

**WSR 21-15-004**

**PREPROPOSAL STATEMENT OF INQUIRY**

**EASTERN WASHINGTON UNIVERSITY**

[Filed July 7, 2021, 3:35 p.m.]

Subject of Possible Rule Making: Chapter 172-108 WAC, Adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Add a new section regarding the imposition of fines for failing to follow Eastern Washington University's immunization policies and a process for challenging such fines.

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email [ascharosch@ewu.edu](mailto:ascharosch@ewu.edu), website <https://inside.ewu.edu/policies/>.

July 7, 2021

Annika Scharosch

Associate Vice President

**WSR 21-15-012**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 8, 2021, 2:26 p.m.]

Subject of Possible Rule Making: Working connections and seasonal child care subsidy programs: The department of children, youth, and families (DCYF) plans to implement 2021 session laws and budget provisions, as well as collective bargaining agreements entered into with family home child cares. Subjects include monthly rate authorizations for family home child cares; increased base rates for licensed and family, friend, and neighbor child care providers; field trip reimbursements for family, friend, and neighbor child care providers; eligibility changes for certain full-time student parents and families experiencing homelessness; and new time periods in which family homes must produce requested documents and correct payments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.055 and 43.216.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to set base rates as directed by the legislature, incorporate collective bargaining agreements into existing rules, and make existing rules consistent with 2021 session laws.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Administration for Children and Families regulates this subject and DCYF consults with that agency when necessary to ensure its rules are consistent with federal requirements.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Toni Sebastian, P.O. Box 40970, Olympia, WA 98504-0970, phone 206-200-0824, email [toni.sebastian@dcyf.wa.gov](mailto:toni.sebastian@dcyf.wa.gov), website <https://dcyf.wa.gov/>.

July 8, 2021  
Brenda Villarreal  
Rules Coordinator

**WSR 21-15-015**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 8, 2021, 3:43 p.m.]

Subject of Possible Rule Making: WAC 182-550-4800 Hospital payment methods—State-administered programs.

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 update the grouper from all-patient diagnosis related group (DRG) to all-patient refined DRG and remove references to version 23. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The 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](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Melissa Craig, Program Questions, P.O. Box 55687, Olympia, WA 98504-5687, phone 360-725-0938, fax 360-586-9727, TRS 711, email [melissa.craig@hca.wa.gov](mailto:melissa.craig@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 8, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-15-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LAKE WASHINGTON**  
**INSTITUTE OF TECHNOLOGY**  
[Filed July 9, 2021, 11:43 a.m.]

Subject of Possible Rule Making: Modify the financial aid policy to reflect up-to-date financial aid functions.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Assist the college in clearly stating purpose and authority for financial aid offerings.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Ruby Hayden, 11605 132nd Avenue N.E., Kirkland, WA 98034, phone 425-739-8208, fax 425-739[-8110], Washington relay [711], email ruby.hayden@lwtech.edu, website www.lwtech.edu.

July 7, 2021  
Elsa J. Gossett  
Senior Executive Assistant  
to the President and  
Board of Trustees

WSR 21-15-019

**PREPROPOSAL STATEMENT OF INQUIRY  
EASTERN WASHINGTON UNIVERSITY**

[Filed July 9, 2021, 12:36 p.m.]

Subject of Possible Rule Making: Chapter 172-135 WAC, Mandatory medical leave of absence and return.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the process for determining whether or not a student poses a risk of health, danger, or disruption, and considering a possible mandatory medical leave of absence.

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email [ascharosch@ewu.edu](mailto:ascharosch@ewu.edu), website <https://inside.ewu.edu/policies/>.

July 9, 2021  
Annika Scharosch  
Associate Vice President

**WSR 21-15-021**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed July 9, 2021, 1:59 p.m.]

The economic services administration requests the withdrawal of WAC 388-434-0015 Extension of certification periods and waiver of eligibility reviews and mid-certification reviews during the COVID-19 pandemic, Preproposal statement of inquiry (CR-101), filed as WSR 20-22-062 on October 30, 2020.

