

WSR 21-14-007
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 24, 2021, 8:27 a.m.]

Subject of Possible Rule Making: WAC 182-543-2000, 182-551-2010, and 182-551-2210; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 18.79.256.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending these rules to change occurrences of "ordering physician" to "authorized practitioner" to align with amendments in chapters 182-543 and 182-551 WAC recently made in WSR 21-12-051. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: 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 Cynde Rivers, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-5282, fax 360-586-9727, TRS 711, email cynde.rivers@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 24, 2021
Wendy Barcus
Rules Coordinator

WSR 21-14-010
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 24, 2021, 9:45 a.m.]

Subject of Possible Rule Making: Chapter 246-341 WAC, behavioral health agency licensing and certification requirements. The department of health (department) is considering updating the chapter of rules for licensed and certified behavioral health agencies as the next step in a multi-phase plan to modernize licensing and certification requirements in order to increase access to safe, quality behavioral health care. This project aims to do this by focusing on: (1) Streamlining and restructuring the number and types of certifications; (2) improving the ability for behavioral health agencies to deliver services across the continuum of care; and (3) clarifying the department's regulatory oversight.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.34.037.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule-making project is phase two of a multi-phase project to overhaul the licensing and certification rules for behavioral health agencies. The first phase focused on bringing the regulations up-to-date with recent legislation and addressing areas of clean up that had been identified since the department began regulating behavioral health agencies in 2018.

In phase two of this work, the areas that will be considered include:

1. Supporting a behavioral health agency's ability to provide services for cooccurring mental health and substance use disorders.
2. Improving the ability for an individual to have continuity as they transition through levels of care.
3. Scoping rules to align more closely with the specific rule-making authority in RCW 71.24.037.
4. Further examining specific topics identified during phase 1 such as deeming, telehealth, and applied behavioral analysis.
5. Implementing changes made by the 2021 legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Health care authority, department of social and health services, department of children, youth, and families, centers for medicare/medicaid services, and others. The department plans to work closely with our partners and other state agencies to coordinate the revision of this rule.

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 Julie Tomaro, P.O. Box 47843, Olympia, WA 98504, phone 360-236-2937, fax 360-236-2321, TTY 711, email julie.tomaro@doh.wa.gov, website www.doh.wa.gov/BHA.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a series of rules workshops. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making and to be included on our interested parties distribution list, visit doh.wa.gov/BHA and select the "Subscribe" button at the bottom of that page.

June 23, 2021

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

WSR 21-14-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 1, 2021, 10:06 a.m.]

Subject of Possible Rule Making: The department is considering adding a new section in chapter 388-97 WAC, Nursing homes, and amending other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The additions or amendments to chapter 388-97 WAC will reestablish inspection (survey) timelines and identify the period of time that inspections were held in suspension during the COVID-19 pandemic, in accordance with Governor's Proclamation 20-18.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In response to the COVID-19 public health emergency, federal rules regarding nursing home inspections were amended by the Centers for Medicare and Medicaid Services (CMS) under the authority of the Social Security Act (Section 1135 (b) (5)). The amended federal rules suspended recertification surveys and were effective March 4, 2020. On August 17, 2020, CMS modified the rules to permit more types of inspections, including recertification surveys, contingent on states having sufficient resources to complete the surveys. The state suspension of inspection rules (Governor's Proclamation 20-18) remains in effect. The department will monitor federal nursing home communication to ensure this rule making reflects both state and federal rules regarding inspections.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

July 1, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-14-049
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 1, 2021, 11:33 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-1080 Nursing services, 388-97-1090 Direct care hours, and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The amendments to WAC 388-97-1080 will reestablish requirements for registered nurse (RN) staffing levels in nursing homes, and the exception process for the RN standard. The amendments to WAC 388-97-1090 will reestablish requirements for direct care staffing, as well as associated oversight activities and penalties for noncompliance. These rules were held in suspension during the COVID-19 pandemic, in accordance with Governor's Proclamation 20-18.

