

WSR 21-13-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 7, 2021, 4:40 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-478-0020 Payment standards for TANF, SFA and RCA, 388-478-0027 What is the payment standard for pregnant women assistance (PWA), 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA?, 388-436-0050 Determining financial need and benefit amount for CEAP, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, and 74.08A.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will implement the fifteen percent payment standard increase (effective July 1, 2021) for the temporary assistance for needy families, state family assistance, refugee cash assistance, and pregnant women assistance programs, approved via the 2021-2023 operating budget. Planned amendments will also update net income limits and allowable benefit amounts for the consolidated emergency assistance program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-522-2214, fax 360-725-4905, email Sarah.Garcia@dshs.wa.gov.

June 7, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-015

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed June 8, 2021, 9:32 a.m.]

Subject of Possible Rule Making: WAC 260-48-915 Quinfecta pools with carryover.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend title of wager to conform with industry standard.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

June 8, 2021

Douglas L. Moore
Executive Secretary

WSR 21-13-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 8, 2021, 9:40 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, and 74.08A.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will update diversion cash assistance (DCA) program rules to align with SHB 2441 (chapter 338, Laws of 2020) changes scheduled to be implemented on July 1, 2021. These changes will allow families whose temporary assistance for needy families closed in sanction between July 2010 and July 2021 to potentially qualify for DCA.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-522-2214, fax 360-725-4905, email Sarah.Garcia@dshs.wa.gov.

June 8, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed June 8, 2021, 9:55 a.m.]

Subject of Possible Rule Making: Clarify contract goals for the small and veteran-owned business enforceable goals program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 39.04.155, 43.19.727, 47.01.101, and 47.28.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are being modified to simplify the process, and clarify the language, regarding contract goals for the small and veteran-owned business enforceable goals program. This rule simplification will refine the WAC 468-17-030(5) definition of "Contract goal" to apply only to the contract amount, and will clarify current language by removing multiple references to "condition of award."

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 Washington state department of transportation will solicit comments from its stakeholders via email, stakeholder meetings, advisory groups, and other available means.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jackie Bayne, 310 Maple Park Avenue S.E., phone 360-705-7084, fax 360.705.6801, TTY 711, email BayneJ@wsdot.wa.gov, website www.wsdot.wa.gov/equalopportunity.

June 7, 2021
Shannon Gill
Interim Director
Risk Management
and Legal Services

WSR 21-13-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed June 8, 2021, 10:05 a.m.]

Subject of Possible Rule Making: Revising WAC 332-24-217 to conform to SHB 1423, which grants department of natural resources (DNR) the authority to levy civil penalties for violations of RCW 76.04.205, and requires rule making to define a framework for resolving conflicts and the method by which penalties will be calculated.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.015, 34.05.328.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature explicitly required rule making in HB [SHB] 1423, which amends RCW 76.04.205 and 70A.15.3160. Rule making, per legislative direction will result in a framework for resolving conflicts related to violations of RCW 76.04.205, and will define how fines are calculated when a violation occurs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DNR is working closely with the United States Environmental Protection Agency (EPA) and Washington state department of ecology (ecology) on the inclusion of the Silvicultural Smoke Management Plan in the State Implementation Plan of the Federal Clean Air Act, and will consult EPA throughout the rule-making process. However, ecology, local clean air agencies (LCAA), and tribes are responsible for the regulation of smoke, air quality, and burn permitting for all burning in Washington, other than silvicultural. Silvicultural burning regulation is the responsibility of DNR. Coordination with ecology, LCAAs, and tribes is essential to the protection of Washington airsheds and to this rule making.

Process for Developing New Rule: Significant legislative rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jonathan Guzzo, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-252-5921, fax 360-902-1757, email jonathan.guzzo@dnr.wa.gov, website dnrc.wa.gov.

May 27, 2021
George Geissler
Deputy Supervisor for
Wildfire and Forest Health

WSR 21-13-024
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed June 9, 2021, 10:16 a.m.]

Subject of Possible Rule Making: Chapter 246-90 WAC, Local board of health membership, the state board of health (board) is considering adding a new chapter of rule to implement new requirements made by E2SHB 1152 (chapter 205, Laws of 2021) as it relates to the appointment of nonelected members of local boards of health.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1152 (section 8, chapter 205, Laws of 2021) including RCW 70.05.030 (1)(a), 70.05.035 (1)(a), 70.46.020 (1)(a), and 70.46.031 (1)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2021 legislative session, the legislature passed E2SHB 1152. Among other changes, this bill made changes to the required composition of local boards of health by requiring an equal number of members who are nonelected officials. The statute specifies groups of individuals that must be represented on the local board of health. The legislation also requires the board to establish rules for the appointment process of these nonelected members of local boards of health in a manner that is fair and unbiased, and ensure to the extent possible a balanced representation of elected and nonelected persons with diversity of expertise and experience.