Katherine I. Vasquez  
Rules Coordinator

**WSR 21-15-025**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 12, 2021, 11:03 a.m.]

Subject of Possible Rule Making: WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs, 182-505-0115 Washington apple health—Eligibility for pregnant women, 182-505-0117 Washington apple health—Eligibility for pregnant minors, 182-509-0305 MAGI income—Persons subject to the modified adjusted gross income (MAGI) methodology, 182-514-0263 Non-SSI-related institutional medically needy coverage for pregnant women and people age twenty and younger; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5068, 67th legislature, 2021 regular session; 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 align with SSB 5068, which extends the period of postpartum coverage through Washington apple health, and to make other updates. During the course of this review, the agency may identify additional related changes that are required to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Melissa Rivera, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1713, fax 360-586-9727, TRS 711, email [melissa.rivera@hca.wa.gov](mailto:melissa.rivera@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 12, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-15-032**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**

[Filed July 13, 2021, 8:36 a.m.]

Subject of Possible Rule Making: Chapters 139-30, 139-33, 139-35, and 139-37 WAC, updating, aligning, and providing best practice changes to the WAC that govern bail bond agents, private security, private investigators, and firearms instructors that certify their firearm certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080, 43.101.250, 43.101.260, 18.185.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update WAC to have consistent Washington state criminal justice training commission authority over whether to process or deny firearm certificate applications, and other possible updates to the WAC.

Process for Developing New Rule: Negotiated rule making; and correspondence between commissioners and subject matter experts; communications with the department of licensing director or designee if needed for chapter 139-33 WAC.

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.

July 13, 2021  
Derek Zable  
Records and Governmental  
Affairs Manager



**WSR 21-15-039**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**

[Filed July 14, 2021, 9:26 a.m.]

Subject of Possible Rule Making: Rules to implement the provisions of chapter 13, Laws of 2021 (SB [SSB] 5055), which concerns establishing a statewide roster for arbitrating law enforcement personnel disciplinary grievances and publishing decisions arising from those arbitration proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.58.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB [SSB] 5055 requires the public employment relations commission (PERC) to establish a roster of arbitrators or arbitrating law enforcement personnel disciplinary grievances. The bill establishes minimum qualifications for the arbitrators to be appointed to the panel and also empowers PERC to remove an arbitrator from the roster. PERC anticipates the need for procedural rules surrounding the appointment and removal processes.

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 Dario de la Rosa, P.O. Box 40919, Olympia, WA 98504-0919, phone 360-570-7328, fax 360-570-7334, email [info@perc.wa.gov](mailto:info@perc.wa.gov), website [www.perc.wa.gov](http://www.perc.wa.gov); or Michael Sellars, P.O. Box 40919, Olympia, WA 98504-0919, phone 360-570-7306, fax 360-570-7334, email [info@perc.wa.gov](mailto:info@perc.wa.gov), website [www.perc.wa.gov](http://www.perc.wa.gov).

July 13, 2021  
Dario de la Rosa  
Rules Coordinator

**WSR 21-15-041**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 14, 2021, 10:00 a.m.]

Subject of Possible Rule Making: WAC 182-550-3800 Rebasing, 182-550-3830 Adjustments to inpatient rates, and 182-550-7500 OPPS rate; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESSB 5092, sections 211(46) and 215(66).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending these sections to add qualifying criteria for and reflect an extension of the current rate increase for sole community hospitals. ESSB 5092, section 211(46) extends the rate increase through June of 2023. HCA also plans to implement ESSB 5092, section 215(66) to adjust rates paid for long-term civil commitments. Hospitals may now submit costs not included in their medicare cost report to be evaluated by the agency for a potential rate increase. 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: Centers for Medicare and Medicaid Services via state plan amendment.

