

WSR 24-17-009

PREPROPOSAL STATEMENT OF INQUIRY  
SKAGIT VALLEY COLLEGE

[Filed August 8, 2024, 10:35 a.m.]

Subject of Possible Rule Making: Skagit Valley College (college) intends to revise chapter 132D-150 WAC, Code of student conduct.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The college is required by the United States Department of Education to comply with the recently adopted Title IX regulations, which take effect on August 1, 2024. Amendments to the college's regulations implementing Title IX to clarify how recipient schools and institutions covered by Title IX must ensure that their education programs and activities are free from all prohibited sex discrimination. These amendments to the regulations were published by the Department of Education, Office for Civil Rights and codified at 34 C.F.R. Part 106, as amended, 89 F.R. 33474 (April 29, 2024).

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: United States Department of Education.

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 Pam Davis, 2405 East College Way, Mount Vernon, WA 98273, phone 360-416-7995, fax 360-416-7773, TTY 360-416-7718, email pam.davis@skagit.edu, website www.skagit.edu; or Sandy Jordan, 2405 East College Way, Mount Vernon, WA 98273, phone 360-416-7923, fax 360-416-7773, TTY 360-416-7718, email sandy.jordan@skagit.edu, website www.skagit.edu.

August 8, 2024

Pam Davis

Executive Assistant and Rules Coordinator

**WSR 24-17-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 8, 2024, 10:47 a.m.]

Subject of Possible Rule Making: WAC 392-123-120 Statement of financial condition—Financial position of the school district.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.505.140, 28A.710.040, 28A.710.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to allow for potential binding conditions to be placed upon a school district or a charter school when the board of directors of a school district or a charter school board provides OSPI with an annual statement of financial condition (i.e., state Form F-196), and the reported information shows that a deficient general fund balance is reasonably foreseeable and likely. The rule amendments would allow OSPI to hold school districts and charter schools that have an actual year-end negative fund balance to the same state monitoring and oversight process as the school districts and charter schools that have a budgeted negative year-end fund balance, because an actual negative year-end fund balance is a greater indicator of financial insolvency than a projected negative year-end fund balance.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Stone, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6303, TTY 360-664-3631, email paul.stone@k12.wa.us, website ospi.k12.wa.us.

August 8, 2024  
Chris P. S. Reykdal  
State Superintendent of Public Instruction

WSR 24-17-012  
PREPROPOSAL STATEMENT OF INQUIRY  
PENINSULA COLLEGE

[Filed August 8, 2024, 12:05 p.m.]

Subject of Possible Rule Making: Code of student rights and responsibilities; repeal chapter 132A-126 WAC and adopt chapter 132A-127 WAC.

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: 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. An emergency update was filed to be compliant with federal regulations. Chapter 132A-126 WAC was repealed in its entirety and new chapter 132A-127 WAC was submitted.

These new definitions of prohibited behavior and updated procedures are necessary to address conduct that may pose a threat to the general welfare of the college community and/or college operations and to protect 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: Not applicable.

Process for Developing New Rule: Agency study; and on April 19, 2024, the United States Department of Education released its final rule under Title IX.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Trisha Haggerty, Rules Coordinator, Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, phone 360-417-6201, email thaggerty@pencol.edu, website www.pencol.edu.

August 8, 2024  
Trisha Haggerty  
Rules Coordinator

**WSR 24-17-023  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed August 9, 2024, 10:06 a.m.]

This letter serves as notice to withdraw [preproposal statement of inquiry] WSR 24-03-063, filed January 12, 2024. The commissioners voted four to zero to withdraw rule making on this topic at the gambling commission meeting on August 8, 2024.

Adam Amorine  
Acting Rules Coordinator and Legal Manager

**WSR 24-17-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed August 12, 2024, 1:03 p.m.]

Subject of Possible Rule Making: The department of agriculture (department) is considering establishing a quarantine of untreated out-of-state firewood to prevent the introduction of plant pests and bee pests.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The movement of firewood containing plant pests and bee pests poses a threat to Washington's forests, agricultural, and environmental interests. Eggs, larvae, and adult stages of many invasive insect pests can be carried on or inside firewood and are easily spread when firewood is moved from one location to another. Introductions of these invasive insect pests have destroyed forests and are costly to control. Such invasive plant pests include emerald ash borer, spongy moth, Asian longhorned beetle, spotted lanternfly, pine wood nematode, Sirex woodwasp, Japanese cedar longhorn beetle, and other insects and organisms that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants, or that can be considered bee pests. Many states, including Oregon, have already enacted firewood quarantines that prohibit out-of-state firewood that has not been properly heat-treated against pest organisms. These quarantines seek to prevent potentially infested firewood from entering the state and introducing invasive plant pests and bee pests. This firewood quarantine is necessary to disrupt a dispersal pathway for several invasive plant pests, especially wood-boring insects, and will help prevent their introduction into Washington.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will contact the United States Department of Agriculture, as well as the United States Department of Homeland Security, Customs and Border Protection prior to implementation of this rule.