Process for Developing New Rule: The board will use a collaborative rule-making approach. The board will consult organizations representing county commissioners, local boards of health, and American Indian and Alaskan Natives, as well as interested groups and communities eligible for appointment to local boards of health. The board will keep interested parties informed of the rule making through email, the board's listserv and rule-making website, and notices in the Washington State Register. Interested parties will have opportunities to provide comments throughout the rule-making process, including informal review of the draft rules, formal review and comment on the proposed rules, and providing testimony at the board's public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kaitlyn Donahoe, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-584-6737, fax 360-236-4088, TTY 711, email lbohcomposition@sboh.wa.gov, website sboh.wa.gov; or Samantha Pskowski, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-789-2358, fax 360-236-4088, TTY 711, email lbohcomposition@sboh.wa.gov, website sboh.wa.gov.

Additional comments: If you would like to be added to the listserv for this rule making, please email lbohcomposition@sboh.wa.gov with the subject line "Local Board of Health Composition - Subscribe." For more information, please visit the board's rule-making web page at <https://sboh.wa.gov/Rulemaking/CurrentRulesandActivity/LocalBoardofHealthComposition>.

June 9, 2021
Michelle A. Davis
Executive Director

WSR 21-13-029
PREPROPOSAL STATEMENT OF INQUIRY
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 9, 2021, 3:10 p.m.]

Subject of Possible Rule Making: Amend chapter 132Q-02 WAC, Student records.

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 amend WAC 132Q-02-340 in order to conform to the Washington state board for community and technical colleges' definition of "Directory information."

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: Using the Washington state board for community and technical colleges' precise definition of "Directory information."

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amy McCoy, Chief Compliance Officer, 2917 West Whistalks Way, Mailstop 3027, Spokane, WA 99224, phone 509-279-6246, TTY 1-800-833-6384, email Amy.McCoy@ccs.spokane.edu, website <https://ccs.spokane.edu/About-Us/Public-Disclosures#RuleMaking>.

June 9, 2021
John O'Rourke
WAC Coordinator

WSR 21-13-034
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed June 10, 2021, 1:30 p.m.]

Subject of Possible Rule Making: Amendment to WAC 332-30-166 Open water disposal sites. Disposal fees will be adjusted to ensure adequate funds for management, science and monitoring of disposal sites.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.30.215, 79.105.500, 79.105.510, 79.105.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The fee amounts in the existing rule are insufficient to cover departmental costs associated with management and monitoring of disposal sites. After review of the current fund balance and projected revenue and expenses, a deficit has been identified. To remain in compliance with WAC 332-30-166(9) fees will need to be adjusted to meet costs associated with management and monitoring of the disposal sites.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Army Corp of Engineers, Environmental Protection Agency Region 10, Washington state department of ecology.

Process for Developing New Rule: Full rule-making process with public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Abby Barnes, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-995-2419, email DMMP@dnr.wa.gov, website dnr.wa.gov; or Kristin Swenddal, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-790-8847, email DMMP@dnr.wa.gov, website dnr.wa.gov.

June 10, 2021
Alexandra K. Smith
Deputy Supervisor
for Aquatic Resources

WSR 21-13-047
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 11, 2021, 9:19 a.m.]

Subject of Possible Rule Making: WAC 182-508-0005 Eligibility for Washington Apple Health medical care services eligibility and scope of coverage, 182-508-0150 Enrollment cap for medical care services (MCS); other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 3SSB 5164, chapter 136, Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with 3SSB 5164, chapter 136, Laws of 2020, the health care authority (HCA) is amending these rules to include eligibility for persons covered under the survivors of certain crimes program. 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: Department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Dody McAlpine, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-9964, fax 360-586-9727, TRS 711, email dody.mcalpine@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 11, 2021
Wendy Barcus
Rules Coordinator

WSR 21-13-050
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 11, 2021, 12:57 p.m.]