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 will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

July 1, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-14-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 1, 2021, 11:42 a.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-1660 Staff and equipment, and other related rules as may be necessary to implement ESHB 1120 (chapter 203, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620 Department rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement ESHB 1120 (chapter 203, Laws of 2021). The amendments to WAC 388-97-1660 Staff and equipment, will reflect the additional time given to nursing assistants to obtain certification during the COVID-19 public health emergency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: In response to the COVID-19 public health emergency, the Centers for Medicare and Medicaid Services (CMS) under the authority of the Social Security Act (Section 1135), waived federal rules regarding how long nursing assistants can work before obtaining certification as a nursing assistant. The amended rules were effective March 1, 2020.

Additionally, the office of the governor, in Proclamation 20-37, waived the state rules and laws that require nursing assistants to obtain certification within four months of registration. The state rules were suspended effective March 30, 2020.

Nursing assistants are registered and certified through the Washington state department of health (DOH). The department will monitor federal nursing home communication and collaborate with DOH to ensure this rule making reflects DSHS and DOH rules, as well as CMS rules regarding nursing assistant training times.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone 509-209-3088, fax 360-725-3224, email lisa.herke@dshs.wa.gov.

July 1, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-14-062
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-08—Filed July 2, 2021, 10:35 a.m.]

Subject of Possible Rule Making: Using respectful language.

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

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: Chapter 275, Laws of 2020 (HB 2390) amended several
statutes to reflect respectful language as identified under current
law by replacing references to "handicapped persons" with references
to "individuals with disabilities." Rules may be necessary to amend
WAC 284-50-330 to reflect the language implemented in statute.

Process for Developing New Rule: Submit written comments by July
26, 2021.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Simon Casson, 302 Sid Snyder Avenue S.W., Olympia, WA
98504, phone 360-725-7038, fax 360-586-3109, TTY 360-586-0241, email
rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 2, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-063
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-09—Filed July 2, 2021, 10:37 a.m.]

Subject of Possible Rule Making: Administrative hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 34.05.220 (1)(a), 34.05.250, 34.05.446(2), and 48.02.060 (3)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is considering this rule making to improve administrative hearings, discovery, and service processes. WAC 284-02-070 incorporates by reference many of the civil discovery rules for administrative hearings. This creates several problems, where parties propound discovery without justifying the same with the presiding officer. This results in the office of the insurance commissioner (OIC) receiving overly broad discovery requests that do not provide any commensurate benefit to the administrative hearing process and can delay proceedings or obstruct agency action. Additionally, OIC is currently required to reach electronic service agreements on a case-by-case basis with all opposing parties. The purposes of this rule making are to optimize discovery, such as limiting depositions, interrogatories, requests for production, and requests for admissions, and allow electronic service in all OIC hearings, in the interest of avoiding delays and achieving administrative efficiencies.

Process for Developing New Rule: Submit written comments by July 28, 2021.

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

July 2, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-14-064
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-10—Filed July 2, 2021, 10:38 a.m.]

Subject of Possible Rule Making: Title agent county declarations.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 48.02.060(3) and 48.29.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is considering rule making to enhance the reporting requirements for title agents, specifically in regard to their county declarations and ownership or leasing of tract indexes. An entity applying for a title agent license is required to submit the Declaration of Title Insurance Agent form as part of the application process. The purpose of the form is for the title agent to identify which counties they will be doing business in and that the title agent either owns or leases a complete set of tract indexes for those counties, as required per RCW 48.29.160. Unfortunately, the licensing records do not reflect the original documents which define what counties these title agents own or lease the required tract indexes in, nor is there a regulation or statute which requires them to report any expansion of business into additional counties. There likewise is no current requirement for title agents to attest that they own or lease the proper tract indexes for the additional counties expanded into. These regulations would require title agents to submit a declaration to the office of the insurance commissioner, which would identify their expansion of business into additional counties and provide proof of the ownership or leasing rights for the applicable tract indexes.

