

WSR 24-10-005

PREPROPOSAL STATEMENT OF INQUIRY

CENTRAL WASHINGTON UNIVERSITY

[Filed April 18, 2024, 9:50 a.m.]

Subject of Possible Rule Making: Central Washington University (CWU) intends to adopt rules amending chapter 106-276 WAC pertaining to the student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120 and the Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules changes are needed to update, clarify, and streamline procedures governing CWU's student conduct code.

Process for Developing New Rule: Initial review by university administrators, followed by review through normal campus policy review procedures, publication in the campus newspaper, APA notice and public comment procedures, and final approval by board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimberly J. Dawson, Rules Coordinator, Office of the President, CWU, 400 East University Way, Ellensburg, WA 98926-7501, phone 509-963-2111, email Kimberly.Dawson@cwu.edu, website www.cwu.edu.

April 18, 2024

Kimberly J. Dawson

Executive Assistant to the President

Rules Coordinator

**WSR 24-10-009
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed April 18, 2024, 12:41 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for supervisor directory and standards, and stipend program for licensure for mental health counselors, marriage and family therapists, and social workers, which was filed December 27, 2023, and published in WSR 24-02-038.

The department is withdrawing this CR-101 because recent legislation has substantially amended the structure of the planned stipend program. The department is withdrawing WSR 24-02-038 and filing a similar CR-101 to give appropriate notice to all impacted interested parties.

Individuals requiring information on this rule should contact Brandon Williams at 360-913-4643.

Tami M. Thompson
Regulatory Affairs Manager

WSR 24-10-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed April 18, 2024, 12:42 p.m.]

Subject of Possible Rule Making: Supervisor directory, supervision standards, and stipend program for mental health counselors, marriage and family therapists, and social workers.

The department of health (department) is considering amending, repealing, or creating new sections in chapter 246-809 WAC to implement recent legislation by establishing: (1) A directory to help mental health counselor, marriage and family therapist, and social worker associates find supervisors; (2) standards for supervision of associates; (3) a stipend program to offset some costs of supervision; and (4) other changes as appropriate.

This rule making will continue work begun under WSR 24-02-038, on December 27, 2023, and discussions with interested parties held since adoption of emergency rules filed under WSR 23-20-055, on September 28, 2023, and later extended under WSR 24-04-011, on January 26, 2024. These emergency rules will be continued until the permanent rule-making process is finished. Because the stipend program was substantially amended by recent legislation, the department is filing a new CR-101 to replace WSR 24-02-038 and give all interested parties adequate notice of the change.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040, 18.225.180; and 2SHB 1724 (chapter 425, Laws of 2023); E2SHB 2247 (chapter 371, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2023 legislative session, the legislature passed 2SHB 1724 (chapter 425, Laws of 2023) to increase the behavioral health workforce by reducing barriers to licensure. Among other things, this bill required the department to establish a program to facilitate associate providers finding qualified supervisors, minimum supervision standards, and a stipend program to offset some costs of supervision. During the 2024 session, the legislature passed E2SHB 2247 (chapter 371, Laws of 2024) to continue the work started by 2SHB 1724, including making significant amendments to the stipend program.

Section 7 of 2SHB 1724, codified as RCW 18.225.180, requires the department to adopt rules establishing minimum qualifications for supervisors, minimum standards for supervision, and a stipend program. Section 16 of E2SHB 2247, which amends the stipend program established by 2SHB 1724, also requires rule making. Rule making is necessary to implement the bills and set new, enforceable standards. Additionally, establishing these programs through rule making will allow the department to consistently support professional standards and protect patient safety.

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 Brandon Williams, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-913-4643, TTY 711, email brandon.williams@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 licensed counselor GovDelivery list to inform interested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, 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 "Licensed Counselors." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

April 18, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-10-011
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed April 18, 2024, 12:56 p.m.]

Subject of Possible Rule Making: Substance use disorder profession (SUDP); considering updates to lower barriers to entering and remaining in the SUDP workforce and to streamline and shorten the credentialing process.

Amending chapter 246-811 WAC, and possibly repealing or creating new sections. The department of health (department) is considering rule amendments to implement legislation, including 2SHB 1724 (chapter 425, Laws of 2023); E2SHB 2247 (chapter 371, Laws of 2024); and 2SSB 6228 (chapter 366, Laws of 2024). To implement this legislation, the department will consider reducing barriers to entering and remaining in the behavioral health care workforce, measures to streamline and shorten the credentialing process, and other amendments to the chapter as appropriate. This may include: (1) Amending continuing education requirements; (2) amending requirements for approved supervisors; (3) amending education requirements that necessitate department review; (4) amending requirements for out-of-state applicants; and (5) limiting the credential application and renewal fees to \$100 per year.