Subject of Possible Rule Making: WAC 182-535-1245 Access to baby and child dentistry (ABCD) program; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; SSB 5976, chapter 242, Laws of 2020, Access to baby and child dentistry program—Eligibility.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules align with SSB 5976. 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: Centers for Medicare and Medicaid Services (CMS); the department of social and health services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Janice Tadeo, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-1583, fax 360-586-9727, TRS 711, email Janice.tadeo@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 11, 2021
Wendy Barcus
Rules Coordinator

WSR 21-13-051
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 11, 2021, 1:58 p.m.]

Subject of Possible Rule Making: WAC 182-550-4550 Administrative day rate and swing bed day rate; 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 agency is amending WAC 182-550-4550 to provide hospitals an administrative day rate for days in which a postpartum client does not meet criteria for acute inpatient level of care but their infant is still an inpatient being observed for potential neonatal abstinence/opioid withdrawal syndrome and the primary and appropriate first line treatment for the infant is continuous care by the parent. 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 and Human Services, 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 Brian Jensen, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Elizabeth Tinker, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1047, fax 360-586-9727, TRS 711, email Elizabeth.tinker@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 11, 2021
Wendy Barcus
Rules Coordinator

WSR 21-13-075
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE

[Filed June 15, 2021, 2:18 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: It is necessary to update the WAC to reflect recent
legislative changes and to update and clarify procedures.

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 Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, website
vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, website
vote.wa.gov.

June 14, 2021

Mark Neary

Assistant Secretary of State

WSR 21-13-076

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 15, 2021, 2:19 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: It is necessary to update the WAC to reflect recent
legislative changes and to update and clarify procedures.

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 Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, website
vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, website
vote.wa.gov.

June 14, 2021

Mark Neary

Assistant Secretary of State

WSR 21-13-077

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 15, 2021, 2:20 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: It is necessary to update the WAC to reflect recent
legislative changes and to update and clarify procedures.

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 Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, website
vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, website
vote.wa.gov.

June 14, 2021

Mark Neary

Assistant Secretary of State

WSR 21-13-078

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed June 15, 2021, 2:21 p.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: It is necessary to update the WAC to reflect recent
legislative changes and to update and clarify procedures.

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 Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, website
vote.wa.gov; or Lisa Tuerk, P.O. Box 40229, Olympia, WA 98504, phone
360-902-4167, fax 360-664-4619, email lisa.tuerk@sos.wa.gov, website
vote.wa.gov.

June 14, 2021

Mark Neary

Assistant Secretary of State

WSR 21-13-083
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 16, 2021, 12:08 p.m.]

Subject of Possible Rule Making: Chapter 139-02 WAC, updating public records chapters for the Washington state criminal justice training commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080, 42.56.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating public records WAC to best practices and current standards.

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 Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 253-835-7350, email Dzable@cjtc.wa.gov, website cjtc.wa.gov.

June 16, 2021
Derek Zable
Records and Governmental
Affairs Manager

WSR 21-13-095
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 18, 2021, 12:38 p.m.]

Subject of Possible Rule Making: Chapter 246-455 WAC, Hospital patient discharge information reporting. The department of health (department) is considering amending existing rules and creating new rules on hospital patient discharge information reporting. The rules may prescribe new patient demographic information reported by hospitals; establish a waiver process; strengthen protections of patient health care information to align with federal law changes; clarify and add requirements for data collection and reporting; establish formalized procedures for requesting hospital patient discharge data; prescribe direct and indirect patient identifiers; update or add definitions; make technical updates and clarifications to existing rules; and establish fees for data files and analysis.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.052; and E2SHB 1272 (chapter 162, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department administers the comprehensive hospital abstract reporting system (CHARS) which collects record level information on inpatient and observation patient hospital stays. Currently, one hundred eight hospitals report patient discharge information through CHARS.

In 2021, the Washington state legislature passed E2SHB 1272 (chapter 162, Laws of 2021) which requires new demographic information to be collected and waiver requirements to be established. The bill requires hospitals to report patient discharge information related to race, ethnicity, gender identity, sexual orientation, preferred language, disability status, and zip code of residence. It also requires the department to develop a waiver and grant process to assist hospitals that are certified by the Centers for Medicare and Medicaid Services (CMS) as a critical access hospital, certified by CMS as a sole community hospital, or qualifies as a medicare dependent hospital to comply with the requirements. E2SHB 1272 (chapter 162, Laws of 2021) requires the department to complete rule making by July 1, 2022. CHARS currently collects sex, zip code, and race and ethnicity per minimum office of management and budget standards as part of the UB-04 items outlined in WAC 246-455-020. The new reporting of patient demographic information required by the bill goes into effect on January 1, 2023. Rules are necessary to implement the legislation by defining the new patient demographic information and establishing waiver requirements.