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](mailto: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](mailto:ghaubrich@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>.

August 8, 2024  
Greg Haubrich  
Assistant Director

**WSR 24-17-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**

[Filed August 13, 2024, 8:17 a.m.]

Subject of Possible Rule Making: Chapter 132Q-10 WAC, student conduct code and procedures.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring Community Colleges of Spokane's student conduct 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: United States Department of Education.

Process for Developing New Rule: Agency study; and review United States Department of Education procedures.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick McEachern, 3410 West Whistalks Way, Spokane, WA 99224-5204, phone 509-533-3514, TTY 1-800-833-6384, email Patrick.McEachern@sfcc.spokane.edu, website <https://scc.spokane.edu/About-Us/Public-Disclosures#RuleMaking>; or Patrick Tanner, 1810 North Greene Street, Spokane, WA 99217-5320, phone 509-533-7015, TTY 1-800-833-6384, email Patrick.Tanner@scc.spokane.edu, website <https://sfcc.spokane.edu/About-Us/Public-Disclosures#RuleMaking>.

August 13, 2024  
John O'Rourke  
Rules Coordinator

**WSR 24-17-037**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed August 13, 2024, 8:57 a.m.]

Subject of Possible Rule Making: WAC 332-130-050 Survey map requirements, auditors' checklist.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 58.24.030, 58.24.040, 58.09.050, and 58.17.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current auditor checklist has some outdated items used for reviewing survey maps prior to being accepted for recording. With the potential of electronic recording being used by more county recording offices the review of maps being submitted needs increased scrutiny.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Board of registration for engineers and land surveyors. The department of natural resources survey advisory board and the Washington State Association of County Auditors will collaborate on proposed rule language.

Process for Developing New Rule: Full 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 Patrick J. Beehler, PLS, CFedS, 1111 Washington Street S.E., Mailstop 47030, Olympia, WA 98504-700 [7030], phone 360-902-1181, fax 360-902-1778, email Pat.Beehler@DNR.WA.Gov, website WWW.DNR.WA.Gov; or David Icenhower, PLS, CFedS, 801 88th Avenue S.E., Mailstop 47019, Tumwater, WA 98501-7019, phone 360-902-1190, email PLSO@DNR.WA.Gov, website WWW.DNR.WA.Gov.

August 8, 2024  
Michael Kearney  
Acting for Todd Welker  
Deputy Supervisor

**WSR 24-17-040**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed August 13, 2024, 2:21 p.m.]

Subject of Possible Rule Making: WAC 392-194-002 Fee for processing initial educator certificate applications and subsequent actions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.062.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In an effort to improve the current processing system for educator certification applications in Washington state, the office of superintendent of public instruction (OSPI) is working with the professional educator standards board (PESB) to implement a new application deadline system that requires renewal certification applications to be submitted six months in advance of the certification expiration date. To enforce this change, OSPI is considering rule making to make effective starting in the 2030 renewal cycle a late fee for educators who submit applications after their respective certification application deadlines have passed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PESB is the agency responsible for setting rules on educator certification. OSPI has worked with PESB staff and its board to shape this policy. Additionally, OSPI has engaged with other internal and external stakeholders to ensure that they are aware of this potential change and are able to participate in this particular rule making.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Timothy York, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-867-8131, TTY 360-664-3631, email [timothy.york@k12.wa.us](mailto:timothy.york@k12.wa.us), website [ospi.k12.wa.us](http://ospi.k12.wa.us).

August 13, 2024  
Chris P. S. Reykdal  
State Superintendent of Public Instruction



**WSR 24-17-045  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed August 14, 2024, 7:40 a.m.]

The health care authority (HCA) requests withdrawal of the pre-proposal statement of inquiry filed as WSR 24-16-093 on August 1, 2024, and distributed in the 24-16 State Register. HCA plans to revise the purpose statement and refile at a later date.