Process for Developing New Rule: Public comments are due by July 28, 2021.

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

July 2, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-065
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-11—Filed July 2, 2021, 10:42 a.m.]

Subject of Possible Rule Making: Actuarial designations.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 48.02.060, 48.05.073, 48.05.383.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The proposed rule will provide guidance regarding
NAIC-accepted actuarial designations. The NAIC has updated the re-
quirements as of 2019 and the proposed rule conforms to these updated
requirements.

Other Federal and State Agencies that Regulate this Subject and
the Process Coordinating the Rule with These Agencies: The Washington
state department of enterprise services (DES) also regulates required
actuarial designations. The office of the insurance commissioner will
coordinate with DES on implementation of the proposed provisions.

Process for Developing New Rule: Submit comments by July 28,
2021.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Simon Casson, 302 Sid Snyder Avenue S.W., Olympia, WA
98504, phone 360-725-7038, fax 360-586-3109, TTY 360-586-0241, email
rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 2, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-075
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-12—Filed July 6, 2021, 7:25 p.m.]

Subject of Possible Rule Making: Implementation of 2SSB 5315 (chapter 281, Laws of 2021), captive insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 6, chapter 281, Laws of 2021; and RCW 48.02.060 (3)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The act relating to captive insurance (2SSB 5315) has become effective as law (chapter 281, Laws of 2021). This law establishes statutory framework for Washington-based private entities and public institutions of higher education to manage their risks through captive insurers, which will require proper regulation and taxation by the office of the insurance commissioner (OIC).

This law also authorizes OIC rule making to incorporate the statutory framework and requirements for captive insurance into WAC, along with implementation processes, clarifications, and regulatory guidance. The commissioner will consider rule making related to determining eligibility of captive insurers, registering and renewing eligible captive insurers, enforcement, and collecting associated taxes, registration fees, and annual renewal fees from captive insurers that are licensed by their domicile jurisdictions and insure Washington-based entities. This law does not make Washington a captive domicile state.

These rules will facilitate implementation of captive insurance by ensuring that all affected entities understand their rights and obligations under the new law.

Process for Developing New Rule: Submit written comments by July 28, 2021.

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

July 6, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-076
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-15—Filed July 6, 2021, 7:25 a.m.]

Subject of Possible Rule Making: FAIR (fair access to insurance requirements) plan committee members.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.01.030, 48.18.480.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Two associations named in the existing rules have merged under a new name, so the rules need to be updated to replace the outdated names. Some additional technical changes should also make the rules clearer and easier to follow.

Process for Developing New Rule: Comments due by August 15, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shari Maier, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7173, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 6, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-078
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 6, 2021, 8:37 a.m.]

The department of labor and industries (L&I) is withdrawing the preproposal statement of inquiry for rule making to develop permanent rules for the cranes and derricks industry under chapter 296-155 WAC, Safety standards for construction work, filed on March 20, 2018, and published under WSR 18-07-091.

The Occupational Safety and Health Administration recently updated their standard, thus modifying the original intent of this specific rule-making effort. L&I is filing another Preproposal statement of inquiry CR-101 on July 6, 2021, to consolidate the subject of the WSR 18-07-091 and 19-23-082 that will be withdrawn separately for the same reasons above.

If you have any questions, please contact Tracy West, rules coordinator, at 360-902-6954.

Tracy West
Rules Coordinator

**WSR 21-14-079
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 6, 2021, 8:39 a.m.]

The department of labor and industries (L&I) is withdrawing the preproposal statement of inquiry for rule making to develop permanent rules for the cranes and derricks industry under chapter 296-155 WAC, Safety standards for construction work, Part L, cranes, rigging, and personnel lifting, filed on November 19, 2019, and published under WSR 19-23-082.

