

WSR 21-21-008
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 7, 2021, 4:42 p.m.]

Subject of Possible Rule Making: Chapter 246-320 WAC, Hospital licensing regulations, the department of health (department) is considering updating rules about enforcing licensing requirements for acute care hospitals, including creating a severity matrix for fines related to hospital enforcement, in order to implement 2SHB 1148 (chapter 61, Laws of 2021).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.41.130 as amended by 2SHB 1148 (chapter 61, Laws of 2021), RCW 70.41.100, 70.41.030, 43.70.095, 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SHB 1148 aims to improve patient safety in acute care hospitals by improving enforcement of licensing standards. The bill directs the department to use additional enforcement tools including limited stop placements and suspension of new admissions when there is an immediate jeopardy, repeat enforcement action or rule violation, or failure to correct noncompliance with rules or statutes.

According to section 3 of 2SHB 1148, the department may assess a civil fine of up to \$10,000 per violation, not to exceed a total fine of one million dollars when the department determines: (1) The hospital has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or (2) the hospital has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule; or (3) the hospital failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

If the department imposes civil fines, the hospital has the right to appeal under RCW 43.70.095. The bill directs the department to adopt in rule specific fine amounts in relation to the severity of noncompliance.

The department is initiating a rules project to consider implementing these new requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services. The department will ensure that any rule making done will not conflict with federal requirements. The department will be working closely with all concerned partners on this rule making.

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, TTY 711, email julie.tomaro@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting a rules workshop. The department will use existing GovDelivery lists and other known contact information to inform stakeholders of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit doh.wa.gov/licensespermitsandcertificates/facilitiesnewreneworupdate/hospitals

and to be included on an interested parties [list] select the "Subscribe" button at the bottom of that page.

October 6, 2021
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-21-016

PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed October 8, 2021, 11:00 a.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.
Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The Washington horse racing commission staff is rec-
ommending a review of all penalties, both general penalties and equine
medication penalties to ensure adequate deterrents are in place.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA
98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email
doug.moore@whrc.state.wa.us, website www.whrc.wa.gov; or Amanda Ben-
ton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone
360-450-6462, fax 360-450-6461, TTY 360-450-6462, email
amanda.benton@whrc.state.wa.us, website www.whrc.wa.gov.

October 8, 2021
Douglas L. Moore
Executive Secretary

WSR 21-21-030
PREPROPOSAL STATEMENT OF INQUIRY
POLLUTION LIABILITY
INSURANCE AGENCY

[Filed October 11, 2021, 12:29 p.m.]

Subject of Possible Rule Making: The pollution liability insurance agency (PLIA) proposes to amend chapter 374-80 WAC, Advice and technical assistance program, with updates on how the agency administers the program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.330.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under RCW 70A.330.010, Washington's legislature authorized the PLIA to provide technical advice and assistance to owners and operators of underground storage tanks to address releases. In 2019, PLIA adopted rules for the advice and technical assistance program and has since made updates in how the program is administered and requires these updates to be reflected in rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: PLIA provides advice and technical assistance to owners and operators of petroleum storage tanks identified by the Washington state department of ecology (ecology) based on the relative risk posed to human health and the environment by the release. Ecology also regulates cleanup of hazardous waste sites under the Model Toxics Control Act. Ecology may be impacted by PLIA's work in these areas; therefore, PLIA will communicate with and inform ecology of potential impacts.

Process for Developing New Rule: PLIA 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 Phi Ly, P.O. Box 40930, Olympia, WA 98504, phone 800-822-3905, email rules@plia.wa.gov, website www.plia.wa.gov.

October 11, 2021
Phi Ly
Legislative and
Policy Manager

WSR 21-21-036
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 12, 2021, 2:24 p.m.]

Subject of Possible Rule Making: WAC 246-810-010, 246-810-011, 246-810-012, 246-810-015, and 246-810-018 counselors. The department of health (department) is considering rule making to implement E2SHB 1504 to define "student intern." The department will also consider making other housekeeping updates to ensure sections are clear and aligned with best practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.19.050; E2SHB 1504 (chapter 170, Laws of 2021).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recent legislation passed during the 2021 legislative session amended the statutory definition of "agency affiliated counselor" to include "a student intern, as defined by the department." Agency affiliated counselors are counselors whose credential is dependent on employment at a behavioral health agency. Some individuals without a credential, such as students under the supervision of agency staff, may also provide services at an agency under statutory exemption. Rule making is necessary to implement E2SHB 1504 and define "student intern" and when a student may be considered an agency affiliated counselor.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The health care authority is responsible for the medicaid state plan, which impacts how behavioral health agencies can bill for and be reimbursed for services. The department will work with the health care authority when defining "student intern" in order to facilitate the work of behavioral health agencies while also protecting the public health and students.