For routine maintenance, continued compliance with RCW 43.70.052, and to strengthen protections for patient discharge information, the department is also considering other amendments to chapter 246-455 WAC, Hospital patient discharge information reporting. The rules may further define direct and indirect patient identifiers and public data sets, clarify and add requirements for data collection and reporting, establish formalized procedures for requesting hospital patient discharge data and add requirements for data sharing agreements, update or add definitions, align with federal law changes, make technical updates and clarifications to existing rules, and establish fees for data files and analysis. Through rule making, the department can establish and maintain formalized processes and enforceable standards for the collection and release of hospital patient discharge information.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katitza Holthaus, P.O. Box 47814, Olympia, WA 98504, phone 360-236-4311, fax 360-753-4135, TTY 711, email katitza.holthaus@doh.wa.gov, website <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.

June 18, 2021

Kristin Peterson, JD
Deputy Secretary, Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-13-096
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 18, 2021, 12:46 p.m.]

Subject of Possible Rule Making: Chapter 246-491 WAC, Certificates; and WAC 246-490-200 Electronic reporting of deaths. The department of health (department) is considering amending and creating new rules in chapter 246-491 WAC to prescribe the information that displays on the certification of birth resulting in stillbirth, add the certification of birth resulting in stillbirth to existing requirements for a person to prove eligibility to obtain the certification, change the issuance process from paper to electronic, and make technical updates to align with chapter 70.58A RCW. The rules may also amend WAC 246-490-200 to remove the exclusion of fetal deaths from being registered electronically.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.58A.020 and HB 1031 (chapter 55, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules are necessary to implement HB 1031 (chapter 55, Laws of 2021) which creates a new product for fetal deaths (i.e. the certification of birth resulting in stillbirth), to be issued by the state or local registrar to only the individual who gave birth listed on the fetal death record. It requires the certification of birth resulting in stillbirth to be in a format similar to the certification of live birth and contain a title that reads: "This certificate of birth resulting in stillbirth is not proof of a live birth and is not an identity document." The bill goes into effect October 1, 2022. In 2020, the department adopted rules in chapter 246-491 WAC to implement the new vital records statute, chapter 70.58A RCW. These rules prescribe the information displayed on certifications of birth, death, and fetal death records and established a formalized procedure with required documentation for individuals requesting certifications. Rules are necessary to prescribe the information that displays on the certification of birth resulting in stillbirth and to add the new product to existing requirements for a person to prove eligibility to obtain the certification.

Furthermore, to increase the timeliness of registration and create efficiency in issuance, the department is considering amending chapter 246-491 WAC, Certificates; and WAC 246-490-200 Electronic reporting of deaths. The rules may remove the exclusion of fetal deaths from being registered electronically and change the issuance process from paper to electronic. These changes may allow quicker access to certificates for families who experienced a fetal death. The department may also make technical updates to existing rules to align with chapter 70.58A RCW.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Katitza Holthaus, P.O. Box 47814, Olympia, WA 98504, phone 360-236-4311, fax 360-753-4135, TTY 711, email katitza.holthaus@doh.wa.gov, website <http://www.doh.wa.gov/AboutUs/RuleMaking>.

Additional comments: Interested parties can participate in the drafting of the proposed rule. The department will use existing listserv and other known contact information to inform stakeholders of op-

portunities to provide input on proposed rule language. To be included on an interested parties list, contact Katitza Holthaus.

June 18, 2021

Kristin Peterson, JD
Deputy Secretary, Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-13-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 18, 2021, 3:28 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-444-0010 Who is exempt from work registration while receiving basic food?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to implement 3SSB 5164, chapter 136, Laws of 2020, which takes effect on February 1, 2022, and assists survivors of certain crimes.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patrick Budde, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504, phone 360-764-0068, fax 360-725-4905, email patrick.budde@dshs.wa.gov.

June 18, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed June 21, 2021, 8:59 a.m.]

Subject of Possible Rule Making: The department of children, youth, and families' juvenile rehabilitation division intends to develop rules to implement E2SHB 1186 (2021), which created a community transition services program for youth and young adults in juvenile rehabilitation residential facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 7, chapter 206, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to address eligibility to participate and clarify other areas as necessary in the community transition services program established under E2SHB 1186.