Wendy Barcus  
Rules Coordinator

**WSR 24-17-049**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed August 14, 2024, 10:48 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 HB 2204 (chapter 91, Laws of 2024), codified at RCW 66.20.010(19), which directs the board to issue emergency liquor permits to certain licensees affected by emergency or disaster situations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.20.010(19).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to and repeal of existing rules, as well as the creation of new rules in Title 314 WAC, may be necessary to implement HB 2204 (chapter 91, Laws of 2024), codified at RCW 66.20.010(19), regarding emergency liquor permits.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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.

August 14, 2024  
David Postman  
Chair

**WSR 24-17-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 15, 2024, 1:53 p.m.]

Subject of Possible Rule Making: WAC 182-543-2200 Proof of delivery; 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 clarify requirements for proof of delivery of all medical equipment and supplies. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services (TRS) 711, email [jason.crabbe@hca.wa.gov](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://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](mailto:dani.crawford@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 15, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-17-073  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed August 16, 2024, 9:49 a.m.]

On December 6, 2023, the office of superintendent of public instruction (OSPI) filed a CR-101 preproposal statement of inquiry (WSR 23-24-097) concerning permanent rule making for WAC 392-190-048, 392-400-025, 392-400-110, 392-400-330, 392-400-510, 392-400-515, 392-400-520, 392-400-525, 392-400-530, 392-400-610, 392-401-020, and 392-401-040. However, OSPI determined that revisions to additional student discipline rules are needed. OSPI plans to incorporate the combined changes into a CR-103E emergency rule-making order, which OSPI plans to file today.

Therefore, this document serves as official notification that OSPI is rescinding [withdrawing] the CR-101 preproposal statement of inquiry (WSR 23-24-097), effective August 16, 2024.

Chris P. S. Reykdal  
State Superintendent of Public Instruction

## WSR 24-17-075

**PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 16, 2024, 10:58 a.m.]

Subject of Possible Rule Making: The employment security department (department), leave and care division, is considering rule making for paid family and medical leave (PFML) to address subjects including, but not limited to, the definition of "health care provider," pandemic leave assistance grants, weekly claim requirements, authorization of a designated representative, good cause for late applications, prevailing interest rate, and removing gender-specific pronouns.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department recognizes the need for clear and usable guidance for the public and staff and is considering amending rules related to the topics listed above in order to expand benefit access, provide clarity, and improve programmatic operations. The department may consider providing additional guidance as needed.

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

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

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

August 16, 2024  
April Amundson  
Policy and Rules Manager, ESPI  
Leave and Care Programs

**WSR 24-17-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BELLEVUE COLLEGE**

[Filed August 16, 2024, 3:06 p.m.]

Subject of Possible Rule Making: Chapter 132H-126 WAC, Student code of conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW and RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On April 19, 2024, the United States Department of Education (department) released its final rule to fully effectuate Title IX's promise that no person experiences sex discrimination in federally funded education. Before issuing the proposed regulations, the department received feedback on its Title IX regulations, as amended in 2020, from a wide variety of stakeholders. The final regulations strengthen several major provisions from the current regulations and provide schools with information to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. The final regulations also provide greater clarity regarding: the definition of "sex-based harassment"; the scope of sex discrimination, including schools' obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and schools' obligations to provide an educational environment free from discrimination based on sex. The final regulations are effective on August 1, 2024, and apply to complaints of sex discrimination regarding alleged conduct that occurs on or after that date. Existing policies and procedures will remain in place for complaints of alleged conduct that occurs prior to August 1, 2024.

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

Process for Developing New Rule: Proposed changes are being presented to the campus community for feedback and a public meeting will be held.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori McRea Keller, 3000 Landerholm Circle S.E., phone 425-564-6155, TTY 425-564-6189, email [loreen.keller@bellevuecollege.edu](mailto:loreen.keller@bellevuecollege.edu), website [www.bellevuecollege.edu](http://www.bellevuecollege.edu).