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 Michael Williams, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication[s] relay service 711, email michael.williams@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Sarah Cook, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1577, fax 360-586-9727, TRS 711, email sarah.cook@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 14, 2021  
Wendy Barcus  
Rules Coordinator

WSR 21-15-054

PREPROPOSAL STATEMENT OF INQUIRY

SECRETARY OF STATE

[Filed July 15, 2021, 11:01 a.m.]

Subject of Possible Rule Making: Updating and modernizing the address confidentiality program rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.24.090; chapter 40.24 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Providing consistent operation of the address confidentiality program and the intake program around the state.

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 ACP Program, P.O. [Box] 40220, Olympia, WA 98504, phone 360-902-4151, fax 360-586-5629, email ACPrules@sos.wa.gov.

July 15, 2021

Mark Neary

Assistant Secretary of State

**WSR 21-15-061  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed July 15, 2021, 2:58 p.m.]

The health care authority requests withdrawal of the Preproposal statement of inquiry filed as WSR 21-13-155 on June 22, 2021, and distributed in the 21-13 State Register. The agency plans to revise the intent of this rule making and refile at a later date.

Wendy Barcus  
Rules Coordinator

WSR 21-15-063

PREPROPOSAL STATEMENT OF INQUIRY  
PUBLIC DISCLOSURE COMMISSION

[Filed July 15, 2021, 3:13 p.m.]

Subject of Possible Rule Making: The scope and timing for public inspection of commercial advertiser books of account and digital political advertising.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The development of rules would promote transparency of political advertising in response to the evolving digital media market.

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

Process for Developing New Rule: Collaborative process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA 98504, phone 360-753-1111, fax 360-753-1112, email pdc@pdc.wa.gov, website www.pdc.wa.gov.

July 15, 2021  
Sean Flynn  
General Counsel

**WSR 21-15-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 15, 2021, 3:27 p.m.]

Subject of Possible Rule Making: New rule making under Title 182 WAC to define and describe telemedicine and audio-only telemedicine; WAC 182-531-0100 Scope of coverage for physician-related and health care professional services—General and administrative, 182-531-1730 Telemedicine, 182-531A-1200 Applied behavior analysis (ABA)—Services provided via telemedicine, 182-537-0100 Purpose, 182-537-0200 Definitions, 182-550-1350 Revenue code categories and subcategories—CPT and HCPCS reporting requirements for outpatient hospitals, 182-550-1500 Covered and noncovered revenue code categories and subcategories for outpatient hospital services, 182-551-2010 Definitions, 182-551-2040 Face-to-face encounter requirements, 182-551-2125 Delivered through telemedicine, and 182-551-2210 Provider requirements; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESSB 1196, 67th legislature, 2021 regular session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is developing and revising rules to provide for audio-only telemedicine, in alignment with ESSB 1196. 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 state department of health and the office of the insurance commissioner.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Josh Morse, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-0839, fax 360-586-9727, TRS 711, email [josh.morse@hca.wa.gov](mailto:josh.morse@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 15, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-15-070**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 16, 2021, 11:10 a.m.]

Subject of Possible Rule Making: New rule making under chapter 182-521 WAC to provide for continued medicaid coverage after the public health emergency (PHE) ends; 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: Certain medicaid programs extended coverage to clients during PHE. Rule making is needed to avoid a gap in coverage between the time PHE ends and the time similar coverage is reinstated under medicaid verification procedures that existed before the PHE. 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 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 Melinda Froud, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service 711, email [melinda.froud@hca.wa.gov](mailto:melinda.froud@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Mark Westenhaver, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-1324, fax 360-586-9727, TRS 711, email [mark.westenhaver@hca.wa.gov](mailto:mark.westenhaver@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 16, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-15-072  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
MILITARY DEPARTMENT**

[Filed July 16, 2021, 12:04 p.m.]

This memo is intended for the withdrawal of CR-101 filed as WSR 13-11-085, for chapter 118-30 WAC, dated May 17, 2013.

Due to the advanced age of the CR-101, the amendments currently in discussion may no longer be described accurately under this filing. With the intent of filing a new CR-101 in the future, we would like to withdraw the form on file.

Cynthia Whaley  
Rules Coordinator



WSR 21-15-081

**PREPROPOSAL STATEMENT OF INQUIRY  
CONSOLIDATED TECHNOLOGY SERVICES**

[Filed July 16, 2021, 4:47 p.m.]

Subject of Possible Rule Making: Rules implementing the Public Records Act and amending chapter 143-06 WAC, fee waivers for public records requests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040 and 43.105.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is considering amending its rules relating to public records to conform with EHB 1595 and agency policies.

Process for Developing New Rule: To the extent practicable, the consolidated technology services (CTS) intends to seek stakeholder and public input during the rule drafting and development process. At a later date, CTS will file proposed rules, hold a public hearing(s), and accept written comments before adopting permanent rules. Interested parties should contact the staff person identified below. 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 Brianna Southworth, 1500 Jefferson Street, Olympia, WA, phone 360-407-2953, email [Brianna.southworth@watech.wa.gov](mailto:Brianna.southworth@watech.wa.gov), website [www.watech.wa.gov](http://www.watech.wa.gov).

July 8, 2021  
Brianna Southworth  
Records Management Manager

**WSR 21-15-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 16, 2021, 7:00 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, educator preparation program standards and program review.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would clarify language and add a program review model for the professional educator standards board program standards applicable to school counselor and school psychologist preparation programs.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-867-8424, email [maren.johnson@k12.wa.us](mailto:maren.johnson@k12.wa.us), website: [www.pesb.wa.gov](http://www.pesb.wa.gov).

March 3, 2021  
Maren Johnson  
Rules Coordinator

**WSR 21-15-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 16, 2021, 8:58 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, certificate fees for teachers, administrators, and educational staff associates.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The certificate fee of \$5 for each year of validity has remained the same since professional educator standards board began setting certificate fees in 2005.

In the past sixteen years while certificate fees have remained the same, all other costs have increased. This includes increased costs for work of the board, board meetings, staff, internal and external meetings, travel, and goods and services.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-867-8424, email maren.johnson@k12.wa.us, website [www.pesb.wa.gov](http://www.pesb.wa.gov).

July 16, 2021  
Maren Johnson  
Rules Coordinator

**WSR 21-15-094**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 19, 2021, 8:30 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, educator preparation program standards and program review.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would clarify language and add a program review model for the professional educator standards board program standards applicable to school counselor and school psychologist preparation programs.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maren Johnson, 600 Washington Street S.E., Olympia, WA 98504, phone 360-867-8424, email [maren.johnson@k12.wa.us](mailto:maren.johnson@k12.wa.us), website [www.pesb.wa.gov](http://www.pesb.wa.gov).

March 3, 2021  
Maren Johnson  
Rules Coordinator

**WSR 21-15-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
[Order 21-04—Filed July 20, 2021, 8:06 a.m.]

Subject of Possible Rule Making: To implement the Transportation fuel—Clean fuels program (E3SHB 1091), chapter 317, Laws of 2021, ecology is beginning rule making to:

- Add a new chapter 173-424 WAC, Clean fuels program rule.
- Amend chapter 173-455 WAC, Air quality fee rule.

The new rule may:

- Establish carbon intensity standards for transportation fuels used in Washington.
- Assign compliance obligations to fuels with carbon intensities that exceed the standard.
- Establish compliance methods including assigning credits to fuels that have carbon intensities below the standard.

This rule making will also consider amendments to chapter 173-455 WAC to establish the process for setting fees to recover the cost of developing and implementing the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Transportation fuel—Clean fuels program (E3SHB 1091), chapter 317, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Transportation is the largest source of greenhouse gas (GHG) emissions in Washington, contributing about forty-five percent of statewide total GHG emissions. Washington enacted the Transportation fuel—Clean fuels program (E3SHB 1091), chapter 317, Laws of 2021, to reduce emissions of GHGs and conventional air pollutants from transportation and to spur economic development through deployment of clean fuel technology. As a result, Washington joins California, Oregon, and British Columbia, which already have similar clean (low carbon) fuel programs.

The law directs ecology to adopt rules to start the program by January 1, 2023, that reduce the carbon intensity of transportation fuels used in Washington by twenty percent below the 2017 levels by 2038. Carbon intensity accounts for GHG emissions throughout the full life cycle of the fuel (i.e., GHG emissions from feedstock production and transport, fuel production and transport, and use of the fuel) per unit energy of the fuel.

The law allows ecology to charge fees to recover the direct and indirect costs of developing and implementing the program, including the associated fuel supply forecasting work of the department of commerce (commerce).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The law requires commerce to develop a periodic fuel supply forecast, and directs ecology to enter into an interagency agreement with commerce to conduct biennial workload analyses of the program to serve as the basis for fee assessment. These workload analyses will occur outside of the rule-making process.

The law also directs ecology to consult with commerce and the governor's office in declaring and terminating deferrals from compliance with the carbon intensity standard in the rule.

The law requires ecology to harmonize the clean fuels program with similar programs in California and Oregon.

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 Debebe Dererie, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, mobile 360-688-8103, office 360-407-7558, for Washington relay service or TTY call 711 or 877-833-6341, email [debebe.dererie@ecy.wa.gov](mailto:debebe.dererie@ecy.wa.gov), website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-424-455>, <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=WA-CLEAN-FUELS-UPDATE&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 20, 2021

Kathy Taylor

Air Quality Program Manager

**WSR 21-15-096  
PREPROPOSAL STATEMENT OF INQUIRY  
OFFICE OF THE  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2021-18—Filed July 20, 2021, 8:22 a.m.]

Subject of Possible Rule Making: Washington state health insurance pool (WSHIP) purpose, membership, and annual reporting.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.41.170, 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules will describe the WSHIP, as well as its purpose, membership and annual reporting requirements. Adding these rules will help provide context and clarity regarding what the WSHIP is and which carriers fall under the related reporting requirements.

Process for Developing New Rule: Comments due by August 30, 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](mailto:rulescoordinator@oic.wa.gov), website [www.insurance.wa.gov](http://www.insurance.wa.gov).

July 20, 2021  
Mike Kreidler  
Insurance Commissioner

**WSR 21-15-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 20, 2021, 8:49 a.m.]

Subject of Possible Rule Making: As a result of recently passed legislation (ESB 5372, chapter 104, Laws of 2021), the department is establishing in rule a voluntary program to certify hemp extract. Along with detailing the process to certify a hemp processor's compliance with Washington's inspection and good manufacturing practices requirements, the department will also set appropriate cost-recovery fees necessary to administer this program in rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.07.020(4), 15.130.120(2); and chapter 104, Laws of 2021 (ESB 5372).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new law defines "hemp extract" as a substance or compound intended for human ingestion that is derived from, or made by, processing hemp. While hemp extract is not currently an approved food ingredient at the federal level or in Washington state, the legislature directed the agency to create a voluntary certification process for hemp processors who manufacture hemp extract products for use as a food ingredient in states that do allow its use as a food ingredient. This will help to facilitate interstate shipments of hemp extract products to other states which have requirements for hemp processors to be licensed or registered for this purpose. Hemp extract producers who want to achieve voluntary certification must comply with inspection and sanitation requirements established in rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. Hemp extract products remain prohibited at the federal and Washington state level by the Food and Drug Administration as a food or food ingredient. The department's food safety and hemp programs will coordinate to the extent necessary to minimize regulatory overlap.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Smith, Food Safety Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1876, fax 360-902-2087, TTY 800-833-6388, email [hempfoodsafety@agr.wa.gov](mailto:hempfoodsafety@agr.wa.gov), website [agr.wa.gov/departments/food-safety/food-safety](http://agr.wa.gov/departments/food-safety/food-safety); or David Erho, Assistant Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 509-393-4270, TTY 800-833-6388, email [hempfoodsafety@agr.wa.gov](mailto:hempfoodsafety@agr.wa.gov).

July 20, 2021  
Steve Fuller  
Assistant Director



**WSR 21-15-102**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed July 20, 2021, 10:00 a.m.]

Subject of Possible Rule Making: WAC 182-531-1850 Payment methodology for physician-related services—General and billing modifiers; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; and ESSB 5092, section 211 (34) - (36).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5092, section 211 (34) - (36), directs the health care authority (HCA) to enact rate increases for behavioral health services, primary care services, and family planning services. HCA is amending WAC 182-531-1850 Payment methodology for physician-related services—General and billing modifiers, to allow for adjustment of rates as directed by the legislature. 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](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Wendy Steffens, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-5145, fax 360-586-9727, TRS 711, email [wendy.steffens@hca.wa.gov](mailto:wendy.steffens@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

July 20, 2021  
Wendy Barcus  
Rules Coordinator

**WSR 21-15-105**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF HEALTH**

[Filed July 20, 2021, 12:14 p.m.]

Subject of Possible Rule Making: Chapter 246-101 WAC, Notifiable conditions, the state board of health (board) is considering amending this chapter to establish and clarify requirements for novel coronavirus (SARS-CoV-2), coronavirus disease 2019 (COVID-19), reporting by health care providers, health care facilities, laboratories, and local health jurisdictions consistent with the board's emergency rule, WAC 246-101-017, and Public Law 116-136, § 18115(a), the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The board may also consider revisions to clarify the instances in which health care providers and health care facilities must report a notifiable condition to a local health jurisdiction or the department of health (DOH) and other editorial revisions as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 43.20.050 (2) (f).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will consider amending chapter 246-101 WAC, Notifiable conditions, to ensure all federally required data components continue to be reported for COVID-19 tests, support statewide COVID-19 disease surveillance, and allow the governmental public health system to identify appropriate public health interventions through the end of the COVID-19 pandemic and beyond.

The CARES Act requires "every laboratory that performs or analyzes a test that is intended to detect SARS-CoV-2 or to diagnose a possible case of COVID-19" to report the results from each such test to the secretary of the United States Department of Health and Human Services (HHS). In addition, the act authorizes the secretary to prescribe the form, manner, timing, and frequency of such reporting. HHS released laboratory data reporting guidance for COVID-19 that specifies standards for reporting laboratory testing data including test results, relevant patient demographic details, and additional information to improve the public health response to COVID-19. Per the guidance, these data must be collected and reported to state or local public health departments using existing reporting channels, in accordance with state law or policies, starting August 1, 2020, through the end of the public health emergency as declared by the secretary.

In September 2020, the Centers for Medicare and Medicaid Services published an interim final rule in Federal Register 54826, Volume 85, Number 171, to update requirements for reporting SARS-CoV-2 test results by laboratories. The interim final rule states all laboratories conducting SARS-CoV-2 testing and reporting patient-specific results, including hospital laboratories, nursing homes, and other facilities conducting testing for COVID-19, who fail to report information required under the CARES Act will be subject to monetary penalties. The interim final rules became effective September 2, 2020.

The board adopted emergency rules as WAC 246-101-017 (under WSR 20-16-121, 20-24-081, and most recently 21-08-009) to designate COVID-19 as a notifiable condition and require reporting of essential COVID-19 testing and patient demographic data aligned with the CARES Act. To ensure consistency in reporting between regulated entities under chapter 246-101 WAC, COVID-19 reporting was required from health care providers, health care facilities, laboratories, and local health jurisdictions.

In March 2021, the board adopted permanent revisions to chapter 246-101 WAC. Among these revisions, COVID-19 is designated as a notifiable condition, and many, but not all, of the HHS data components are required reporting for health care providers, health care facilities, laboratories, and local health jurisdictions. These revisions go into effect January 31, 2022.

The board may consider integrating COVID-19 reporting requirements and provisions consistent with the board's emergency rule, the CARES Act, and HHS guidance. These include, but are not limited to, adding remaining reportable data components; clarifying requirements for entities conducting point of care testing or rapid screening testing; authorizing local health jurisdictions to forward cases to DOH for data entry; authorizing certain waivers by a local health officer; and clarifying reporting timeframes.