Additionally, pursuant to a 2022 petition, the department may consider requiring an associate degree for certification and other possible changes to how coursework is verified.

This rule making may also address other issues raised by the department, partners, or interested parties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.205.060; 2SHB 1724 (chapter 425, Laws of 2023); E2SHB 2247 (chapter 371, Laws of 2024); and 2SSB 6228 (chapter 366, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2023 legislative session, 2SHB 1724 specifically directed the department to complete rule making to implement changes to licensure requirements to remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing process. Rule making is necessary to amend licensure requirements in chapter 246-811 WAC and comply with new legislation.

The department granted the 2022 petition to consider the rationale that requiring SUDPs to have a degree may assist them in future professional development.

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 Claire Wilson, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-0392, TTY 711, email claire.wilson@doh.wa.gov, website www.doh.wa.gov.

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

To subscribe to GovDelivery, please go to <http://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 "Substance Use Disorder Professionals." You may check the box next to one or more of the other professions listed to receive information related to that specific profession.

April 18, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-10-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed April 18, 2024, 1:00 p.m.]

Subject of Possible Rule Making: Mental health counselor, marriage and family therapist, and social worker professions; reducing barriers to licensure and streamlining the credentialing process in chapter 246-809 WAC.

The department of health (department) is considering rule amendments to implement legislation, including 2SHB 1724 (chapter 425, Laws of 2023); SHB 1069 (chapter 58, Laws of 2023); SHB 1939 (chapter 176, Laws of 2024); and E2SHB 2247 (chapter 371, Laws of 2024). To implement this legislation, the department will consider: (1) Reducing or removing barriers to entering and remaining in the behavioral health care workforce; (2) measures to streamline and shorten the credentialing process; (3) implementing interstate licensing compacts; (4) removing renewal limits for associate level credentials; and (5) other amendments to the chapter as appropriate. This may include amending or reducing continuing education requirements, allowing professional experience to substitute for clinical practicum experience, or addressing other issues raised by the department, partners, or interested parties. Existing rules may be amended or repealed, and new sections of rule may be adopted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.225.040 and 18.225.090; 2SHB 1724 (chapter 425, Laws of 2023); SHB 1069 (chapter 58, Laws of 2023); SHB 1939 (chapter 176, Laws of 2024); E2SHB 2247 (chapter 371, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary to fully implement recent legislation. During the 2023 legislative session, 2SHB 1724 specifically directed the department to complete rule making to implement changes to licensure requirements to remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing process. Additionally, 2024 legislation directed the department to complete rule making to implement E2SHB 2247, which removes the limitation on how many times an associate may renew their license and will allow an applicant for an associate license to practice under an approved supervisor for up to 120 days while their application is being processed.

The department is also considering rule making to enact the counseling and social work licensure compacts under SHB 1069 and 1939.

Rule making is necessary to set clear, enforceable standards that support patient safety.

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 Lana Crawford, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-1455, TTY 711, email Lana.Crawford@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in drafting the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use the GovDelivery list for licensed mental health counselor, marriage and family therapist, and social worker to inform inter-

ested parties of opportunities to provide input on proposed rule language.

To subscribe to GovDelivery, 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 "licensed mental health counselor, marriage and family therapist, and social worker." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

April 18, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-10-016
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 19, 2024, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 182-533 WAC and WAC 182-502-0002; 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 state supplemental operating budget (section 211 (34), chapter 376, Laws of 2024 (ESSB 5950)), included funding for the health care authority (HCA) to implement a birth doula benefit for apple health (medicaid) clients. HCA is developing rules in chapter 182-533 WAC and amending WAC 182-502-0002 to accomplish this. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: 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, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Beth Tinker, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1047, fax 360-586-9727, TRS 711, email beth.tinker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 19, 2024
Wendy Barcus
Rules Coordinator

WSR 24-10-017
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 19, 2024, 10:23 a.m.]

Subject of Possible Rule Making: WAC 182-50-030 Period of appointment; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending WAC 182-50-030 to permit members of the pharmacy and therapeutics committee to serve for up to three consecutive three-year terms. 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: Washington state department of labor and industries.