August 16, 2024  
Loreen M. Keller  
Associate Director  
Policies and Special Projects

**WSR 24-17-080**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 18, 2024, 6:34 a.m.]

Subject of Possible Rule Making: WAC 182-550-1900 Transplant coverage, 182-550-2100 Requirements—Transplant hospitals, 182-550-2200 Transplant requirements—COE; 182-531-0650 Hospital physician-related services not requiring authorization when provided in agency-approved centers of excellence or hospitals authorized to provide the specific services, 182-531-1750 Transplant coverage for physician-related services, and 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 182-550-1900 and 182-550-2100 to update which transplant procedures are covered and where the transplants can be performed. The agency is also repealing WAC 182-550-2200 Transplant requirements—COE, as this section will no longer be necessary due to the changes being proposed to WAC 182-550-1900 and 182-550-2100. As a result of these changes, the agency is also amending WAC 182-531-0650 and 182-531-1750. 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](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Jeff Pecoraro, Program Questions, P.O. Box 42716, Olympia, WA 98504, phone 360-725-5282, fax 360-586-9727, TRS 711, email [jeffery.pecoraro@hca.wa.gov](mailto:jeffery.pecoraro@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 18, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-17-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 19, 2024, 10:16 a.m.]

Subject of Possible Rule Making: WAC 182-507-0130 Refugee medical assistance (RMA) and 182-509-0001 Countable income for Washington apple health programs; 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 182-507-0130 and 182-509-0001 to update the income and resource eligibility standards for the refugee medical assistance program. 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: United States Department of Health and Human Services Office of Refugee Resettlement.

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, telecommunications relay service (TRS) 711, email [brian.jensen@hca.wa.gov](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Giovanny Delgado, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1919, fax 360-586-9727, TRS 711, email [Giovanny.delgado@hca.wa.gov](mailto:Giovanny.delgado@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 19, 2024  
Wendy Barcus  
Rules Coordinator



**WSR 24-17-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed August 19, 2024, 10:28 a.m.]

Subject of Possible Rule Making: WAC 182-545-200 Outpatient rehabilitation (occupational therapy, physical therapy, and speech therapy); 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 182-545-200 to expand payment criteria for occupational therapy. 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, telecommunications relay service (TRS) 711, email [brian.jensen@hca.wa.gov](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://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](mailto:dani.crawford@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

August 19, 2024  
Wendy Barcus  
Rules Coordinator

**WSR 24-17-126**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 20, 2024, 8:49 a.m.]

Subject of Possible Rule Making: WAC 296-23-238 Acupuncture rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) adopted WAC 296-23-238 Acupuncture rules, with an effective date of June 1, 2019. Under the rule, "the department or self-insurer may pay for acupuncture treatment when ordered by the worker's attending provider or physician assistant and only for specific conditions related to the accepted condition on a claim and per department policy." Currently, L&I has a medical coverage decision that allows acupuncture treatment for a low back condition when it is an accepted condition on the claim. Starting September 1, 2024, a separate medical coverage decision will also allow acupuncture treatment for chronic migraine when that is an accepted condition on the claim.

WAC 296-23-238 limits payment to a maximum of 10 visits based on L&I's review of safety and efficacy data for a low back condition. L&I is considering amending this rule in order to have some flexibility to pay for a different number of visits for other conditions when acupuncture has been shown to be safe and effective for that condition per L&I review. The maximum number of visits could be taken out of rule and, instead, specified in the medical coverage decision for each condition.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka, L&I, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, fax 360-902-6315, email Jami.Lifka@Lni.wa.gov.

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

August 20, 2024  
Joel Sacks  
Director

**WSR 24-17-134**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CASCADIA COLLEGE**

[Filed August 20, 2024, 3:38 p.m.]

Subject of Possible Rule Making: To bring Cascadia College's (college) student conduct code (chapter 132Z-115 WAC) 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.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140, 28B.10.900, 28B.10.904.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 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. In addition to complying with the new final rule, the college is updating its student conduct code to comply with the antihazing provision of SBH [2SHB] 1751 and RCW 28B.10.900 - [28B.10.]902.

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 Susan Thomas, 18345 Campus Way N.E., Bothell, WA 98011, phone 425-352-8272, email sthomas@cascadia.edu, website www.cascadia.edu.

August 20, 2024  
Susan Thomas  
Executive Assistant  
Rules Coordinator

**WSR 24-17-135**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SEATTLE COLLEGES**

[Filed August 20, 2024, 3:42 p.m.]

Subject of Possible Rule Making: Student code of conduct and student disciplinary procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.010(16), 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring the Seattle Colleges student conduct code chapter 132F-121 WAC into compliance with a new final rule issued by the United States Department of Education pursuant to its authority under Title IX of the Education Amendment of 1972 and to update other provisions of the student conduct code to reflect current issues and needs of the colleges and its students.

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

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 Lorine Hill, 1500 Harvard Avenue, Seattle, WA 98122, phone 206-934-3873, fax 206-934-4158, TTY 711, email [compliance@seattlecolleges.edu](mailto:compliance@seattlecolleges.edu), website [www.seattlecolleges.edu](http://www.seattlecolleges.edu).

