

**WSR 22-06-004  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed February 17, 2022, 1:35 p.m.]

Pursuant to RCW 34.05.335 and WAC 01-21-060, the department of retirement systems withdraws Preproposal statement of inquiry (CR-101) WSR 17-11-021, filed May 10, 2017, petitions for review of the department's administrative decisions.

Comments, questions, or concerns may be directed to Rubi Reaume at 360-664-7311, or drs.rules@drs.wa.gov.

Rubi Reaume  
Rules Coordinator

**WSR 22-06-007**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed February 18, 2022, 8:33 a.m.]

Subject of Possible Rule Making: WAC 363-116-081 Rest period.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will amend the types of pilotage assignments subject to the requirement for 10 hours rest with the opportunity for eight hours of sleep after completion of an assignment. Puget Sound pilots recently implemented several measures to increase dispatching efficiency and pilot availability while observing state mandated rest rules. One of those measures is to allow a pilot to be dispatched to multiple assignments as long as the combined duration of the assignments does not exceed 13 hours. This rule-making initiative is to consider and codify that change.

Process for Developing New Rule: Discussions regarding proposed amendments to this rule will occur at regular session board of pilotage commissioners (BPC) meetings as well as BPC's pilot safety committee (PSC) meetings, with the initial language recommendation coming from PSC. Public comments are welcome and encouraged. Upon review and consideration of recommended revisions, a public hearing will be scheduled pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jaimie C. Bever, 2901 Third Avenue, Suite 500, phone 206-515-3887, fax 206-515-3906, email BeverJ@wsdot.wa.gov, website pilotage.wa.gov.

February 18, 2022  
Jaimie C. Bever  
Executive Director

**WSR 22-06-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed February 18, 2022, 10:33 a.m.]

Subject of Possible Rule Making: The department is planning to repeal and amend sections of chapter 388-71 WAC, Home and community services and programs, and chapter 388-113 WAC, Disqualifying crimes and negative actions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.39A.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to repeal and amend sections of chapters 388-71 and 388-113 WAC because of the implementation of the consumer directed employer (CDE) (SB [ESSB] 6199) and the change from individual providers contracted with the department to individual providers employed by CDE. The current rules will no longer be applicable once all individual providers have been hired by CDE.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in the 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](mailto:angel.sullivan@dshs.wa.gov).

February 18, 2022  
Katherine I. Vasquez  
Rules Coordinator

**WSR 22-06-022**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed February 22, 2022, 4:48 p.m.]

This memo serves as notice that the department of health, dental quality assurance commission (commission) is withdrawing the CR-101 for license requirements for expanded functions dental auxiliaries (EFDAs), filed on August 17, 2021, and published in WSR 21-17-119.

The commission is withdrawing this CR-101 because the rules do not state the number of amalgam restorations which must be completed in approved EFDA educational programs. The original rule petition request stated that EFDA students were having difficulty finding local dentists who routinely placed amalgam restorations. This could potentially make it difficult for these students to meet educational requirements. The petition requester clarified that they did not want the amalgam requirement removed from the rules, rather the number of amalgam restorations identified.

The commission discussed the rule writing request at the January 21, 2022, business meeting. The commission determined that the current rule language was adequate. The established rules require the placement and finishing of amalgam restoration but does not specify a number which must be completed. Keeping the current language allows the school to determine the appropriate number of amalgam restorations for their program participants. The commission will evaluate the program during the EFDA school review process every six years. Additionally, these rules will be assessed as a part of the five-year rule review process. The next review is scheduled for 2025.

Individuals requiring information on this rule should contact Bruce Bronoske, Jr., program manager, at dental@doh.wa.gov.

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 22-06-033**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**MILITARY DEPARTMENT**

[Filed February 23, 2022, 12:42 p.m.]

Subject of Possible Rule Making: WAC 323-10-070 Copies of public records permitted under RCW 42.56.120. EHB 1596 [1595] (2017) authorized agencies to assess statutory costs for copies of public records if the agency has adopted a rule or regulation declaring the reasons that determining the actual cost of copies would be unduly burdensome. The military department is initiating permanent rule making that would make that determination and accordingly authorize the military department to assess statutory costs for copies, as permitted by RCW 42.56.120. See also the emergency rule CR-103E filed November 17, 2021 (WSR 21-24-003).

