

WSR 24-15-022
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)
[Filed July 9, 2024, 3:40 p.m.]

Subject of Possible Rule Making: Dental licensure requirements. The dental quality assurance commission (commission) is considering amending WAC 246-817-135 to remove requirements pertaining to federal or state tax numbers when applying for licensure without an examination. The commission is also considering amending WAC 246-817-160 to clarify clinical and didactic education and training requirements for foreign-trained dentists and graduates of nonaccredited schools or programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission has been receiving an increased number of applicants who have received training from nonaccredited schools or programs. Due to the varying degree of dental educational schools and programs, the commission is considering amending the rules pertaining to dental training and educational programs to clarify the standard requirements necessary to obtain licensure in Washington state.

The commission will consider amending WAC 246-817-135 to revise requirements related to federal or state tax numbers, and WAC 246-817-160 to clarify requirements relating to foreign-trained dentists and graduates of nonaccredited schools or programs. To protect an applicant's privacy and security, the commission will consider removing the requirement of providing federal and state tax numbers as it is not necessary to meet licensing requirements. Due to the varying degree of dental educational schools and programs, the commission will also consider clarifying the clinical and didactic educational and training requirements for graduates of nonaccredited schools. Providing clear standards would ensure minimum competency requirements are met.

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 Debbie Gardner, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, TTY 771 [711], email dental@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The commission will be conducting rules workshops with interested parties and subject matter experts. The commission 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 doh.wa.gov. To subscribe to GovDelivery, please visit doh.wa.gov and select the button titled "Sign up for Updates From DOH" at the bottom of the page. After signing in, select "Health Systems Quality Assurance" and "Health Professions" and "Dental." You may also check the box next to one or more of the other professions listed to received information related to that specific profession.

July 2, 2024

Bryan Swanson, DDS, Chair
Dental Quality Assurance Commission

WSR 24-15-023
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 9, 2024, 3:42 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for WAC 246-454-010, 246-454-020, 246-454-090, and 246-454-110, Hospitals—System of accounting, financial reporting, budgeting, cost allocation, which was filed November 16, 2021, and published in WSR 21-23-082.

The department is withdrawing this CR-101 because amendments are necessary for sections of chapters 246-454 and 246-451 WAC that were not included in WSR 21-32-082. The department intends to file a new CR-101 that will include all sections of chapter 246-454 WAC and chapter 246-451 WAC.

Individuals requiring information on this rule should contact Carrie Baranowski, charity care program manager, at 360-236-4210, HOS@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 24-15-024
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 9, 2024, 3:44 p.m.]

Subject of Possible Rule Making: Hospital financial data reporting; reviewing the accounting and reporting manual requirements for the uniform hospital financial reporting system. The department of health (department) is considering amendments to chapter 246-454 WAC to implement requirements in E2SHB 1272 (chapter 162, Laws of 2021). The department is also considering amendments to WAC 246-451-010 and 246-451-050 to update language that contains references to chapter 246-454 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1272 (chapter 162, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1272 addresses health system transparency. The bill strives to increase transparency in hospital financial data. Rule making is being considered to implement E2SHB 1272. The bill requires the department to revise the uniform hospital financial reporting system to further delineate hospital expenses and revenue and monies received by federal, state, or local government in response to national or state-declared emergencies.

To reflect additional hospital financial reporting requirements within E2SHB 1272, the processes associated with how the manual is updated and distributed to hospitals are detailed in rule and would need to be updated to current standards. The department is considering the revision of several rule sections to modernize the rules for hospital reporting, including repealing sections of rule and amending language to update the requirements in, and the distribution of, the accounting and reporting manual for hospitals. The department will also consider updates to ensure the rules are current and align with best practices as well as adding a new section to address requirements for clarity and conciseness.

The department will also consider amendments to WAC 246-451-010 to update definitions that contain references to chapter 246-454 WAC.

Additionally, the department had previously worked with interested parties on a rules project responsive to E2SHB 1272 under CR-101 filed as WSR 21-23-082 but is withdrawing that project to refile this new CR-101 that allows amendments to sections of chapters 246-454 and 246-451 WAC that were not included in WSR 21-23-082.

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 Carrie Baranowski, P.O. Box 47853, Olympia, WA 98504-7853, phone 360-236-4210, fax 360-236-2830, TTY 711, email HOS@doh.wa.gov.