August 20, 2024  
Dr. Rosie Rimando-Chareunsap  
Chancellor

**WSR 24-17-140**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed August 21, 2024, 9:09 a.m.]

Subject of Possible Rule Making: Revising WAC regarding cafeteria plans to improve clarity.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some department of retirement systems (DRS) WAC regarding cafeteria plans include language regarding deferred payments, while IRS requirements say that cafeteria plans cannot include deferred compensation. The language in these DRS WAC do not actually conflict with IRS requirements because "deferred payments" and "deferred compensation" have different legal meanings within the context of the tax code. However, DRS will revise the WAC language to avoid any confusion.

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 Bianca Stoner, DRS, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), website [www.drs.wa.gov/rules](http://www.drs.wa.gov/rules).

August 21, 2024  
Bianca Stoner  
Rules Coordinator

**WSR 24-17-141**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 21, 2024, 10:00 a.m.]

Subject of Possible Rule Making: Corecording of independent medical examinations (IMEs). Chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—Drugless therapeutics, etc.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.32.110, 51.36.070, 51.04.020, and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1068, chapter 166, Laws of 2023, allows a worker to audio and visually record an IME. Significant impacts of this rule change include scheduling and claim resolution delays. Some IME providers want to corecord or have a third party record when a worker wants a recording. Some workers and worker advocates express concerns about the need for another party to have a recording, and the chain of custody for recordings taken by someone else. IME providers may already be conducting corecording on their own when they ask and are given the worker's consent.

The department of labor and industries (L&I) is considering adding a new section to chapter 296-23 WAC to establish standards for corecording by the IME provider when the worker consents. Rules will establish standards for corecording. Workers retain the right to do their own recording.

L&I is separately conducting rule making using pilot rule making to consider rules for third party recording of the IME exam with consent from the worker.

Other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None.

Process for Developing New Rule: Parties interested in participating in the development of these rules may contact the individual listed below. Interested parties may also participate during the public comment period by submitting written comments or giving 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 Kristen Baldwin-Boe, L&I, Insurance Services, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-6815, fax 360-902-4249, email Kristen.Baldwin-Boe@Lni.wa.gov.

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

August 21, 2024  
Joel Sacks  
Director

**WSR 24-17-142**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 21, 2024, 10:07 a.m.]

Subject of Possible Rule Making: Third-party recording of independent medical examinations (IMEs). Chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—Drugless therapeutics, etc.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.32.110, 51.36.070, 51.04.020, and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1068, chapter 166, Laws of 2023, allows a worker to audio and visually record an IME. The department of labor and industries (L&I) is considering adding a new section to chapter 296-23 WAC. Significant impacts of this rule change include scheduling and claim resolution delays. Some IME providers want to corecord or have a third party record when a worker wants a recording. Some workers and worker advocates express concerns about the need for another party to have a recording, and the chain of custody for recordings taken by someone else. IME providers may already be conducting corecording on their own when they ask and are given the worker's consent.

L&I is considering adding a new section to chapter 296-23 WAC to establish standards for third party recording of the IME exam when the worker consents. Rules will establish standards for the use of a third party company to conduct and store recordings when workers consent to the third party recording of the IME. Workers retain the right to do their own recording. L&I intends to use pilot rule making to develop the proposed rules.

L&I is separately conducting rule making to consider rules for corecording by IME providers with the consent of the worker.

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 Kristen Baldwin-Boe, L&I, Insurance Services, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-6815, fax 360-902-4249, email Kristen.Baldwin-Boe@Lni.wa.gov.

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

August 21, 2024  
Joel Sacks  
Director

**WSR 24-17-144**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed August 21, 2024, 10:33 a.m.]

Subject of Possible Rule Making: Invoicing law enforcement officers' and firefighters' (LEOFF) Plan 2 employers for benefit overpayments directly related to erroneous reporting of member information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050 and sections 301 through 303, chapter 304, Laws of 2024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revising WAC 415-02-075 and 415-104-112 to clarify when repaying overpaid LEOFF Plan 2 benefits is the employer's responsibility versus the retiree's responsibility. The revisions will bring these WAC into alignment with the requirements of sections 301 through 303, chapter 304, Laws of 2024.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), website [www.drs.wa.gov/rules](http://www.drs.wa.gov/rules).

August 21, 2024  
Bianca Stoner  
Rules Coordinator