The Occupational Safety and Health Administration recently updated their standard, thus modifying the original intent of this specific rule-making effort. Additionally, L&I is filing another Preproposal statement of inquiry, CR-101, on July 6, 2021, to consolidate the subject of WSR-19-23-082 and 18-07-091 that will be withdrawn separately for the same reasons above.

If you have any questions, please contact Tracy West, rules coordinator, at 360-902-6954.

Tracy West
Rules Coordinator

WSR 21-14-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 6, 2021, 8:41 a.m.]

Subject of Possible Rule Making: Safety standards for cranes; chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.400, 49.17.410, 49.17.420, 49.17.430, and 49.17.440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule making under consideration is federally initiated. The Occupational Safety and Health Administration (OSHA) recently updated their standard for cranes and derricks in construction. These updates included clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. OSHA also altered a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. OSHA's rule also establishes minimum requirements for determining operator competency. Another recent update by OSHA included exemptions and clarifications for unique equipment used in roadway railway work.

This rule making is also intended to provide clarity on the department of labor and industry's interpretation of requirements related to crane decertification and reinstatement. The changes under consideration would clarify what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. The proposed language will also add crane tipovers as a reporting requirement, while the assumption is that a crane involved in a tipover would be given an inspection prior to returning to service.

Finally, state-initiated amendments will also be proposed to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Additional housekeeping changes will also be included.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments 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 Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44610, Olympia, WA 98504-4610, phone 360-902-5522, fax 360-902-5619, email Cynthia.Ireland@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

July 6, 2021
Joel Sacks
Director

WSR 21-14-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 21-07—Filed July 7, 2021, 8:34 a.m.]

Subject of Possible Rule Making: Ecology is considering amending chapter 173-441 WAC, Reporting of emissions of greenhouse gases, as directed by section 33 of the Climate Commitment Act (CCA).

In 2021, the legislature passed the CCA, which establishes a cap and invest program to achieve Washington's goal of net-zero greenhouse gas (GHG) emissions by 2050. Ecology will be undertaking three separate rule makings to address the first set of requirements.

This rule making will consider amending chapter 173-441 WAC, Reporting of emissions of greenhouse gases, to expand persons subject to reporting and improve reporting requirements. Specifically, this rule making may:

- Add natural gas suppliers, carbon dioxide suppliers, and electric power entities to the existing GHG reporting program.
- Replace the transportation fuel supplier program with a CCA-compatible fuel supplier program.
- Update GHG reporting requirements to support the CCA and facilitate program linkage with other jurisdictions.
- Add program elements to support the verification of GHG reporting data.
- Modify administrative provisions, such as deadlines and GHG reporting fees.
- Include requirements necessary to support the above items, the overall objectives of the statute or chapter, or the goals of the CCA.
- Make administrative changes for correction or clarification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: CCA (E2SSB 5126), chapter 316, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The CCA amends chapter 173-441 WAC to support new CCA requirements. Approximately seventy-five percent of the GHG emissions included in the new cap and invest program are not reported or are reported using methods inconsistent with the CCA. Ecology will create an accurate system for reporting GHGs by adding new businesses to the program, improving data verification processes, and modifying reporting requirements and reporting fees.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The energy facility site evaluation council (EFSEC) must adopt this rule to apply it to sources they regulate. Ecology will advise EFSEC during their rule making to adopt this rule.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rachel Assink, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6827, for Washington relay service or TTY call 711 or 877-833-6341, email ghgreporting@ecy.wa.gov, website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-441>. Sign up to receive email notices on this rule making <http://>

listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=WA-GHG-REPORTING&A=1.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

July 7, 2021
Kathy Taylor
Air Quality Program Manager

WSR 21-14-094
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-16—Filed July 7, 2021, 9:43 a.m.]

Subject of Possible Rule Making: Implementation of E2SHB 1477 and consolidated health care rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.515, 48.44.050, 48.46.200; and chapter 302, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is considering adopting rules to implement E2SHB 1477 concerning access to next day appointments required in the legislation. The commissioner may also consider utilizing this rule to consolidate office of the insurance commissioner (OIC) rule making if necessary to ensure that rules related to recently enacted legislation are adopted by OIC prior to January 1, 2022. Currently, multiple provisions of OIC rules in chapters 284-43 and 284-170 WAC may need to be amended to be consistent with recent laws. These rules will facilitate implementation of recent laws by ensuring that all affected health care entities understand their rights and obligations under the recent laws.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mandy Weeks-Green, P.O. Box 40260, Olympia, WA 98504-2060, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 7, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-095
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-14—Filed July 7, 2021, 9:43 a.m.]

Subject of Possible Rule Making: Health insurance discrimination and gender affirming treatment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.515; and chapter 280, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is considering adopting rules to add new sections and amend existing rules necessary to implement chapter 280, Laws of 2021, regarding health insurance discrimination and gender affirming treatment.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mandy Weeks-Green, P.O. Box 40260, Olympia, WA 98504-2060, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 7, 2021
Mike Kreidler
Insurance Commissioner

**WSR 21-14-096
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-13—Filed July 7, 2021, 9:44 a.m.]

Subject of Possible Rule Making: Student health plans.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060; and chapter 53, Laws of 2021 (HB 1009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commissioner is considering adopting rules to add new sections and amend existing rules necessary to implement chapter 53, Laws of 2021, regarding student health plan coverage and adopting technical corrections.

Process for Developing New Rule: Submit comments by September 1, 2021.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mandy Weeks-Green, P.O. Box 40260, Olympia, WA 98504-2060, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 7, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-14-097
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2021-17—Filed July 7, 2021, 9:44 a.m.]

Subject of Possible Rule Making: Health care sharing ministries.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 48.02.060, 48.17.005, and 48.15.015.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The commissioner is considering adopting rules re-
lating to the exemption for health care sharing ministries (HCSM)
found in RCW 48.43.009 and the sale of HCSM plans by licensed produc-
ers.

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

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Mandy Weeks-Green, P.O. Box 40260, Olympia, WA 98504-2060,
phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email
rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

July 7, 2021
Mike Kreidler
Insurance Commissioner

WSR 21-14-099

**PREPROPOSAL STATEMENT OF INQUIRY
TRANSPORTATION IMPROVEMENT BOARD**

[Filed July 7, 2021, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 479-14 WAC, including the small city and urban sidewalk program, chapters 479-01, 479-05, and 479-10 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.26 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The small city and urban sidewalk program WAC criteria has not been updated in nearly a decade. The objective of this rule making is to transition the small city and urban sidewalk program to active transportation.

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 Kelsey Davis, P.O. Box 40901, Olympia, WA 98504-0901, phone 360-586-1146 or toll free 800-562-6345, email KelseyD@tib.wa.gov, website www.tib.wa.gov; or Vaughn Nelson, email VaughnN@tib.wa.gov.

July 7, 2021
Ashley Probart
Executive Director

WSR 21-14-112
PREPROPOSAL STATEMENT OF INQUIRY
STUDENT ACHIEVEMENT COUNCIL

[Filed July 7, 2021, 11:50 a.m.]

Subject of Possible Rule Making: College bound scholarship, chapter 250-84 WAC. Comprehensive technical and administrative changes and corrections to align the WAC with RCW and other recent legislative direction, as well as codifying current practice in various operational areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.118.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Program rules require updates to align with recent legislative changes and to codify existing practice areas where the rules are no longer accurate, silent or incomplete.

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 technical corrections and additions aligning program operations with legislative direction and current practice in collaboration with affected partners.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sarah Weiss, Student Achievement Council, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, phone 360-485-1003, email sarahwe@wsac.wa.gov, website www.wsac.wa.gov.

July 6, 2021
Sarah Weiss
Associate Director
College Access and Support

**WSR 21-14-115
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD**

[Filed July 7, 2021, 11:58 a.m.]