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 Ted Dale, Office of Health Professions, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2991, TTY 711, 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.

October 12, 2021
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair A. Shah, MD, MPH
Secretary

WSR 21-21-044
PREPROPOSAL STATEMENT OF INQUIRY
LOWER COLUMBIA COLLEGE

[Filed October 13, 2021, 3:11 p.m.]

Subject of Possible Rule Making: Lower Columbia College's (LCC) code of student conduct rules that pertain to how LCC responds to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination amending portions of their code of student conduct, specifically, WAC 132M-126-115, 132M-126-145, and 132M-126-155.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: LCC must amend WAC 132M-126-115, 132M-126-145, and 132M-126-155 to meet new case law and guidance from the Department of Education regarding the federal regulations for Title IX of the Education Amendments of 1972 (Title IX) that specify how recipients of federal financial assistance covered by Title IX, including postsecondary institutions, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bryanna Smith, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone 360-442-2100, fax 360-442-2129, TTY 800-833-6388, email rulemaking@lowercolumbia.edu, website <https://lowercolumbia.edu/disclosure/rulemaking.php>; or Kendra Sprague, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone 360-442-2121, fax 360-442-2129, TTY 800-833-6388, email ksprague@lowercolumbia.edu, website <https://lowercolumbia.edu/disclosure/rulemaking.php>.

October 12, 2021
Kendra Sprague
Vice President of Foundation
Human Resources
and Legal Affairs

**WSR 21-21-058
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed October 15, 2021, 1:34 p.m.]

The health care authority (HCA) requests withdrawal of the Pre-proposal statement of inquiry filed as WSR 20-14-033 on June 24, 2020, and distributed in the 20-14 [Washington] State Register. HCA may re-file the CR-101 at a later date.

Wendy Barcus
Rules Coordinator

WSR 21-21-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 18, 2021, 10:17 a.m.]

Subject of Possible Rule Making: The department is considering changes to recreational clam and oyster harvest season rules and updates to beach designations according to shellfish pest status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.60.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational harvest opportunity. The department must also maintain up-to-date shellfish restricted areas to prevent the spread of pest infestations harmful to shellfish.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). The Washington department of fish and wildlife works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

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 Kelly Henderson, phone 855-925-2801, project code: 8163, TTY 1-800-833-6388 OR 711, email ClamOyster101@PublicInput.com, website <https://publicinput.com/ClamandOyster>, for comments; or Camille Speck, Intertidal Bivalve Manager, 375 Hudson Street, Port Townsend, WA 98368, phone 360-302-3030 x313, fax 360-302-3030, email Camille.speck@dfw.wa.gov, for questions.

October 20, 2021
Annie Szvetecz
Rules Coordinator

WSR 21-21-075
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed October 18, 2021, 1:10 p.m.]

Subject of Possible Rule Making: The department is adding news [new] sections in chapter 388-71 WAC, Home and community services and programs, and chapter 388-112A WAC, Residential long-term care services training. The department may amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adding four new sections in chapters 388-71 and 388-112A WAC. The intent is to require long-term care workers to complete training requirements by certain dates that would reduce the impact of clients accessing qualified long-term care workers to provide personal care services.

The department filed an emergency rule on September 22, 2021, as WSR 21-20-004.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

October 18, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-21-076
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 18, 2021, 1:17 p.m.]

Subject of Possible Rule Making: WAC 182-550-6000 Outpatient hospital services—Conditions of payment and payment methods; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending subsection (3)(c) of this rule, which states that the agency does not pay separately for certain services provided within one calendar day of an inpatient hospital admission. The agency is adding to this subsection to state that separate payments are not made for certain services provided within one calendar day of discharge.

The agency also intends to remove subsections (6) and (7). These subsections reference the maximum allowable fee schedule and the hospital outpatient rate for payment of certain services. The agency is making these changes because it does not use these payment methods, but instead uses the enhanced ambulatory payment group method to determine payments, consistent with WAC 182-550-7200. During the course of this review, health care authority may identify additional related changes that are required in order 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 (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Tracy Huynh, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-1311, fax 360-586-9727, TRS 711, email Tracy.huynh@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 18, 2021
Wendy Barcus
Rules Coordinator

WSR 21-21-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 19, 2021, 8:32 a.m.]

Subject of Possible Rule Making: Consideration of fee increase for contractor registration under WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.27 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider a 5.79 percent fee increase for the department of labor and industry's (L&I) contractor registration program. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2022. The contractor registration program registers contractors to ensure that all general and specialty contractors operating in Washington state have appropriate bonding and insurance. RCW 18.27.075 requires L&I to charge a fee for issuing or renewing a certificate of registration and to revise the fee at least once every two years for the purposes of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW. A fee increase is needed to ensure the program remains consistent with fee increases as required by statute and to help improve the program's fund balance.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov.