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
RCW 42.56.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Prior to the adoption of the emergency rule CR-103E filed November 17, 2021, the military department has not required public records requesters to pay for the costs of copies as permitted by RCW 42.56.120, as amended in 2017 by EHB 1596 [1595]. However, public records requests made to the department have substantially increased in volume and frequency over the last year, and the costs imposed on the agency have been significant. The adoption of this rule will allow the department to charge statutory fees under RCW 42.56.120 and mitigate current costs to the agency in responding to public records requests.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The attorney general has adopted advisory model rules on public records compliance, chapter 44-14 WAC. The military department will generally adapt and incorporate these advisory model rules in WAC 323-10-070 specifically in accordance with the copy costs.

Process for Developing New Rule: Use model rule WAC 44-14-070 in WAC 323-10-070 to update for consistency and RCW 42.56.120.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Whaley, Building 1, Camp Murray, WA 98430, phone 253-512-8110, email [Cynthia.whaely@mil.wa.gov](mailto:Cynthia.whaely@mil.wa.gov).

February 23, 2022  
Cynthia Whaley  
Public Records Officer  
Rules Coordinator

**WSR 22-06-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF HEALTH**

[Filed February 23, 2022, 1:43 p.m.]

Subject of Possible Rule Making: Chapter 246-282 WAC, Sanitary control of shellfish. The state board of health (board) is considering revisions to the chapter to modify harvest control requirements by setting more proactive measures to prevent illnesses and protect public health. The rule revision may also include updating definitions, seed size, and other technical and editorial changes as needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.30.030 and 43.20.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: *Vibrio parahaemolyticus* (Vp) is a naturally occurring bacteria found in marine waters. Molluscan bivalve shellfish acquire Vp through filter feeding. Humans who consume raw or undercooked shellfish containing Vp can develop an intestinal disease called vibriosis.

In 2021, there were a high number of vibriosis cases involving Washington shellfish largely due to very high temperatures during the summer months. The department of health (department) expects this trend to continue. This indicates a need to review the rule requirements to determine if the current controls are adequate to protect consumers and consider more proactive measures to prevent illness and protect public health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Food and Drug Administration (FDA) requires a Vp control plan for the state of Washington and requires that the plan be in compliance with requirements set forth in the National Shellfish Sanitation Program Model Ordinance.

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 Jocelyn W. Jones, P.O. Box 47820, Olympia, WA 98504-7820, phone 360-236-3020, TTY 711, email [jocelyn.jones@doh.wa.gov](mailto:jocelyn.jones@doh.wa.gov); or Stuart Glasoe, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4111, TTY 711, email [stuart.glasoe@sboh.wa.gov](mailto:stuart.glasoe@sboh.wa.gov).

Additional comments: The department convened its Vp advisory committee (VpAC) on November 22, 2021, to discuss the Vp illnesses caused from the 2021 harvest season. The department will work with the VpAC to develop recommendations to the board for revising the chapter. The VpAC is made up of representatives from tribal and nontribal shellfish industries, Washington Sea Grant, local health jurisdictions, FDA, the National Oceanic and Atmospheric Administration, the department's public health lab, and the Washington state department of fish and wildlife. The department will consult with additional stakeholders and collaborate with tribes as needed on revisions to the chapter.

February 23, 2022  
Michelle A. Davis  
Executive Director

**WSR 22-06-055  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed February 25, 2022, 10:07 a.m.]

The aging and long-term support administration, home and community services division requests the withdrawal of Preproposal statement of inquiry notice filed as WSR 22-05-052 on February 9, 2022 (WAC 388-112A-0490), regarding What are the specialty training requirements for applicants, resident managers, administrators, and other types of entity representatives in adult family homes, assisted living facilities, and enhanced services facilities?

Katherine I. Vasquez  
Rules Coordinator

## WSR 22-06-057

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed February 25, 2022, 12:27 p.m.]

Subject of Possible Rule Making: WAC 246-840-095 Temporary practice permits. The nursing care quality assurance commission (commission) is considering amending the length of time a temporary practice permit is effective and updating criteria to issue a temporary practice permit.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.064, 18.130.075, 18.79.110, 18.79.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Nurse applicants with an out-of-state address, including registered nurses, advanced registered nurse practitioners, and licensed practical nurses, are required under RCW 18.130.064 to complete an FBI criminal background check prior to licensure. In 2009, the commission and the department of health (department) began processing FBI fingerprint background checks. The process took several months. To remedy this delay in licensure, the commission's current practice is to issue a temporary practice permit after the applicant meets all other licensure requirements aside from receipt of the FBI fingerprint background check, allowing the nurse to begin working in Washington state. Under WAC 246-840-095, the temporary practice permit is valid for 180 days or until the commission issues a permanent Washington state license to the nurse. WAC 246-840-095 also allows for an additional 180-day extension of the temporary practice permit if the department has not received the fingerprint results during the initial 180-day period. The commission intends to engage in rule making to decrease the length of time a temporary practice permit is effective and align the rules with the current commission practice to issue a temporary practice permit.