Consistent with RCW 34.05.335 and WAC 1-21-060, the liquor and cannabis board is withdrawing its Preproposal statement of inquiry (CR-101), filed on May 12, 2021, as WSR 21-11-036, concerning chapter 314-55 WAC, Marijuana additives, solvents, or compounds.

David Postman
Chair

WSR 21-14-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 7, 2021, 11:58 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-412-0046 What is the purpose of DSHS cash and food assistance benefits and how can I use my benefits?, and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 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 more closely align with 7 C.F.R. § 273.2 (n) (3) and § 274.7(a), which permit households to select who is allowed to purchase food for the household.

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.

July 7, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-14-117
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed July 7, 2021, 12:00 p.m.]

Subject of Possible Rule Making: WAC 314-55-XXX Marijuana additives, solvents, ingredients, or compounds, the Washington state liquor and cannabis board (WSLCB) is considering establishing a new rule section that would allow the WSLCB to evaluate additives, solvents, ingredients or compounds used in the production and processing of marijuana products other than delta-9 tetrahydrocannabinol (THC), as well as CBD, hemp, or both converted to delta-8 THC, delta-9 THC, or any other marijuana compound that is not currently identified or defined in RCW, WAC, or both, to determine whether such substances pose a risk to public health or youth access.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 (1)(m), 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In mid-2020, WSLCB became aware of products entering the regulated market with labeling noting the presence of cannabinoids other than delta-9 THC. In early 2021, the agency also became aware of the conversion of CBD, hemp, or both to delta-8 THC, delta-9 THC, and other marijuana compounds not currently identified or defined in RCW, WAC, or both. These products include, but are not limited to marijuana infused edibles and marijuana concentrates. WSLCB also became aware of products with labeling noting the presence of THC compounds other than delta-9 THC in markets it does not regulate.

WSLCB reviews and preapproves marijuana-infused labeling for edible products that will be sold in licensed retail marijuana stores. WSLCB does not review or approve labeling for marijuana concentrates, usable marijuana, marijuana mix, or marijuana topical products that will be sold in licensed retail marijuana stores. WSLCB does not have statutory or regulatory authority for products containing marijuana compounds other than delta-9 THC sold outside the licensed marijuana system it regulates.

The process of genetic or chemical alteration of hemp or other sources to potentially intoxicating, psychoactive compounds may generate additional chemicals that are not naturally occurring in marijuana. Currently, there are no mandatory testing standards for these compounds, and no potency or concentration limits have been established in statute or regulation concerning these compounds in Washington state. The impact of those different chemicals on health are unknown and could be harmful.

Additionally, WSLCB understands that some accredited/certified testing laboratories are able to test for the presence of delta-8 THC, but testing for THC isomers is evolving and not standardized. For example, delta-8 THC as a stand-alone product is not currently being tested for contaminants, but only for cannabinoid testing. Thus, it is unclear whether delta-8 or CBD isolate from hemp or other sources that is genetically or chemically altered into compounds other than delta-9 THC are safe for consumer use.

Washington state statute and the rules that implement those statutes provide a framework for the types of activities that marijuana licensees may engage in. The only products that can be sold in licensed marijuana retail stores are marijuana concentrates, usable marijuana, marijuana infused products and paraphernalia. Rules are needed

to allow WSLCB to evaluate additives, solvents, ingredients or compounds used in production and processing of marijuana products when such products may contain CBD isolate from hemp and other sources that have been genetically or chemically altered to result in potentially intoxicating, psychoactive compounds, or compounds other than delta-9 THC, as well as CBD, hemp, or both that have been converted to delta-8 THC, delta-9 THC, or any other marijuana compound that is not currently defined or identified in RCW, WAC, or both, to determine whether such substances may pose a risk to public health or youth access.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state pharmacy quality assurance commission; Washington state board of health; Washington state department of health; Washington state department of agriculture.

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 Katherine Hoffman, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1622, fax 360-664-9689, 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/WSLCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

July 7, 2021
David Postman
Chair