The board may also consider revisions to clarify the instances in which health care providers and health care facilities must report a notifiable condition to a local health jurisdiction or DOH, and other editorial revisions as necessary.

Process for Developing New Rule: The board will use a collaborative rule-making approach. The board will consult partner health agencies, the regulated community, and other interested parties in drafting the rule. 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 [NotifiableConditions@sboh.wa.gov](mailto:NotifiableConditions@sboh.wa.gov), website <https://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 [NotifiableConditions@sboh.wa.gov](mailto:NotifiableConditions@sboh.wa.gov), website <https://sboh.wa.gov>.

Additional comments: If you would like to be added to the listserv for this rule making, please email [NotifiableConditions@sboh.wa.gov](mailto:NotifiableConditions@sboh.wa.gov) with the subject line "Notifiable Conditions - Subscribe."

July 20, 2021  
Michelle A. Davis  
Executive Director

**WSR 21-15-110**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 20, 2021, 3:44 p.m.]

Subject of Possible Rule Making: WAC 246-811-010, 246-811-030, 246-811-035, 246-811-990, and creating new section(s) in chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professionals trainees. The department of health (department) is considering updating these sections and possibly adding new sections to implement EHB 1311 and develop apprenticeship as a pathway to meeting educational requirements for substance use disorder professional (SUDP) certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: EHB 1311 (chapter 165, Laws of 2021); and RCW 18.205.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending WAC 246-811-010, 246-811-030, 246-811-035, and 246-811-990; and creating new rule section(s) to implement recent legislation. EHB 1311 is intended to enable more people to become SUDPs by allowing creation of SUDP apprenticeships, a noncollege pathway to obtaining an SUDP credential. Amending listed sections and possibly adding additional sections to chapter 246-811 WAC will align department rules with statutory changes. Rule making to create a framework and educational standards for SUDP apprenticeships will provide clarity for licensees, apprenticeship programs, and the public. Additionally, it will allow the department to consistently uphold standards that protect patient safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of labor and industries is responsible for registering and approving apprenticeship programs after they are approved by the secretary of health.

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 Ashley Bell, P.O. Box 47825, Olympia, WA 98504-7825, phone 360-236-2961, TTY 711, email ashley.bell@doh.wa.gov; or Ted Dale, P.O. Box 47825, Olympia, WA 98504-7825, phone 360-236-2991, email ted.dale@doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions." From there, you may check the box next to one or more of the professions listed.

July 19, 2021  
Kristin Peterson, JD  
Deputy Secretary  
Policy and Planning  
for Umair A. Shah MD, MPH  
Secretary

**WSR 21-15-111**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed July 20, 2021, 4:36 p.m.]

Subject of Possible Rule Making: The department of retirement systems (DRS) initiated refunds of small inactive account balances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050; chapter 189, Laws of 2021 (SB 5367).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In accordance with chapter 189, Laws of 2021 (SB 5367), this rule will allow DRS to initiate refunds of contributions to inactive, nonvested members with account balances less than \$1,000.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DRS will consult with legal counsel to ensure compliance with state and Internal Revenue Service regulations.

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 Jilene Siegel, DRS, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov.

July 20, 2021  
Jilene Siegel  
Rules Coordinator

**WSR 21-15-112**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 20, 2021, 4:56 p.m.]

**Subject of Possible Rule Making:** The department is considering rule making for recreational fishing to address conservation objectives and harvest opportunities.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The department is considering amendments to recreational fishing regulations. This rule making will be used to address critical conservation objectives and to provide harvest opportunities consistent with conservation objectives.

**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 Annie Szwetecz, Agency Rules Coordinator, P.O. Box 43200, Olympia, WA 98501-3200, email [recreationalfishing@PublicInput.com](mailto:recreationalfishing@PublicInput.com), website commenting <https://publicinput.com/recreationalfishing>; or Kelly Henderson, P.O. Box 43200, Olympia, WA 98501, email [Kelly.Henderson@dfw.wa.gov](mailto:Kelly.Henderson@dfw.wa.gov).