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 Shad Bell, P.O. Box 47864, Olympia, WA 98504-7864, phone 1-360-236-4711, TTY 711, email NCQAC.Rules@doh.wa.gov, website [www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission](http://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission).

Additional comments: The commission will notify interested parties of rule making by posting information on the department website, the commission website, and by use of GovDelivery. The commission will hold virtual meetings at varying times to encourage participation.

February 25, 2022  
Paula R. Meyer MSN, RN, FRE  
Executive Director  
Nursing Care Quality Assurance Commission



**WSR 22-06-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed February 25, 2022, 1:05 p.m.]

Subject of Possible Rule Making: Chapter 246-329 WAC, Childbirth centers. The department of health (department) is considering updates to clarify, consolidate, and modernize the chapter of rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.46 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updates to sections of chapter 246-329 WAC, Childbirth centers, as part of a comprehensive review. Department staff, licensees, and interested parties have identified numerous areas of the rules that require clarification, consolidation, and modernization since the rules were last reviewed in 2007. Licensing fees may be considered as part of this review. The department received two petition requests in March and May of 2021 requesting a broad range of updates to the rules. These requests will be considered as part of this review. The department is also considering revising the chapter name from childbirth centers to birthing centers to align with chapter 18.46 RCW.

Rule making is necessary to bring the childbirth center rules up-to-date and ensure the most current industry standards are in place for the public's safety and well-being.

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 John Hilger, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2929, TTY 711, email [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov).

Additional comments: Interested parties may participate in the development of draft rules prior to a formal proposal by joining the birthing centers GovDelivery, attending rule workshops, and providing input on draft and proposed materials. To be included on an interested parties list, contact John Hilger, Program Manager, Community Health Systems, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, email [john.hilger@doh.wa.gov](mailto:john.hilger@doh.wa.gov), phone 360-236-2929.

February 24, 2022  
Kristin Peterson, JD  
Deputy Secretary for  
Policy and Planning  
for Umair A. Shah, MD, MPH  
Secretary

## WSR 22-06-069

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF COMMERCE

[Filed February 28, 2022, 11:33 a.m.]

Subject of Possible Rule Making: Potential change in effective date of WAC 194-24-180 requiring a modular communications port (CTA-2045) on new water heaters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.260.070(7), 19.260.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Department of commerce (commerce) adopted an emergency rule suspending the effective date of WAC 194-24-180 Electric storage water heaters, due to an inability of manufacturers to obtain parts required for the required modular communications port (CTA-2045). The inability is caused by supply chain disruptions resulting from the COVID-19 pandemic. Based on the currently adopted emergency rule, the suspension is effective until March 1, 2022. In light of continuing economic and supply chain disruptions caused by the COVID-19 pandemic, commerce has determined that a further delay to the effective date is warranted. Commerce is issuing this notice of intent to amend WAC 194-24-180 to establish a reasonable effective date for WAC 194-24-180 on a permanent basis.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Liz Reichart, P.O. Box 42525, Olympia, WA 98504, phone 360-515-8194, email [appliances@commerce.wa.gov](mailto:appliances@commerce.wa.gov), website [commerce.wa.gov/appliances](http://commerce.wa.gov/appliances).

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

February 28, 2022  
Dave Pringle  
Rules Coordinator  
and Policy Advisor

**WSR 22-06-078**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 1, 2022, 8:24 a.m.]

Subject of Possible Rule Making: Classification, reporting, and penalties amendments. Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations; Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020, and 51.32.190.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2023 Classification, reporting, and penalties amendments: Classification development's goal is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number; and reviewed classification and reporting rules for improvement and clarification.

The purpose of this rule making is not to make substantive changes to how employers are classified and amendments will not impact employer rates.

As part of this rule making, the department of labor and industries (L&I) also intends to review these chapters for need, clarity, and consistency to make changes where possible to reduce the regulatory burden on employers insured with the state fund.

SHB 2409 requires penalties in chapter 51.48 RCW be updated every three years based on the consumer price index. As part of this rule making, L&I will review state fund and self-insured rules to assess removing penalty amounts from them to eliminate the need to perform rule making every three years when those penalty amounts change based on the consumer price index. Updated penalties can be accessed on L&I's website.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulates this subject.