Process for Developing New Rule: Agency study; and collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Rosen, 1115 Washington Street S.E., P.O. Box 45720, Olympia, WA 98504, phone 360-764-3732, email mark.rosen@dcyf.wa.gov, website www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>; or Lauresa Hart, 1002 North 16th Avenue, P.O. Box 12500, Yakima, WA 98909, phone 360-481-9465, email lauresa.hart@dcyf.wa.gov, website www.dcyf.wa.gov, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>.

June 21, 2021
Brenda Villarreal
Rules Coordinator

WSR 21-13-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 21, 2021, 1:03 p.m.]

Subject of Possible Rule Making: The department is considering rule changes to WAC 220-415-080 2021 Spring black bear special permits, to set season dates and permit numbers for Spring of 2022.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments will be needed to set season dates and permit numbers for the 2022 spring black bear season. In addition to providing recreational hunting opportunity, this special permit season assists the department with addressing specific management needs that include, but are not limited to, tree damage on industrial managed timberlands, human-bear conflict and damage, and harvest distribution.

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 Eric Gardner, 1111 Washington Street S.E., WA 98504, phone 360-902-2515, fax 360-902-2162, submit comments 24972@PublicInput.com, website <https://wdfw.wa.gov/about/regulations/development#preproposal-rule-making>, for questions heather.bonagofski@dfw.wa.gov.

June 21, 2021
Annie Szvetecz
Rules Coordinator

WSR 21-13-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 21, 2021, 2:43 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-310-0800 WorkFirst—Support services, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments planned under this filing will expand access to support services for WorkFirst participants and increase the support services limit to \$5,000 per person per program year.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennie Fitzpatrick, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4648, fax 360-725-4905, email jennie.fitzpatrick@dshs.wa.gov; or Kathryn Gussett, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4658, fax 360-725-4905, email kat.gussett@dshs.wa.gov.

June 21, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 22, 2021, 8:37 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-484-0006 TANF/SFA time limit extensions, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments expand temporary assistance for needy families time limit extension hardship criteria under RCW 74.08A.010 (5)(a)(1)[(i)] by adding a temporary time limit extension related to post-pandemic recovery (from July 1, 2021, through June 30, 2022) and a time limit extension category related to 2SSB 5214 (chapter 239, Laws of 2021) effective July 25, 2021.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennie Fitzpatrick, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-688-6275, fax 360-725-4905, email fitzpjr@dshs.wa.gov.

June 21, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-131
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-07—Filed June 22, 2021, 10:46 a.m.]

Subject of Possible Rule Making: Temporary prohibition on use of credit history on some personal lines.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.480, 48.19.020, 48.19.035, 48.19.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is tasked with ensuring that insurance rates are not excessive, inadequate, or unfairly discriminatory, and with enacting rules that ensure the use of credit history and credit history factors in setting insurance premiums is not excessive, inadequate, or unfairly discriminatory.

Insurance companies which use credit-based insurance scoring claim that credit scoring is a predictive tool to identify risk of loss from a specific consumer. This credit-based insurance score is then used to determine premiums charged to each consumer.

On February 29, 2020, the governor of the state of Washington issued Proclamation 20-05, proclaiming a State of Emergency throughout the state of Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States. On March 13, 2020, under the National Emergencies Act (50 U.S.C. 1601 et seq.) the President of the United States declared a national emergency concerning the novel coronavirus disease (COVID-19) outbreak in the United States. Addressing the state of emergency caused by the coronavirus pandemic has required difficult steps that have had a severe financial impact on large groups within our state.

In part to mitigate the financial impacts of the COVID-19 pandemic to individual households, on March 27, 2020, the President of the United States signed the CARES Act (P.L. 116-136). Section 4021 of the CARES Act addresses credit reporting during the pandemic. The CARES Act requires financial institutions to report consumers as current if they were not previously delinquent or, for consumers that were previously delinquent, not to advance the level of delinquency, for credit obligations for which the furnisher makes payment accommodations to consumers affected by COVID-19 and the consumer makes any payments the accommodation requires. Section 4022 of the CARES Act requires certain lenders to offer forbearance options to borrowers, and imposed a moratorium on foreclosures for certain home loans. In addition, section 3513 of the CARES Act specifically addresses the furnishing of federally-held student loans for which payments are suspended. This provision results in all nondefaulted federally-held student loans being reported as current.

In addition, the governor of the state of Washington has issued several emergency proclamations limiting state agencies from charging late fees and penalties, and placing a moratorium on garnishment actions (emergency Proclamation 20-49, and subsequent amendments) and evictions (emergency Proclamation 20-19, and subsequent amendments). The critical consumer protections included in these proclamations have also had the effect of preventing creditors from taking actions that are otherwise reportable on a consumer's credit history.