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, HCA 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 Leta Evaskus, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 206-521-2029, fax 360-586-9727, TRS 711, email leta.evaskus@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 19, 2024
Wendy Barcus
Rules Coordinator

WSR 24-10-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed April 23, 2024, 9:08 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants, 388-310-1450 Pregnancy to employment, 388-484-0006 TANF/SFA time limit extension, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments support implementation of SHB 2007 (chapter 181, Laws of 2024), effective July 1, 2024, which creates a TANF time limit extension for households caring for a child under the age of two that qualifies for an infant, toddler, or postpartum exemption from WorkFirst activities. 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 Sarah Mintzer, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0050, fax 360-725-4905, email sarah.mintzer@dshs.wa.gov.

April 23, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-10-034

PREPROPOSAL STATEMENT OF INQUIRY

WESTERN WASHINGTON UNIVERSITY

[Filed April 23, 2024, 10:43 a.m.]

Subject of Possible Rule Making: Chapter 516-21 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: Changes are proposed to clarify the student conduct process based on lessons learned and new language from Washington State University's recent code 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 Jennifer Sloan, Rules Coordinator, 516 High Street, Mailstop 9044, Bellingham, WA 98225, phone 360-650-3117, email sloanj2@wwu.edu, website <https://president.wwu.edu/policy-rules#docket>; or Michael Sledge, Executive Director, Student Life, 516 High Street, Mailstop 9006, Bellingham, WA 98225, phone 360-650-2484, email msledge@wwu.edu.

April 23, 2024
Jennifer L. Sloan
Rules Coordinator

WSR 24-10-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed April 23, 2024, 10:58 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests. As a result of a petition for rule making, the department of agriculture (department) is considering expanding the apple maggot quarantine area in Okanogan County.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apple maggot is an invasive insect pest native to Eastern North America. Its hosts include apples, crabapple, and native and ornamental hawthorn. During the larval stage, apple maggot can cause extensive damage to fruit. It is also economically significant to Washington's apple industry because fruit from the pest-free areas has greater access to international markets.

The department is considering a recommendation by a subcommittee of the apple maggot working group to expand the quarantine area in Okanogan County. Recent apple maggot surveys provide evidence that the state's apple maggot population has expanded its range into pest-free areas of the county. Changes to the existing rule may better protect the environment and agricultural crops of the state by slowing possible movements of apple maggot from infested areas into the pest-free area, and by securing access to international and interstate markets.

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

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sven Spichiger, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-280-6327, fax 360-902-2094, TTY 800-833-6388 or 711, email SSpichiger@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

April 23, 2024
Greg Haubrich
Assistant Director

WSR 24-10-036
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 23, 2024, 11:52 a.m.]

Subject of Possible Rule Making: WAC 182-513-1530 Maximum guardianship fee and related cost deductions allowed from a client's participation or room and board on or after June 1, 2018; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending this rule to update a statutory citation. During this review, the agency 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: Washington state department of social and health services.

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 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.

April 23, 2024
Wendy Barcus
Rules Coordinator

WSR 24-10-042
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed April 24, 2024, 10:32 a.m.]

Subject of Possible Rule Making: Title 314 WAC; the Washington state liquor and cannabis board (board) is considering repealing, amending, and creating rule sections as necessary to implement SHB 1453 (chapter 79, Laws of 2024), which exempts qualifying patients or designated providers issued a recognition card, purchasing cannabis identified by the Washington state department of health (DOH) in chapter 246-70 WAC, from a cannabis retailer issued a medical cannabis endorsement, from the cannabis excise tax until June 30, 2029, and to make other technical changes to chapter 314-55 WAC as necessary for internal consistency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 (cannabis).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules may be needed to implement the provisions of SHB 1453 that provide a temporary excise tax exemption until June 30, 2029, provided that:

- The purchase is at a cannabis retailer with a medical cannabis endorsement;
- The sale is made to a qualifying patient or designated provider who has been issued a recognition card; and
- The cannabis concentrates, useable cannabis, or cannabis-infused product has been identified by DOH as a complaint cannabis product in chapter 246-70 WAC and tested to the standards in WAC 246-70-040.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOH, Washington state department of revenue.

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 Daniel Jacobs, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-1238, fax 360-704-5027, email rules@lcb.wa.gov, website lcb.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the board website at lcb.wa.gov.

April 24, 2024
David Postman
Chair

WSR 24-10-047
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 24, 2024, 1:35 p.m.]

Subject of Possible Rule Making: WAC 182-543-3300 Covered—Osteogenesis electrical stimulator (bone growth stimulator); other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending WAC 182-543-3300. Rule updates will include updated medical necessity criteria based on evidence review(s). During this review, the agency 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: None.

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 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 Dani Crawford, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-0983, fax 360-586-9727, TRS 711, email dani.crawford@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 24, 2024
Wendy Barcus
Rules Coordinator

WSR 24-10-050
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Naturopathy)
[Filed April 25, 2024, 1:33 p.m.]

Subject of Possible Rule Making: Naturopathic licensure requirements; WAC 246-836-020 Requirements for licensure and 246-836-040 Jurisprudence examinations. The board of naturopathy (board) is considering amendments to licensure requirements relating to the jurisprudence examination as a condition for licensure and to clarify, update, and simplify rules to comply with 2SHB 1724, (chapter 425, Laws of 2023), codified as RCW 18.130.077.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.160; and 2SHB 1724, codified as RCW 18.130.077.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.130.077 requires that, "Disciplining authorities shall waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure last longer than 90 days."

The board is considering amendments to rules regarding the jurisprudence examination as a condition for licensure to comply with the requirements in RCW 18.130.077. The board intends to implement the goals of this statute by considering amendments that clarify, update, and simplify the naturopathic licensure process to reduce licensure barriers for licensed applicants who have been credentialed in states with substantially equivalent standards. The board will also consider any other related sections that are affected by 2SHB 1724.

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 Rachel Phipps, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-233-1277, fax 360-236-2901, TTY 711, email naturopathy@doh.wa.gov, website www.doh.wa.gov/naturopathy.

Additional comments: The board will use the existing GovDelivery list to inform stakeholders of opportunities to provide input on proposed rule language. Interested parties can join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new> and selecting "Naturopathy program."

April 24, 2024
U. James Chaney
Executive Director
Board of Naturopathy

WSR 24-10-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed April 26, 2024, 12:25 p.m.]

Subject of Possible Rule Making: Chapter 388-823 WAC and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.10.020, 71A.16.020, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend chapter 388-823 WAC to comply with 2SHB 2008, which directs DDA to remove intelligence quotient (IQ) criteria from DDA enrollment 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, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

April 26, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-10-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Denturists)
[Filed April 26, 2024, 3:16 p.m.]

Subject of Possible Rule Making: Removing barriers for denturist licensure. The board of denturists (board) is considering updates to reduce licensure barriers, and will address jurisprudence exam and examination requirements for denturists. The board is considering adopting substantial equivalency standard rules within WAC 246-812-120, 246-812-125, 246-812-159, and other applicable rules in order to comply with 2SHB 1724 (chapter 425, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.30.065, 18.30.130; 2SHB 1724, (chapter 425, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1724 requires disciplining authorities to waive education, training, experience, and exam requirements for applicants who have been credentialed in another state or states with substantially equivalent standards for at least two years immediately preceding their application with no interruption in licensure lasting longer than 90 days.

The goal of the substantial equivalency is to expand work force shortages and reduce licensing barriers. This legislation requires waiving all initial exam requirements, which would include the jurisprudence exam. The board is considering removing the jurisprudence exam requirement for initial licensure and adding it as a requirement for license renewal.

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 Adriana Barcena, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 711, email Adriana.Barcena@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The board will be conducting rules workshops with interested parties and subject matter experts. The board 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, select "Health Systems Quality Assurance." Next, select "Health Professions," and then click on "Board of Denturists." You may also check the box next to any professions listed to receive information related to that specific profession.

April 25, 2024
Trina Crawford
Executive Director
Board of Denturists

WSR 24-10-092
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed April 30, 2024, 2:24 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 23-17-056 on August 11, 2023 (WAC 388-76-10031), regarding residential sprinkler systems in seven- and eight-bed adult family homes. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 24-10-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed April 30, 2024, 2:32 p.m.]

Subject of Possible Rule Making: Veterinarian and veterinary technician licensure requirements. The veterinary board of governors (board) is considering updates to licensure, reactivation, continuing education, and examination requirements, which may include adding a new section in chapters 246-933 and 246-935 WAC to implement 2SHB 1724 (chapter 425, Laws of 2023) and 2SHB 1009 (chapter 165, Laws of 2023).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030; 2SHB 1724 (chapter 425, Laws of 2023) and 2SHB 1009 (chapter 165, Laws of 2023).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has noticed circumstances where it may be more burdensome to reactivate an expired Washington license than obtain an initial license. The board will consider updates to address this.