October 19, 2021
Joel Sacks
Director

WSR 21-21-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed October 19, 2021, 8:32 a.m.]

Subject of Possible Rule Making: Consideration of boiler and pressure vessel fee increase under WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of boiler rules and department of labor and industries is considering a 5.58 percent fee increase for boiler and pressure vessel inspections and other boiler program public safety activities. This is the office of financial management's maximum allowable fiscal growth factor rate for fiscal year 2023. The current fee levels are not enough to cover current program expenses. A fee increase is needed to ensure the programs' revenues match expenditures; otherwise, service levels may need to be reduced.

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

Process for Developing New Rule: The board of boiler rules reviews and approves all rule changes. Interested parties can participate in the adoption process for the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed, by providing written comments and/or testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kimmie Stringfellow, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-5039, fax 360-902-5292, email Kimmie.Stringfellow@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/?query=boiler>.

October 19, 2021
Terry Chapin, Chair
Board of Boiler Rules

WSR 21-21-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 19, 2021, 8:34 a.m.]

Subject of Possible Rule Making: The department of labor and industries (L&I) is considering changes to the elevator rules under chapter 296-96 WAC, Safety regulations and fees for all elevators, dumbwaiters, escalators and other conveyances, excluding the rules with fees due to a separate rule making in progress.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: L&I is considering changes to the elevator rules under chapter 296-96 WAC, excluding the rules with fees due to a separate rule making in progress. The elevator program at L&I is reviewing the rules to consider adopting new safety codes from the 2019 edition of the American Society of Mechanical Engineers (ASME) A17.1/CSA B44 - 2019, Safety Code for Elevators and Escalators, and other related codes. The 2019 edition of ASME A17.1 would replace the current 2016 code. The elevator program is also considering updates, clarification, housekeeping, and other changes to the rules.

The elevator rules are reviewed on a regular basis to ensure the rules are consistent with national elevator safety standards and industry practice. The rule review process provides Washington's elevator stakeholders the opportunity to review the new code requirements, submit proposals for changes to the rules, and provide recommendations to L&I regarding adoption of the rules.

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

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. A technical advisory committee (TAC) and the elevator safety advisory committee will review all rule proposals.

L&I is seeking input from interested parties to be used in the formulation of the proposed elevator rules. Interested parties may submit proposals for changes to the rules from November 1, 2021, to December 3, 2021.

L&I is also appointing a general TAC made up of experts and interested group representatives to review and make recommendations on proposals from the elevator industry. Interested parties may submit an application to become a TAC member and participate in the rules development process from November 1, 2021, to December 3, 2021.

For more information about this rule making, including how to submit proposals and participate on [in] the TAC, visit the L&I website at <https://lni.wa.gov/licensing-permits/elevators/laws-rules-policies#rule-development>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, L&I, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@Lni.wa.gov, website <https://>

lni.wa.gov/licensing-permits/elevators/laws-rules-policies#rule-development.

October 19, 2021
Joel Sacks
Director

WSR 21-21-096
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed October 19, 2021, 4:22 p.m.]

Subject of Possible Rule Making: WAC 392-121-136 Limitation on enrollment counts, 392-122-221 State institutional education program—Enrollment exclusions, 392-700-015 Definitions, 392-700-035 Student eligibility, 392-700-042 Program operating agreements and OSPI approval, and 392-700-160 Reporting of student enrollment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.190.070 and 28A.175.100.

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 related to students enrolled in both an institutional education program and a youth dropout reengagement program. RCW 28A.190.070, recently enacted, requires OSPI to develop procedures for school districts to report student enrollment in institutional education and youth dropout reengagement programs starting with the 2021-22 school year. Current rules do not allow a student's enrollment to be shared between institutional education and youth reengagement programs and do not allow a student enrolled in both to exceed 1.0 full-time equivalent in any month.

In addition, for all students enrolled in youth dropout reengagement programs, OSPI is considering rule making concerning possible updates to the face-to-face contact requirement for students, to expand options beyond in-person communication. Updates may also include a change to the attendance requirement definition that would allow for updates to the face-to-face contact requirement.

Process for Developing New Rule: 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 Becky McLean, OSPI Enrollment Supervisor, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6306, fax 360-664-3683, TTY 360-664-3631, email becky.mclean@k12.wa.us, website k12.wa.us.

October 19, 2021
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 21-21-099
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed October 19, 2021, 4:54 p.m.]