The result of the CARES Act is that all credit bureaus are collecting a credit history that is objectively inaccurate for some consumers and therefore results in an unreliable credit score being as-

signed to them. Consequently, this untrustworthy credit score degrades any predicative value that may be found in a consumer's credit-based insurance score.

The commissioner finds that the current protections to consumer credit history at the state and federal level have disrupted the credit reporting process. This disruption has caused credit-based insurance scoring models to be unreliable and therefore inaccurate when applied to produce a premium amount for an insurance consumer in Washington state. This makes the use of currently filed credit based insurance scoring models unfairly discriminatory within the meaning of RCW 48.19.020.

There is evidence that the negative economic impacts of the pandemic have disproportionately fallen on people of color. Therefore, when the CARES Act protections are eliminated, and negative credit information can be fully reported again, credit histories for people of color will have been disproportionately eroded by the pandemic.

Remaining consumer credit protections in the CARES Act will expire after the national state of emergency. When the CARES Act fully expires, a large volume of negative credit corrections will flood consumer credit histories. This flood of negative credit history has not been accounted for in the current credit scoring models. Without data to demonstrate that the predictive ability of credit scoring models based on pre-pandemic credit and claims histories is unchanged, the predicative ability of current credit scoring models cannot be assumed. This will make the use of currently filed credit based insurance scoring models unfairly discriminatory within the meaning of RCW 48.19.020.

It is impossible to know precisely when the state and federal states of emergency will end. Insurance companies must have an alternative to the currently unreliable credit scoring models they have in place before the protections of the CARES Act end. Therefore, it is necessary to immediately implement changes to the use of credit scoring.

The commissioner is considering this rule making to support the effects of the emergency rule, on the same subject and as filed in WSR 21-07-103, will last for three years after the public health emergency concludes.

Process for Developing New Rule: Submit written comments by July 31, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 22, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-13-132
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-06—Filed June 22, 2021, 10:47 a.m.]

Subject of Possible Rule Making: Implementation of ESHB 1196 (chapter 157, Laws of 2021), telemedicine and audio-only telemedicine services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 2, chapter 157, Laws of 2021, codified at RCW 48.43.735(9).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.43.735 addresses requirements for coverage of telemedicine services by health plans. Prior to enactment of ESHB 1196, RCW 48.43.735 expressly excluded audio-only telephone from the definition of "telemedicine." ESHB 1196 removes the exclusion of audio-only telemedicine from the coverage requirement, establishes several conditions for coverage of such services and amends statutory language related to telemedicine payment parity. Rules may be needed to clarify terms related to several components of the new law. Such rules will facilitate implementation of the law by ensuring that all affected entities understand their rights and obligations under the new law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state department of health (DOH) and the office of the insurance commissioner (OIC) share responsibility for enforcement of violations of the requirement that a provider obtain patient consent for billing audio-only telemedicine services in advance of the service being delivered. OIC will coordinate with DOH on implementation of these provisions. DOH has been invited to participate in any OIC rule making related to enforcement.

Process for Developing New Rule: Comments due by July 7, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jane Beyer, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7043, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 22, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-13-133
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-05—Filed June 22, 2021, 10:48 a.m.]

Subject of Possible Rule Making: Reinsurance agreements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.12.480; sections 2 and 4, chapter 138, Laws of 2021, (SB 5048).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The National Association of Insurance Commissioners (NAIC) recently adopted two revisions to its Credit for Reinsurance Model Law. The amendments to the model law incorporate provisions of an agreement between the United States and the European Union (EU). The agreement eliminates reinsurance collateral and local presence requirements for EU reinsurers that maintain \$250 million of their own funds and one hundred percent solvency capital. Conversely, the United States reinsurers that maintain similar capital and surplus would not be required to maintain a local presence in order to do business in the EU or in any EU jurisdiction. A similar agreement was signed with the United Kingdom and extends similar treatment to qualified jurisdictions and accredited NAIC jurisdictions. SB 5048 (2021) passed this past legislative session incorporating key components of the NAIC model. The commissioner is considering rule making to further align with the model law.

Process for Developing New Rule: Submit written comments by July 15, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 22, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-13-134
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-04—Filed June 22, 2021, 10:50 a.m.]

Subject of Possible Rule Making: Prohibiting the depreciation of labor on property claims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.27.020, 48.18.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The practice of depreciating labor costs on insurance payments for property damage claims floats a significant part of the labor repair costs to the consumer and their repair contractor, unfairly shifting a burden to the consumer during the repair process. The commissioner has seen a steady rise of policy forms that are writing this practice into their definition of actual cash value. The commissioner will consider rule making to prohibit the depreciation of labor on property claims.

Process for Developing New Rule: Submit written comments by July 31, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 22, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-13-135
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-03—Filed June 22, 2021, 10:51 a.m.]

Subject of Possible Rule Making: Resident adjuster continuing education requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.17.005, and 48.17.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 2, chapter 22, Laws of 2021 (SHB 1037) necessitates resident adjusters have continuing education requirements, therefore, the commissioner is considering rule making to further clarify resident independent adjusters and public adjusters continuing education protocols. The intent is to match the National Association of Insurance Commissioners standard of twenty-four continuing education hours, including three hours of ethics, every two years.

Process for Developing New Rule: Submit written comments by July 31, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Forte, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7042, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 22, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-13-138
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 22, 2021, 11:00 a.m.]

Subject of Possible Rule Making: 2022 Industrial insurance premium rates. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is required by law to establish and maintain a workers' compensation classification plan, and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

Rules concerning the nonimpact to employer experience rating for claim costs incurred due to a declared public health emergency will be reviewed.

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: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends, and financial markets. L&I works with the workers' compensation advisory committee (WCAC) and retrospective rating advisory committee (RAC) as changes are developed. The public can participate in these discussions by attending the WCAC or RAC meetings.

A schedule of the WCAC meetings is available at www.lni.wa.gov/insurance/insurance-requirements/workers-compensation-advisory-committee#meeting-schedule.

A schedule of the RAC meetings is available at www.lni.wa.gov/insurance/rates-risk-classes/reducing-rates/retro-advisory-committee#schedule-of-meetings.

Employers covered by L&I will receive notice of the proposed changes and public hearings.

L&I is planning to hold formal public hearings in October and November, 2021 via Zoom.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email JoAnne.Attwood@Lni.wa.gov, website www.lni.wa.gov/rulemaking-activity/?query=premium.

June 22, 2021
Joel Sacks
Director

WSR 21-13-140
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 22, 2021, 11:02 a.m.]

Subject of Possible Rule Making: Trenching rescue and excavation plan, WAC 296-155-012 Definitions applicable to all sections of this chapter, 296-155-035 General requirements, 296-155-655 General protection requirements, and 296-155-657 Requirements for protective systems.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Employers are currently required to "ensure prompt and safe removal of injured employees from elevated work locations, trenches and excavations prior to commencement of work" under WAC 296-155-035(9) but the conclusions of fatality investigations in recent years suggest that a better approach to risk analysis and rescue planning could serve to greatly reduce the likelihood of similar fatalities in the future. Accordingly, the division of occupational safety and health (DOSH) is considering amending WAC 296-155-655 General protection requirements, under chapter 296-155 WAC, Safety standards for construction work, Part N excavation, trenching, and shoring, to require employers to develop and implement a written excavation plan detailing appropriate risk analysis and rescue planning prior to beginning any work that requires a protective system (generally defined as any excavation four feet or deeper that is not in stable, solid rock).

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" federal Occupational Safety and Health Administration (OSHA) regulations. Any changes will be submitted to OSHA for approval upon adoption.

Process for Developing New Rule: Stakeholder meetings will be held to allow those affected by the rule to provide input prior to the rule proposal being filed. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by providing written comments on any proposed amendments or giving oral testimony 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 Kevin Walder, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-6681, fax 360-902-5619, email kevin.walder@Lni.wa.gov, website <https://Lni.wa.gov/rulemaking-activity>; or Chris Miller, phone 360-902-5516, fax 360-902-5619, email chris.miller@Lni.wa.gov.

June 22, 2021
Joel Sacks
Director

WSR 21-13-141
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 22, 2021, 11:36 a.m.]

Subject of Possible Rule Making: The employment security department (department) is considering rules to implement SHB 1323, section 7, chapter 113, Laws of 2021. The bill, among other things, provides a pathway for federally recognized Washington tribes to elect long-term services and supports (LTSS) program coverage. Section 7 of the bill also clarifies that any tribe that elects coverage may opt out at any time for any reason it deems necessary and requires the department to adopt rules to implement the section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 113, Laws of 2021; RCW 50B.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1323 requires the department to adopt rules to implement tribal elective coverage and opt-out provisions of the law. Administrative rules are necessary to provide information and clarity to federally recognized tribes considering electing LTSS program coverage.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will share drafts and engage with interested Washington federally recognized tribes, interested stakeholders, and other state agencies with responsibilities under the LTSS law, including the department of social and health services, the health care authority, and the state actuary.