July 20, 2021  
Annie Szwetecz  
Rules Coordinator

**WSR 21-15-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed July 21, 2021, 8:47 a.m.]

Subject of Possible Rule Making: Chapter 16-325 WAC, Seed potato isolation district; and chapter 16-482 WAC, Seed potato quarantine. In response to a petition received from the Washington seed potato commission, the department is considering changes to the seed potato rules in order to strengthen protections for the seed potato isolation district (isolation district) located in a portion of Whatcom County. In consideration of the petition, the department is considering amending the two identified chapters to:

1. Clarify definitions and requirements that all potato plantings within the isolation district, in excess of one acre must be enrolled in the seed potato certification program described in chapter 16-324 WAC;

2. Add a requirement that all potato plantings within the isolation district be certified seed potatoes;

3. Add a requirement that all lots of commercial seed potatoes entering the isolation district for planting or further sale, must be tested and found negative for bacterial ring rot by an approved laboratory at origin;

4. Establish a requirement and timeframe in which the receiver must notify the department of all lots of commercial seed potatoes entering the isolation district;

5. Require shipments of potatoes be held for twenty-four hours after notification is sent to allow the department time to contact the receiver for inspection;

6. Add a violation section regarding the disposition of material shipped into the isolation district in violation of these chapters; and

7. Add language in the seed potato quarantine rule (WAC 16-482-010) that commercial potatoes entering the seed potato isolation district are also subject to the requirements under chapter 16-325 WAC.

As the department moves forward with the requested changes, additional changes may be identified to increase clarity and ensure the rules conform to current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.14.015, 15.15.010, 17.24.011, and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The production of high quality seed potatoes within Washington requires conditions that are as free as possible from insect pests and plant diseases. When the production of other potatoes (plants or plant parts of *Solanum tuberosum*) is intermixed with or in close proximity to a seed potato production area, there is an increased risk of introducing pests and diseases. As a protection, the seed potato isolation district was established in Whatcom County in 1998 and requires any potato production in excess of one acre, within its boundaries to be enrolled in the seed potato certification program. Seed potatoes are currently defined as vegetatively propagated tubers of *Solanum tuberosum* used for propagation or production. To further strengthen the protections of the district, the department is considering adding research and breeding lots to the definition of seed potatoes. Additionally, the department is also considering adding

a requirement that any potatoes planted within the isolation district of less than one acre must be planted with certified seed potatoes.

Rule amendments are also being considered which would bolster protections for the seed potato isolation district by adding testing requirements for bacterial ring rot by an approved laboratory and prior notification (potentially within forty-eight hours) to the Washington state department of agriculture of all potatoes entering the isolation district, as well as disposition of material shipped into the isolation district in violation of this chapter.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email [bwhite@agr.wa.gov](mailto:bwhite@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2062, fax 360-902-2094, TTY 800-833-6388 or 711, email [CCooper@agr.wa.gov](mailto:CCooper@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>.

July 21, 2021  
Brad White  
Assistant Director



**WSR 21-15-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 21, 2021, 9:49 a.m.]

Subject of Possible Rule Making: Chapter 392-194 WAC, School personnel certificate fees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making concerning fees for processing initial educator and paraprofessional certificate applications and subsequent actions. The proposed revisions being considered are needed to adjust the processing fee to adequately support and maintain the operations of OSPI's professional certification office. Current staffing is not adequate to sufficiently process educator applications in a timely manner to meet school district and applicant needs.

Process for Developing New Rule: OSPI's professional certification office has undergone monthly and annual revenue and spending projection plan reviews to determine the sustainability of the office duties under current fees. Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David E. Kinnunen, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6400, fax 360-586-0145, TTY 360-664-3631, email David.Kinnunen@k12.wa.us, website k12.wa.us.

July 21, 2021  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction