, October 20, 2023.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Walker, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7036, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

October 4, 2023
Mike Kreidler
Insurance Commissioner

WSR 23-20-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed October 4, 2023, 9:31 a.m.]

Subject of Possible Rule Making: Medical insurance premium reimbursement—Law enforcement officers' and firefighters' (LEOFF) Plan 2 members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.26.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As a follow-up to recent rule making (WSR 23-17-019), the department of retirement systems will provide further clarification regarding reimbursement of medical premiums for LEOFF Plan 2 members who are catastrophically disabled in the line of duty.

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, Department of Retirement Systems, 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.

October 4, 2023
Bianca Stoner
Rules Coordinator

WSR 23-20-127

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed October 4, 2023, 9:40 a.m.]

Subject of Possible Rule Making: WAC 204-21-130 Emergency lamps, 204-21-230 Lighting equipment prohibited, 204-36-050 Equipment requirements, and 204-91A-170 Minimum tow truck equipment standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.37.320, and 46.37.194.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 204-21-130, 204-21-230, 204-36-050, and 204-91A-170 are needed to coincide with legislative changes to RCW 46.37.196 that permit rear-facing blue lights on emergency tow trucks, which became effective July 23, 2023.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: Agency review. WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, website wsp.wa.gov/rules-development/.

October 4, 2023
John R. Batiste
Chief

WSR 23-20-130
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed October 4, 2023, 11:08 a.m.]

Subject of Possible Rule Making: New chapter to Title 468 WAC; speed safety camera systems in work zones.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.63.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Sections 1 - 3, chapter 17, Laws of 2023, per ESSB 5272 (now RCW 46.63.200). The Washington state department of transportation (WSDOT) is responsible for all actions related to the operation and administration of speed safety camera systems in state highway work zones including, but not limited to, the procurement and administration of contracts necessary for the implementation of speed safety camera systems and the mailing of notices of infraction.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSDOT anticipates providing draft language to impacted stakeholders for review and input as part of the rule-making process.

Process for Developing New Rule: Agency review. WSDOT welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, WSDOT will file a proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kyle Miller, 310 Maple Park Avenue S.E, Olympia, WA 98501, phone 360-742-1699, email milleky@wsdot.wa.gov, website <https://wsdot.wa.gov/>; or Tony Leingang, 310 Maple Park Avenue S.E., Olympia, WA 98501, phone 360-239-0843, email leingaa@wsdot.wa.gov, website <https://wsdot.wa.gov/>.

October 4, 2023

R. Scott Zeller

Deputy Director of Transportation Operations