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 Janette Benham, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-790-6583, TTY Teresa Eckstein, state EO officer, 771 or 360-902-9354, email rules@esd.wa.gov.

June 22, 2021
April Amundson
Policy and Rules Manager
Leave and Care Division

WSR 21-13-145
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 22, 2021, 1:19 p.m.]

Subject of Possible Rule Making: Chapters 139-01, 139-03, 139-05, 139-06, 139-07, 139-09, and 139-10 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB [E2SSB] 5051 (2021) requires the Washington state criminal justice training commission to undertake rule making to comply with the laws set forth in SB [E2SSB] 5051. The rule making will accomplish compliance with new law. This WAC update may also include general updates and revisions to the listed chapters.

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 Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 253-835-7350, email Dzable@cjtc.wa.gov, website cjtc.wa.gov.

June 22, 2021
Derek Zable
Records and Governmental
Affairs Manager

WSR 21-13-155
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 22, 2021, 2:21 p.m.]

Subject of Possible Rule Making: WAC 182-535-1270 Oral health connections pilot project; 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 agency is amending these rules to extend the program through December 31, 2023, or until pilot funds are completely dispersed, whichever comes first. Additionally, age limits and dual eligibility exclusions are being removed. The enhanced rate will now include an additional periodic exam and adult prophylaxis as well as one fluoride varnish application, and one silver diamine fluoride treatment. During the course of this review, the health care authority 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 Center[s] 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, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Pixie Needham, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9967, fax 360-586-9727, TRS 711, email pixie.needham@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 22, 2021
Wendy Barcus
Rules Coordinator

WSR 21-13-157
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 22, 2021, 3:25 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-449-0200 Am I eligible for cash assistance for aged, blind, or disabled (ABD) while waiting for supplemental security income (SSI)?, 388-449-0001 What are the disability requirements for the aged, blind, or disabled (ABD) program?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.0052, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.09.035, 74.09.530, 74.62.030, 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will add clarifying language to address eligibility factors for aged, blind, or disabled program applicants and recipients.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorraine Peterson, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 509-406-3417, fax 509-454-4389, email Lorraine.Peterson@dshs.wa.gov.

June 22, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-158
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 22, 2021, 3:55 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-474-0020 What can an aged, blind, or disabled (ABD) cash assistance client expect when supplemental security income (SSI) benefits begin?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.057, 74.04.510, 74.04.630, 74.04.655, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to support a corrective action plan and address errors when an ABD client signs an interim assistance reimbursement authorization. Amendments are also intended to support ABD program outcomes and better align with Social Security Administration policies and procedures.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will coordinate review of proposed rule making with the Social Security Administration.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorraine Peterson, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 509-406-3417, fax 509-454-4389, email Lorraine.Peterson@dshs.wa.gov.

June 22, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-13-159
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 22, 2021, 3:55 p.m.]

Subject of Possible Rule Making: Prevailing wage intent and affidavit filing fees, updates to chapter 296-127 WAC, Prevailing wage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 193, Laws of 2019, SB 5566; and RCW 39.12.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering adopting rules to amend chapter 206-127 WAC, Prevailing wage, in order to implement the legislative changes made within 2019's Prevailing wage program fees—Determination—Limit Act (chapter 193, Laws of 2019, SB 5566).

The words "or less" were added after the law's statement: "However, the fees charged for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid shall be forty dollars" and another sentence added to the statute stating: "For the 2019-2021 biennium, the fees shall not be more than twenty dollars."

The rules still refer to the filing fee set in RCW 39.12.070, but the statute no longer sets a precise filing fee and the biennium is ending. In order for L&I to continue to process and approve or certify the intent and affidavit forms, rule making is required to set the intent and affidavit filing fees that will be charged after the end of the 2019-2021 biennium.

L&I will also file an emergency rule (CR-103E) on July 1, 2021, and effective immediately, to ensure these requirements are in place before the 2019-2021 biennium ends while permanent rule making is occurring.

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: L&I will develop the rule language with input from stakeholders. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's rule-making activity website at <https://www.lni.wa.gov/rulemaking-activity/?query=296-127> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, L&I, Prevailing Wage Program, P.O. Box 44540, Olympia, WA 98504-4540, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@Lni.wa.gov.

June 22, 2021
Joel Sacks
Director