Implementation of recent legislative changes from 2SHB 1724 and 2SHB 1009 regarding reciprocity, mobility, examinations, and military spouse licensure will also be considered.

Rule updates will support clear licensing standards including any recent changes and resolve unneeded complexity.

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>. 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 "Veterinary Board of Governors." You may also check the box next to one or more of the other professions listed to receive information listed [related] to that specific profession. 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.

April 30, 2024
Andrea Sanchez-Chambers, DVM, Chair
Veterinary Board of Governors

WSR 24-10-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed April 30, 2024, 2:59 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-76-10031 License requirements—Seven or eight bed adult family homes—Licensure.

This proposal refiles the project previously filed as WSR 23-17-056 that seeks to clarify requirements for homes wishing to increase capacity to seven or eight beds when the adult family home (home) serves only residents who do not require assistance with evacuation and the home does not have a residential sprinkler system.

This project also implements ESHB [SHB 2015], chapter 147, Laws of 2024, Adult family homes—Applications to increase bed capacity.

The department is filing this notice to combine the two projects. The department may amend other related rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Adult family home, RCW 70.128.040 Adoption of rules and standards—Negotiated rule making—Specialty license, and 70.128.066 Seven or eight bed adult family homes—Requirements—Licensure. (CHANGE IN 2024, SEE 2015-S.S.L.)

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to reflect the department's interpretation of RCW 70.128.066 (2)(f), which requires seven- and eight-bed adult family homes to "have a residential sprinkler system in place in order to serve residents who require assistance during an evacuation."

The department interprets RCW 70.128.066 (2)(f) to mean homes licensed for seven or eight beds whose residents do not require assistance with evacuation do not require a residential sprinkler system. The department places a limit on the license of these homes specifying the home may not care for residents who require assistance during evacuation.

The current rule requires all homes licensed for seven- or eight-beds to have a residential sprinkler system and includes no language to reflect the department's interpretation of the statute. Updating the rule will allow homes meeting requirements in RCW 70.128.066 to request a capacity increase for up to eight beds without having a residential sprinkler system, when the home serves only residents who do not require assistance with evacuation. This will expand the number of adult family home beds while maintaining the safety of residents.

The department is considering amendments to comply with passed legislation, ESHB [SHB] 2015, chapter 147, Laws of 2024, that gives the department the ability to temporarily prioritize licensing inspections of adult family homes requesting to increase licensed capacity to seven or eight beds when the home has met all other requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state building code council oversees state building codes. The department will confirm consistency with the state requirements and consult as necessary.

Process for Developing New Rule: Negotiated rule making; and the department will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the staff listed below to re-

ceive draft material and information about how to participate in the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Jensen, P.O. Box 45610, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

April 30, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-10-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed April 30, 2024, 3:54 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending WAC 388-106-1800 through 388-106-1820, long-term care services, specifically the rules related to the long-term service and supports presumptive eligibility and any related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.39A.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending unclear, ambiguous, and inaccurate information in WAC 388-106-1800 Update to definition language, 388-106-1805 Language clarification—Change to eligibility criteria, 388-106-1810 Language clarification for amount of personal care hours, 388-106-1815 Language clarification—Change to eligibility criteria, and 388-106-1820 Language clarification for amount of personal care hours. Other related rule changes that arise during this rule making may be incorporated. Other related WAC sections may need to be updated as a result of this rule making.

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 department welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, the department 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 Rhonda Widhalm, 4550 10th Avenue S.E., Lacey, WA 98503, phone 360-725-2525, fax 360-407-7582, TTY 360-493-2637, email rhonda.widhalm1@dshs.wa.gov.

April 30, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-10-104
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed May 1, 2024, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests. The department of agriculture (department) is considering expanding the boundaries of the Japanese beetle internal quarantine. The current permanent internal quarantine specified in chapter 16-470 WAC covers 49 square miles in the southeastern corner of Yakima County and the southwestern corner of Benton County. Japanese beetle catches from the 2022 and 2023 trapping seasons indicate that a permanent expansion of the internal quarantine is necessary to prevent further infestation of this pest in nonquarantined areas. The department is also considering amending the articles regulated under the quarantine, as well as the conditions governing the movement of regulated articles from quarantine areas and requirements around signage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Japanese beetle (*Popillia japonica Newman*) is a highly invasive plant pest native to Japan. It has been known to cause severe damage to more than 300 species of ornamental and agricultural plants, including roses, grapes, and hops. Adult beetles damage plants by skeletonizing foliage and feeding on buds, flowers, and fruit. The larvae also damage the roots of plants such as turf grass. Although this feeding does not always kill the plant, it weakens it and may reduce the plant's overall yield.

In 2021, the department caught 24,048 Japanese beetles in the current internal quarantine area. Throughout 2021, 2022, and 2023, the department took extensive measures to reduce the spread of the beetle, with an ultimate goal of eradicating it. Measures that have been taken include treating residential and public properties with pesticide, trapping, and establishing an internal quarantine. Despite these efforts, by the end of the 2022 trapping season, numerous Japanese beetles, which indicate a reproducing population, were caught outside of the currently established internal quarantine area. This occurred again in 2023, with beetles being caught even further outside of the internal quarantine area than in 2022. Due to this, immediate action is needed to expand the internal Japanese beetle quarantine to reflect the area of infestation more accurately and strengthen the quarantine's protections. Further, the department believes that adding soil samples as a regulated article, requiring signage be posted for businesses selling certain regulated articles, and clarifying the requirement around cut flowers is necessary to prevent the beetles' further dissemination within this state and to protect the state's forest, agricultural, horticultural, floricultural, beekeeping, and environmental interests.

If Japanese beetle becomes permanently established throughout the state, it could severely threaten several of Washington's agricultural industries. The threat this pest poses is particularly concerning due to the area in which the detections have occurred. There are a number of farms and nurseries in close proximity to the detection sites that are growing plant species known to be targeted by Japanese beetle. Not only do these beetles pose a threat to the plants themselves; if established, they have the potential to impact the availability of ex-

port markets for agricultural commodities grown in the area. Expanding the Japanese beetle internal quarantine and other proposed quarantine amendments will help prevent the spread of this invasive pest and protect Washington's agricultural industries, as well as maintain access to national and international markets.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (USDA). The department is following guidance found in the "National Plant Board Japanese Beetle Harmonization Plan." This plan is signed by USDA and outlines requirements for preventing the interstate movement of Japanese beetle from infested states.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sven Spichiger, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-280-6327, TTY 800-833-6388 or 711, email SSpichiger@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

April 24, 2024
Greg Haubrich
Assistant Director

WSR 24-10-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-08—Filed May 1, 2024, 9:49 a.m.]

Subject of Possible Rule Making: Development of training to obtain beaver relocation permit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.120, 77.15.190, 77.15.194, 77.32.050, 77.32.090, 77.32.585, and 77.36.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of fish and wildlife (department) is developing a new permit that is specific to beaver relocation and consistent with RCW 77.32.585. This permit would require applicants to be certified in beaver relocation by completing a department-approved training. This certification requirement would ensure that permittees have the knowledge needed to do the following:

- (1) Ensure humane and safe treatment of beavers during capture, handling, and release;
- (2) Select release sites based on suitable habitat criteria, beaver occupation status, social tolerance, and risk of future damage; and
- (3) Minimize the risk of disease transmission.

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

Process for Developing New Rule: Pilot rule making.

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, Olympia, WA 98504, phone 360-902-2515, fax 360-902-2162, email rules.coordinator@dfw.wa.gov, website wdfw.wa.gov.

May 1, 2024
Scott Bird
Rules Coordinator

WSR 24-10-112
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY

[Filed May 1, 2024, 10:49 a.m.]

Subject of Possible Rule Making: Washington State University (WSU) is updating the campus parking and traffic regulations, chapter 504-15 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 WSU's parking and traffic regulations for the WSU Pullman campus.

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 <http://policies.wsu.edu/prf/index/wac/>.

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

May 1, 2024

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

WSR 24-10-113
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed May 1, 2024, 11:07 a.m.]

Subject of Possible Rule Making: Chapter 181-82 WAC and WAC 181-79A-232, substitute teacher assignment and certificate requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify policy for assignment of substitute teachers.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Nguyen, 600 Washington Street S.E., Olympia, WA 98504, phone 360-489-4471, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

May 1, 2024
Michael Nguyen
Rules Coordinator