The developmental disabilities administration requests the withdrawal of Preproposal statement of inquiry notice filed as WSR 20-14-029 on June 23, 2020 (WAC 388-101D-0065, chapter 388-825 WAC, WAC 388-845-2205, WAC 388-845-1615, and other related rules as may be required).

Katherine I. Vasquez
Rules Coordinator

WSR 21-21-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed October 19, 2021, 8:54 p.m.]

Subject of Possible Rule Making: WAC 246-11-420 Application of brief adjudicative proceedings. The department of health (department) is considering amending rules in this section to add interstate license compacts appeals in the brief adjudicative proceedings process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.40, 34.05.413, 34.05.482, 18.130.050; chapters 18.71B and 18.74 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington state provides a streamlined process that allows certain professions, such as allopathic physicians, osteopathic physicians and surgeons, and physical therapists to become licensed in multiple states through a interstate compact license. The appropriate licensing authority determines whether a physician or physical therapist is eligible for expedited licensure through the compact and issues a letter of qualification (LOQ) verifying or denying the eligibility to the interstate commission.

The LOQ is considered a license under the Administrative Procedure Act, chapter 34.05 RCW, but not regulated under the Uniform Disciplinary Act. A denial does not result in an adverse report to the National Practitioner Data Base. Individuals receiving a denial letter are entitled to an appeal process appealing the decision.

While appeals of the denial letters may qualify under the application of a brief adjudicative proceedings rule, WAC 246-11-420 (1)(a), the department will consider adding additional language to make it clear that a brief adjudicative proceeding would apply to interstate compact licensure.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jovi A. Sanchez, P.O. Box 47890, Olympia, WA 98504, phone 360-545-7315, TTY 711, email jovi.sanchez@doh.wa.gov.

Additional comments: If you are interested in this rule making and want to be on the interested parties list please email jovi.sanchez@doh.wa.gov.

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

WSR 21-21-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 20, 2021, 7:49 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-310-0350 WorkFirst—Other exemptions from mandatory participation, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments are necessary to clarify the department's ability to determine whether a temporary assistance for needy families (TANF) recipient is able to participate in WorkFirst activities during a declared state of emergency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will notify its WorkFirst partner agencies who assist with providing services to TANF WorkFirst families to ensure they are informed of this policy change and any impacts it may have on cross-agency processes.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jake Deskins, P.O. Box 45440, Olympia, WA 98504-5440, phone 360-480-3411, email jake.deskins@dshs.wa.gov.

October 20, 2021
Katherine I. Vasquez
Rules Coordinator

WSR 21-21-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Naturopathy)
[Filed October 20, 2021, 8:37 a.m.]

Subject of Possible Rule Making: WAC 246-836-080 Continuing competency program. The board of naturopathy (board) is considering amendments to the continuing education rules for naturopathic physicians to ensure that adequate quantity and quality of continuing education courses are available to meet requirements for each category. Topics that will be considered include pharmacology requirements, accredited organizations, and reporting clarification in response to several rule petitions. Additionally, amendments to address the legislative mandate to create a health equity continuing education requirement will be considered.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to several rule petitions received, the board is considering amendments to update and provide further clarification to the continuing competency education rules. The requests included the desire to add more entities to the accrediting organizations and clarify the pharmacology requirements and reporting. The board has issued an interpretive statement (IS #BON 21-01) to temporarily address the pharmacology concern. Permanent changes are needed to clarify requirements.

In addition, the board plans to use this rule project to meet the mandate in the recently passed ESSB 5229, codified as RCW 43.70.613, which requires adoption of continuing education in health equity for health care professionals by January 1, 2024. The board intends to determine where the required health equity hours will fit with the other potential changes to the categories.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 711, email susan.gragg@doh.wa.gov, website www.doh.wa.gov/naturopathy, <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: The board will use the existing GovDelivery list to inform interested parties of opportunities to provide input on proposed rule language. Interested parties can join the GovDelivery list to get information on participating in the process by subscribing at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

October 20, 2021
Renee Fullerton
Executive Director

WSR 21-21-113
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed October 20, 2021, 11:09 a.m.]

Subject of Possible Rule Making: WAC 388-101D-0065, chapter 388-825 WAC, WAC 388-845-1615, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120, 74.39A.056, 43.20A.710.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend rules in chapters 388-825 and 388-101D WAC to align with amendments made by aging and long-term support administration to chapters 388-71 and 388-113 WAC regarding background checks, individual providers, and home care agencies. DDA is also planning to amend sections in chapters 388-825 and 388-845 WAC to implement the consumer-directed employer program and align with changes being made to modernize the CARE system. During the course of this review, DDA may identify additional changes that are necessary to improve clarity and update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

October 20, 2021
Katherine I. Vasquez
Rules Coordinator