Additional comments: Interested parties will be notified and kept updated throughout the rule-making process through GovDelivery and already established email lists. Four interested party meetings were held under WSR 21-23-082. One additional meeting will be held, and interested parties will be provided an opportunity to provide comments at the proposal stage and attend the public hearing. Join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

July 9, 2024
Todd Mountin, PMP
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

**WSR 24-15-032
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 10, 2024, 4:57 p.m.]

The department of licensing requests the withdrawal of the proposed [preproposed] rule making for multiple WAC filed as WSR 24-04-101 on February 7, 2024.

Ellis Starrett
Rules Coordinator

WSR 24-15-038
PREPROPOSAL STATEMENT OF INQUIRY
MILITARY DEPARTMENT
(Emergency Management Division)
[Filed July 11, 2024, 12:14 p.m.]

Subject of Possible Rule Making: Tribal participation in the emergency worker program, per HB 2135, in chapter 118-04 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB 2135 from the 2024 legislative session amended statutes related to the emergency worker program to include any federally recognized Indian tribe as defined in RCW 43.376.010 as participants. Guidelines for registering, using, and reimbursing emergency workers in chapter 118-04 WAC need to be updated to reflect the inclusion of tribes and their unique needs and priorities. The military department is considering rule making that would amend chapter 118-04 WAC for the purpose of making it consistent with new provisions in HB 2135.

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: In collaboration with tribal leaders to incorporate the needs and priorities of tribes to include solicitation of feedback and recommendations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amy Allbritton, 20 Aviation Drive, Camp Murray, WA 98430, phone 253-921-3502, email amy.allbritton@mil.wa.gov, website <https://mil.wa.gov/search-and-rescue-sar-program>.

July 11, 2024
Amy Allbritton
Search and Rescue Program Manager

WSR 24-15-057

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed July 16, 2024, 12:25 p.m.]

Subject of Possible Rule Making: Uniform facility enforcement framework for pharmacy. The pharmacy quality assurance commission (commission) is considering amending and establishing a new section in chapter 246-945 WAC to implement a uniform enforcement tool for pharmaceutical firms provided by ESSB 5271 (chapter 121, Laws of 2024). Other amendments to sections in chapter 246-945 WAC to implement ESSB 5271 may also be considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, ESSB 5271 (chapter 121, Laws of 2024).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5271 was enacted during the 2024 regular legislative session with an effective date of June 6, 2024. The law authorizes the commission to impose civil fines upon facility licensees, registrants, permit holders, or other credential holders issued by the commission who fail or refuse to comply with state or federal statute or administrative rule. The commission may assess a civil fine up to \$10,000 per violation and a total fine of \$1,000,000 when a facility licensee, registrant, permit holder, or other credential holder is found to subsequently be in violation of the same or similar statute or rule. Section 33 (1)(b)(iii) of ESSB 5271 requires the commission to adopt a rule to establish the fines for pharmaceutical firms according to the severity of the noncompliance and the size of the operation.

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 Julia Katz, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-791-1167, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the Gov-Delivery list. To receive notices, 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 again on "Pharmacy Commission Newsletter." You may also check the box next to one or more of the other professions or facilities listed to receive information related to that specific topic.

July 10, 2024

Hawkins DeFrance, PharmD, Chair
Pharmacy Quality Assurance Commission

WSR 24-15-067
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed July 17, 2024, 11:25 a.m.]

Subject of Possible Rule Making: Title 314 WAC. The Washington state liquor and cannabis board (LCB) is considering amending sections of chapter 314-55 WAC to implement 2SHB 2151; chapter 69, Laws of 2024, which transfers cannabis laboratory accreditation authority to the Washington state department of agriculture (WSDA) from LCB beginning July 1, 2024. Cannabis laboratory accreditation authority was originally transferred from LCB to the Washington state department of ecology (DOE) in HB 2052 (chapter 277, Laws of 2019). LCB is also considering amending sections of chapter 314-55 WAC to implement and reference WSDA's new cannabis laboratory quality standards, which were transferred from LCB as part of HB 1859 (chapter 135, Laws of 2022).

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SHB 2151 (chapter 69, Laws of 2024); HB 1859 (chapter 135, Laws of 2022); HB 2052 (chapter 277, Laws of 2019); RCW 69.50.325, 69.50.326, 69.50.342, 69.50.345, 69.50.348.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to align language and requirements with the transfer of accreditation authority for cannabis laboratories from LCB to WSDA. The authority to establish rules for cannabis laboratory accreditation transferred to WSDA under 2SHB 2151 (chapter 69, Laws of 2024), becoming effective on July 1, 2024. The responsibility for accreditation of cannabis testing laboratories was originally transferred from LCB to DOE under HB 2052 (chapter 277, Laws of 2019), effective July 1, 2024; however, the transfer of this authority was switched to WSDA under 2SHB 2151. Rule making would update and clarify LCB's requirements, including laboratory certification and reporting requirements, and would reference WSDA's new cannabis laboratory quality standards (chapter 16-309 WAC) and laboratory accreditation standards (chapter 16-310 WAC) that became effective in 2024.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSDA has new responsibility for establishing and administering cannabis testing laboratory quality standards and cannabis laboratory accreditation. The Washington state department of health (DOH) regulates the sale and product standards for medical cannabis (chapter 246-70 WAC). LCB will coordinate rule making with these agencies as comembers of the ongoing interagency coordination team created by HB 1859 (chapter 135, Laws of 2022). This interagency coordination team is responsible for establishing and maintaining cannabis laboratory quality standards and is led by WSDA.

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 Denise Laflamme, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-819-0452, 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/WLCB/>

subscriber/new. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the LCB website at lcb.wa.gov.

July 17, 2024
David Postman
Board Chair

WSR 24-15-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed July 17, 2024, 2:24 p.m.]

Subject of Possible Rule Making: Chapter 110-15 WAC and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.020; chapter 43.216 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The early learning division will be updating the chapter 110-15 WAC language for the working connections and seasonal child care subsidy programs. The revisions are to make housekeeping changes; update language to transition operations from department of social and health services to the department of children, youth, and families; and utilize plain talk as required by Executive Order 23-02.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christin James, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-688-0479, email christin.james@dcyf.wa.gov, website www.dcyf.wa.gov; or Michael Williams, 1500 Jefferson Street S.E., Olympia, WA 98501, phone 360-688-0195, email michael.williams2@dcyf.wa.gov, website www.dcyf.wa.gov.

July 17, 2024
Brenda Villarreal
Rules Coordinator

WSR 24-15-084
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 19, 2024, 8:18 a.m.]

Subject of Possible Rule Making: WAC 182-531-0450 Critical care—Physician-related services, 182-531-1250 Physician standby services, and 182-531-1350 Prolonged physician-related services; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is reviewing these rules to evaluate their alignment with current billing practices. 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, telecommunications relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Andrea Allen, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-9805, fax 360-586-9727, TRS 711, email andrea.allen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 19, 2024
Wendy Barcus
Rules Coordinator

WSR 24-15-085

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 19, 2024, 8:52 a.m.]

Subject of Possible Rule Making: Creating new chapter 182-562 WAC, Community health worker services; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state supplemental operating budget (section 211(103), chapter 296, Laws of 2022, (ESSB 5693)), included funding for the health care authority (HCA) to implement a community health worker benefit for apple health (medicaid) clients. HCA is developing rules in new chapter 182-562 WAC 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, telecommunications relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Nikki Banks, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1002, fax 360-586-9727, TRS 711, email nikki.banks@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 19, 2024
Wendy Barcus
Rules Coordinator

WSR 24-15-086
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 19, 2024, 8:56 a.m.]

Subject of Possible Rule Making: WAC 182-551-2010 Definitions, 182-551-2100 Covered skilled nursing services, 182-551-2130 Noncovered services, 182-553-300 Home infusion therapy/parenteral nutrition program—Client eligibility and assignment, and 182-553-400 Home infusion therapy and parenteral nutrition program—Provider requirements; 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 revising these rules to allow for reimbursements of professional services for home infusions. 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: None.

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 Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunications relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Fawn Ross, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 725-1611, fax 360-586-9727, TRS 711, email fawn.ross@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 19, 2024
Wendy Barcus
Rules Coordinator

WSR 24-15-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 22, 2024, 8:09 a.m.]

Subject of Possible Rule Making: Medical assistant-emergency medical technician (MA-EMT); establishing the credential. The department of health (department) is considering rule amendments and adding new sections to chapter 246-827 WAC, Medical assistants, to implement SSB 5940 (chapter 217, Laws of 2024).

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5940 (chapter 217, Laws of 2024) and RCW 18.360.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5940 establishes the MA-EMT credential for individuals holding a current EMT, advanced EMT, or paramedic credential. SSB 5940 allows an MA-EMT credential to work under the supervision of a health care practitioner in a hospital environment if the duties are within the scope, training, and endorsements of the MA-EMT EMT, advanced EMT, or paramedic certification.

The department will consider new sections in chapter 246-827 WAC to establish rule requirements for credential applications, training and certification, and medication administration concerning the MA-EMT credential. The department will also consider rule amendments to any other section in chapter 246-827 WAC for the purpose of establishing the MA-EMT credential, including amendments to WAC 246-827-990 Medical assistant—Fees and renewal cycle, to include the new credential fees.

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 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: Interested parties can participate in the drafting of the proposed rules. The department will conduct a series of rules workshops. Rule-making notices will be delivered via the Gov-Delivery list. To receive notices, 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 again on "Medical Assistants." You may also check the box next to one or more of the other professions or facilities listed to receive information related to that specific topic.

July 19, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-15-117
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 23, 2024, 8:28 a.m.]

Subject of Possible Rule Making: WAC 182-550-5130 Payment method—Institution for mental diseases disproportionate share hospital (IMDDSH) and institution for mental diseases (IMD) state grants, 182-550-5210 Payment method—Small rural indigent assistance disproportionate share hospital (SRIADSH), 182-550-5220 Payment method—Non-rural indigent assistance disproportionate share hospital (NRIADSH), and 182-550-5380 Payment method—Sole community disproportionate share hospital (SCDSH); 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 182-550-5130 to remove subsections (5) and (6). The agency does not distribute any state funded grants for IMD DSH; there is no state money allocated to IMD. The agency is repealing WAC 182-550-5210, 182-550-5220, and 182-550-5380; old information, the programs have not been funded by the legislature for over 10 years. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid 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 Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Mary O'Hare, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9820, fax 360-586-9727, TRS 711, email mary.ohare@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 23, 2024
Wendy Barcus
Rules Coordinator

WSR 24-15-119
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2024, 8:46 a.m.]

Subject of Possible Rule Making: Workers' compensation incentives: Preferred workers and stay at work. Chapter 296-16 WAC, Employer—Worker reemployment incentives; and chapter 296-16A WAC, Stay-at-work program.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to implement requirements of SHB 2127, chapter 90, Laws of 2024.

Stay-at-work program: Increasing reimbursements for program participants.

Preferred worker program: Increasing employer incentives consistent with the stay-at-work program.

This rule making will also implement HB 1927 regarding reducing the number of consecutive days of time-loss required to qualify for preferred worker certification from 14 to seven days.

The department of labor and industries (L&I) is also conducting a separate rule making to amend chapter 296-19A WAC, Vocational rehabilitation, to implement 2024's SHB 2127.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Annie Peeples, L&I, Insurance Services, Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4723, fax 360-902-4988, TTY 360-902-5797, email Annie.Peeples@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.Lni.wa.gov/rulemaking-activity/>.

July 23, 2024
Joel Sacks
Director

WSR 24-15-120
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2024, 8:52 a.m.]

Subject of Possible Rule Making: Chapter 296-19A WAC, Vocational rehabilitation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.095, and 51.32.096.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2127, chapter 90, Laws of 2024, amended several vocational statutes that affect the department of labor and industries' (L&I) vocational rules:

- RCW 51.32.095 was amended to add a new subsection allowing funding to participate in approved basic skills training and increase the amount available for prejob accommodation from \$5,000 to \$10,000.
- References to expired RCW 51.32.099 were removed.
- RCW 51.32.250 was amended to increase the amount available for job modification from \$5,000 to \$10,000.

The intention of this rulemaking is to align L&I's vocational rules with the statutory changes.

SHB 2127 takes effect on January 1, 2025.

L&I is also conducting a separate rule making to amend chapter 296-16 WAC, Employer-worker reemployment incentives, and chapter 296-16A WAC, Stay-at-work program, to implement the relevant changes under SHB 2127 applicable to those rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Moran, L&I, Insurance Services, Return to Work Partnerships, P.O. Box 44326, Olympia, WA 98504-4326, phone 360-902-6362, fax 360-902-5035, TTY 360-902-4252, email Sarah.Moran@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.Lni.wa.gov/rulemaking-activity/>.

July 23, 2024
Joel Sacks
Director

WSR 24-15-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2024, 2:21 p.m.]

Subject of Possible Rule Making: Chapter 296-800 WAC, Safety and health core rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of occupational safety and health (DOSH) intends to conduct rule making for chapter 296-800 WAC, Safety and health core rules.

DOSH is initiating this rule making to remove confusing and unnecessary language as well as update where necessary to align with the requirements of the federal Occupational Safety and Health Administration (OSHA) and Washington state rules.

In addition, this rule making intends to consider updates for WAC 296-800-13020 in response to a petition the department of labor and industries (L&I) received regarding the length of the term a safety committee member may serve, and address housekeeping and formatting issues.

This rule making may include other changes related to workplace safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In order to maintain state plan status, DOSH rules must be as "effective as" OSHA regulations. Upon adoption, L&I will submit the adopted amendments to OSHA for approval.

Process for Developing New Rule: DOSH will conduct stakeholder meetings to allow those affected by the rule to provide input to this rule preproposal. Parties interested in the formulation of these rules may contact the individual listed below. After L&I proposes amendments, the public may also participate by giving oral testimony or submitting written comments during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathy Coates, Administrative Regulations Analyst, L&I, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5432, fax 360-902-5619, email Cathy.Coates@Lni.wa.gov.

Additional comments: For more information on L&I rule making, visit L&I's Rulemaking Activity web page at <https://www.lni.wa.gov/rulemaking-activity/>.

July 23, 2024
Joel Sacks
Director

WSR 24-15-132
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 23, 2024, 3:13 p.m.]

Subject of Possible Rule Making: Behavioral health agency (BHA) and residential treatment facility (RTF) fee updates. The department of health (department) is considering rule amendments to update BHA and RTF fees. Updates to BHA fees, WAC 246-341-0365, and RTF fees, WAC 246-337-990, may also consider changes to clarify and standardize language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.110, 43.70.250, and 71.24.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amendments to sections of rule regarding initial license, annual, and other fees for BHA and RTF to address funding requirements. An update may be needed to adequately fund inspection, investigation, and licensing programs to protect patients. The requirement in RCW 43.70.250 states that fees must cover regulatory program expenses which necessitates the program(s) to be self-funding and changes to rules are the only way to make fee adjustments.

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 Heather Cantrell, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4637, TTY 711, email HSQAFeeRules@doh.wa.gov, website doh.wa.gov, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit www.doh.wa.gov. To subscribe to GovDelivery, please visit www.doh.wa.gov and select the "Sign up for Updates From DOH" button at the bottom of the page. After signing in, please select the box labeled "Health Systems Quality Assurance." Next, select the box labeled "Community Health Systems," and then click "Facilities" and "Residential Treatment Facilities" for RTFs and select "Behavioral Health Care Integration" for BHAs and any other facility types or subjects you are interested in.

July 23, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 24-15-135
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF TAX APPEALS

[Filed July 23, 2024, 3:46 p.m.]

Subject of Possible Rule Making: Administrative and process rules regarding the appeals process at the board of tax appeals (BOTA): WAC 456-09-230, clarification regarding contacting administrative staff and the executive director; 456-09-550, remove requirement for prior approval for reply briefs; 456-09-555, remove requirement for proposed order and allow provisions for faster response time frame for responses to emergency motions; 456-09-560, remove language regarding a party's first request for continuance; 456-09-745, section (1) change party to appellant; and 456-09-749, add language to clarify procedure when the respondent has the burden of proof.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 2.03.170 [82.03.170].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These are meant to clarify and/or simplify the appeals process.

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

Process for Developing New Rule: Updating rule internally; and BOTA will solicit comments from stakeholders. Affected stakeholders will also have an opportunity to submit comments on the proposed rules 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 Ross Petersen, P.O. Box 40915, Olympia, WA 98504, phone 360-753-5446, fax 360-586-9020, email bta@bta.wa.gov, website <https://bta.wa.gov/>.

June 23, 2024
Claire Hesselholt
Chair

WSR 24-15-136
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF TAX APPEALS

[Filed July 23, 2024, 3:46 p.m.]

Subject of Possible Rule Making: Administrative and process rules regarding the appeals process at the board of tax appeals (BOTA): WAC 456-10-010, add clarification that filings are due by 5:00 p.m. to conform with other established deadlines; 456-10-230, clarification regarding contacting administrative staff and the executive director; 456-10-310, add name of representative as required in subsection (b); 456-10-365, remove requirement to specify pages of the board of equalization record; 456-10-505, clarify that the prehearing order controls were issued; 456-10-510, allow provisions for faster response time frame for responses to emergency motions; 456-10-515, remove language regarding a party's first request for continuance; 456-10-540, add language to clarify procedure when the respondent has the burden of proof; and 456-10-550, section (1) change party to appellant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 2.03.170 [82.03.170].

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These are meant to clarify and/or simplify the appeals process.

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

Process for Developing New Rule: Updating rule internally; and BOTA will solicit comments from stakeholders. Affected stakeholders will also have an opportunity to submit comments on the proposed rules 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 Ross Petersen, P.O. Box 40915, Olympia, WA 98504, phone 306-753-5446, fax 360-586-9020, email bta@bta.wa.gov, website <https://bta.wa.gov/>.

July 23, 2024
Claire Hesselholt
Chair

WSR 24-15-137

**PREPROPOSAL STATEMENT OF INQUIRY
RENTON TECHNICAL COLLEGE**

[Filed July 23, 2024, 4:14 p.m.]

Subject of Possible Rule Making: On April 19, 2024, the United States Department of Education released its final rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment. The deadline for implementing these new rules is August 1, 2024. Renton Technical College will adopt emergency rules under a separate filing to comply with the deadline on August 2, 2024. This CR-101 notice is notice that rule making will occur to adopt permanent changes to student conduct procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the college's student conduct code (the code) into compliance with a new final rule governing sex discrimination grievance procedures recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Education regulates Title IX of the Education Amendments of 1972.

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 Jessica Gilmore English, 3000 N.E. 4th Street, Renton, WA 98056, phone 425-235-2463, email jgilmoreenglish@rtc.edu.

July 23, 2024

Lesley Hogan

Vice President of Human Resources

WSR 24-15-145

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 24, 2024, 8:31 a.m.]

Subject of Possible Rule Making: Fee increases for business and professional licensees funded out of the 06L account.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing (department) is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. Current fees are insufficient to sustain these programs and the department is considering fee increases.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rulemaking-activity; or Katherine McDaniel, P.O. Box 9020, Olympia, WA 98507, phone 360-634-5238, email kcmcdaniel@dol.wa.gov.

July 24, 2024
Ellis Starrett
Rules and Policy Manager

WSR 24-15-147
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE
[Filed July 24, 2024, 9:09 a.m.]

Subject of Possible Rule Making: Updates to chapter 365-230 WAC to ensure alignment with United States Environmental Protection Agency (EPA) regulation 40 C.F.R. [Part] 745 to allow for assumption of lead presence in homes built before 1978 without testing, to clarify differences between renovation repair and painting (RRP) and lead-based paint activities (LBPA) programs, and to support program implementation.

Possible rule-making topics include, but are not limited to, updates to chapter 365-230 WAC to:

- Remove old rules about dust clearance standards.
- Define "compensation."
- Remove the ability to pass firm certifications to others.
- Separate the rules about suspension, revocation, and penalties for RRP, LBPA, and accreditation.
- Include criteria for the approval or denial of applications.
- Add additional enforcement options.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.420.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of commerce (commerce) needs to amend rules to ensure alignment with EPA's 40 C.F.R. [Part] 745, to reflect current lead-safe work best practices and improve program efficiencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA.

Process for Developing New Rule: Standard 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 Hyeun Park, 2001 6th Avenue, Suite 2600, Seattle, WA 98121, phone 564-669-8141, email hyeun.park@commerce.wa.gov, website <https://www.commerce.wa.gov/building-infrastructure/housing/lead-based-paint/>.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

July 24, 2024
Amanda Hathaway
Rules Coordinator

WSR 24-15-151

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE UNIVERSITY

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

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

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

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

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 policies.wsu.edu/prf/index/wac/.

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

July 24, 2024

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

WSR 24-15-157
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed July 24, 2024, 11:50 a.m.]

Subject of Possible Rule Making: WAC 182-500-0075 Medical assistance definitions—N, 182-501-0135 Patient review and coordination (PRC), 182-531-0425 Collaborative care, 182-531-1300 Foot care services for clients twenty-one years of age and older, 182-531-1720 Tobacco/nicotine cessation counseling, 182-534-0200 Enhanced payments for EPSDT screens for children in out-of-home placement, and 182-552-0001 Respiratory care—General; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESHB 2041, 68th legislature, 2024 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is revising these rules to remove the requirement that physician assistants work under the supervision of a physician. This change aligns with ESHB 2041 which authorizes physician assistants to enter into collaborative agreements with physicians to provide team-based care and enhance access to health care for people in Washington state. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunications relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Andrea Allen, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-9805, fax 360-586-9727, TRS 711, email andrea.allen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

July 24, 2024
Wendy Barcus
Rules Coordinator