Process for Developing New Rule: L&I will solicit input from the business community by way of the internet. L&I will use input to formulate proposed changes to the existing rules and advise customers of future rule making by the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jo Anne Attwood, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, email JoAnne.Attwood@lni.wa.gov, website [www.lni.wa.gov/rulemaking-activity](http://www.lni.wa.gov/rulemaking-activity).

March 1, 2022  
Joel Sacks  
Director

**WSR 22-06-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 1, 2022, 8:29 a.m.]

Subject of Possible Rule Making: WAC 182-533-0701 Chemical-using pregnant (CUP) women program—Purpose, 182-533-0710 Chemical-using pregnant (CUP) women program—Client eligibility, 182-533-0720 Chemical-using pregnant (CUP) women program—Provider requirements, and 182-533-0730 Chemical-using pregnant (CUP) women program—Covered services.

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 revising these rules to update language from "chemical" to "substance" and "detox" to "withdrawal management." Language will also be updated to gender neutral terminology. During the course of this review, the health care authority may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Center[s] for Medicare and Medicaid services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email [valerie.freudenstein@hca.wa.gov](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Heather Weiher, Program Questions, P.O. Box 45530, Olympia, WA 98504-5530, phone 360-725-1293, fax 360-586-9727, TRS 711, email [heather.weiher@hca.wa.gov](mailto:heather.weiher@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 1, 2022  
Wendy Barcus  
Rules Coordinator

**WSR 22-06-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed March 1, 2022, 12:06 p.m.]

Subject of Possible Rule Making: Chapter 196-32 WAC, On-site wastewater treatment system designer licenses/inspector certificates of competency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.210.050 and 18.210.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been significantly updated since the on-site program was established. Amendments to existing language will better define requirements for examination and licensure for both the on-site designers and inspector certificate of competency holders.

Process for Developing New Rule: Notice will be made to stakeholders and active licensees via the board's contact lists, and will be posted on our website and distributed through the board and board staff. Interested parties may contact the individual listed below and the public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website <https://brpels.wa.gov/about-us/laws-and-rules/rulemaking-activity>.

March 1, 2022  
Ken Fuller  
Director

**WSR 22-06-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed March 2, 2022, 7:49 a.m.]

Subject of Possible Rule Making: Regular interest credited to member account balances.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is establishing, by rule, a new process for periodically assessing the rate of regular interest. Additionally, the department is establishing a new daily interest methodology for all regular interest credited to member account balances beginning July 1, 2022.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of retirement systems will consult with tax counsel to ensure compliance with 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 Rubi Reaume, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504, phone 360-664-7311, TTY 711, email [drs.rules@drs.wa.gov](mailto:drs.rules@drs.wa.gov), website [www.drs.wa.gov/rules](http://www.drs.wa.gov/rules).

March 1, 2022  
Rubi Reaume  
Rules Coordinator

**WSR 22-06-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed March 2, 2022, 10:03 a.m.]

Subject of Possible Rule Making: WAC 182-513-1350 Defining the resource standard and determining resource eligibility for SSI-related long-term care (LTC) services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; 42 U.S.C. § 1396(p).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency intends to increase the excess equity amount allowed for homeowners who are eligible for apple health long-term services and supports (LTSS) benefits to the maximum amount as allowed under federal law. State property values have increased substantially during the last several years, and this amendment would allow more homeowners who are otherwise eligible for LTSS benefits to receive them.

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 (TRS) 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 Paige Lewis, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0757, fax 360-586-9727, TRS 711, email [paige.lewis@hca.wa.gov](mailto:paige.lewis@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

March 2, 2022  
Wendy Barcus  
Rules Coordinator

**WSR 22-06-098**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed March 2, 2022, 11:14 a.m.]

Subject of Possible Rule Making: Chapter 392-210 WAC, Washington state honors award program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to amend the process and procedures concerning the administration of the Washington state honors awards program. The COVID-19 pandemic and related emergency public health safety measures created inequities for students to meet the criteria specified in the rules concerning the Washington honors award. In particular, access and availability to certain testing has been limited or not available. As a result, many high school students were unable to take the tests identified in the rules and therefore, fewer students would be eligible for the Washington honors award. In addition, some institutions of higher education have suspended or eliminated certain testing requirements related to admissions.

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: Early solicitation of feedback and recommendations respecting new or amended 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 Tony May, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone 360-972-4047, TTY 360-664-3631, email tony.may@k12.wa.us, website k12.wa.us.

March 2, 2022  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction