

WSR 22-07-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed March 7, 2022, 9:34 a.m.]

Subject of Possible Rule Making: Chapter 16-306 WAC, Hemp program. In response to changes in federal law that occurred when the United States Department of Agriculture (USDA) published its final rule for the domestic production of hemp (final rule) in January of 2021, the department is considering the following amendments:

- Updating various sections of this chapter to align with the USDA's final rule; and
- Updating multiple sections throughout the chapter in order to add clarity and transparency to the existing language.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 15.140.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Subsequent to the passage of the 2018 Farm Bill, the USDA provided the interim final rule (IFR) on the Establishment of a Domestic Hemp Production Program (84 F.R. 58522), on October 31, 2019. The WSDA hemp program created a plan in alignment with the IFR, and submitted that plan to the USDA, while finalizing state rules for the hemp program. As the legalization of hemp is a recent development, the federal government provided a comment period on the IFR so that states and those subject to the regulatory requirements of the IFR during the 2020 production cycle could provide feedback about how the IFR was being operationalized in their jurisdictions.

The IFR presented several challenges to the department and its stakeholders, as the 15-day window for inspection and sampling prior to harvest made it challenging for the hemp program to schedule inspections throughout the state. A lack of options for remediation meant that farmers with noncompliant hemp plants had to destroy their crops, despite processes available to reduce the THC concentration of their plant materials. Finally, the IFR did not provide options or opportunities for farmers producing nonflowering hemp plants, including microgreens, seedlings, and clones to receive certification within the program. The USDA addressed these challenges by incorporating less restrictive components in the final rule, which was published on January 19, 2021, and effective on March 22, 2021.

Since September 21, 2021, the hemp producers have been able to comply with these federal standards under the WSDA's Policy Statement CI-21-0002 (WSR 21-20-061). These amendments will incorporate those changes into the hemp program rule in chapter 16-306 WAC. Additionally, updating other sections throughout the chapter will provide clarity and transparency to hemp licensees in regard to testing, the appeals process, and enforcement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: USDA, Washington state liquor and cannabis board, and the Washington state department of health. The department will provide notice to these agencies of our rule-making process via email.

Process for Developing New Rule: The department will discuss any proposed amendments with affected stakeholders and individual businesses that may be affected. Affected stakeholders will also have an opportunity to submit written comments on the proposed rule 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 Trecia Ehrlich, Hemp Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-584-3711, fax 360-902-2085, TTY 800-833-6388, email tehrlich@agr.wa.gov, website www.agr.wa.gov.

March 3, 2022
Jessica Allenton
Assistant Director

WSR 22-07-045
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed March 14, 2022, 2:37 p.m.]

Subject of Possible Rule Making: Revision of rules that govern agency practice and procedures in all types of cases, including representation cases, unit clarification cases, unfair labor practice cases, impasse resolution cases, grievance arbitration cases, and grievance mediation cases as well as public records requests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 49.39.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Agency rules need revision to streamline agency procedures and to reflect changes of agency practice based upon recent agency case law. Rules are also needed to implement chapter 13, Laws of 2021 (SB 5055), which requires the agency to maintain a law enforcement disciplinary grievance arbitration roster.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agency regulates this subject with respect to Washington public employees.

Process for Developing New Rule: Agency staff intend to bring representatives from both labor and management together in a series of focus groups to discuss possible amendments to agency rules.

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, 112 North Henry Street, Suite 300, P.O. Box 40919, Olympia, WA 98504-0919, phone 360-570-7328, fax 360-570-7334, email dario.delarosa@perc.wa.gov, website www.perc.wa.gov.

March 14, 2022
Dario de la Rosa
Representation Case Administrator

WSR 22-07-049
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 15, 2022, 9:39 a.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 correcting subsection (3)(c) of this rule to align with the medicaid state plan. During the course of this review, the agency 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, phone 360-725-1311, fax 360-586-9727, TRS 711, email tracy.huynh@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 15, 2022
Wendy Barcus
Rules Coordinator

WSR 22-07-053
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 15, 2022, 2:34 p.m.]

Subject of Possible Rule Making: Chapter 182-548 WAC, Federally qualified health centers; 182-549 WAC, Rural health clinics; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 42 U.S.C. 1396a (bb)(5)(A); 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 clarify the change in scope and reconciliation policies and adding end date to WAC 182-549-1400(8) and 182-548-1400(8) to align with the APM4 Memorandum of Understanding. 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 Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Michaela Snook, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-0917, fax 360-586-9727, TRS 711, email Michaela.snook@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 15, 2022
Wendy Barcus
Rules Coordinator

WSR 22-07-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed March 16, 2022, 10:41 a.m.]

Subject of Possible Rule Making: Amend chapter 200-100 WAC, Self-insurance transactions as to local governments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.62.061 Rule making by state risk manager—Standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update of the rules is necessary to align with statutory changes, including, but not limited to, allowing the state board of pilorage commissioners to participate in a local government self-insurance program covering liability risks. Other content changes are needed to align with recent changes to other self-insurance rules addressing purchasing requirements and independent audit requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of enterprise services (DES) will communicate and coordinate with the office of [the] insurance commissioner, which has an interest in the rules governing joint self-insurance programs, as necessary. DES will also communicate with the state auditor's office, which is currently responsible for financial and accountability audits of local governments.

Process for Developing New Rule: DES will provide an opportunity for anyone interested to provide input as the rule changes are developed. An opportunity will also be provided for anyone to submit written comments on the proposed rules during the formal public comment period and present oral testimony at a virtual public hearing. The public is encouraged to participate in all agency rule making. Opportunities to participate in agency rule-making activities are provided on the DES rule-making website <https://des.wa.gov/about/policies-laws-rules/rulemaking>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy and Rules Manager, 1500 Jefferson, Olympia, WA 98501, phone 360-407-9209, email jack.zeigler@des.wa.gov, website <https://des.wa.gov/about/policies-laws-rules/rulemaking>.

March 15, 2022
Jack Zeigler
Policy and Rules Manager

WSR 22-07-061
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed March 16, 2022, 4:46 p.m.]

Subject of Possible Rule Making: Chapters 139-10 and 139-01 WAC, and other WAC as needed.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to adjust the training curriculum and required amount of training hours for juvenile personnel to match the jobs and tasks of those positions.

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: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7350, email Dzable@cjtc.wa.gov, website cjtc.wa.gov.

March 16, 2022
Derek Zable
Records Manager

WSR 22-07-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed March 17, 2022, 12:07 p.m.]

Subject of Possible Rule Making: The department was granted rule-making authority in ESHB 1120 in 2021, chapter 203, Laws of 2021, and is therefore pursuing regular rule making, as a follow-up to implementation of emergency rules, to reinstate the fingerprinting requirement for providers that was temporarily suspended by the governor's proclamation due to the public health emergency. The proposal also amends other rules in chapter 388-06 WAC to ensure they are consistent with one another and do not conflict with current background check rules in chapter 388-113 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20A.710, 43.43.837, 74.08.090, 74.09.520, 74.39A.056; ESHB 1120, section 19, chapter 203, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regular rule making, following an emergency WAC that was filed prior to the end of the proclamation to reduce future capacity issues for providers who need to complete fingerprinting, allows for public review and feedback from interested parties.

The department filed an emergency rule as WSR 22-06-074 on March 1 with an effective date of May 1.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services, developmental disabilities administration and residential care services division.

Process for Developing New Rule: Per statute changes in ESHB 1120 in 2021, chapter 203, Laws of 2021.

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.

March 16, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-07-072
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed March 18, 2022, 11:41 a.m.]

Subject of Possible Rule Making: This rule making concerns potential changes to current customer notice, credit, and collection rules applicable to the provision of electric and natural gas utility service, including the possibility of permanently eliminating late fees, disconnection fees, and reconnection fees. Topics for consideration include those found in chapters 480-90 and 480-100 WAC, including electric and natural gas service applications, responsibilities, connections, disconnections, reconnections, refusals, interruptions, deposits, fees, payment arrangements and programs, customer information, billing requirements, billing payments, customer notice, credit, collections, and other related topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160; and chapter 80.28 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 80.01.040 and 80.04.160 task the commission with regulating the provision of natural gas and electric service. The commission enacted rules regarding the provision of electric and natural gas service in chapters 480-90 and 480-100 WAC.

The COVID-19 pandemic has presented numerous challenges, especially for customers struggling to pay bills during a global crisis. Utility companies, in support of and in compliance with the governor's moratorium on utility disconnections, changed fee, disconnection, and reconnection practices by suspending them through September 30, 2021.

On October 20, 2020, the commission in Docket U-200281, *In the Matter of Response to the COVID-19 Pandemic*, issued Order 01, Extending suspension of disconnection of energy services for nonpayment and adopting related requirements. In that order, the commission determined that it should open a proceeding, when reasonably practicable, "to consider potential long-term changes and improvements to customer notice, credit, and collection rules, including permanent elimination of late fees, disconnection and reconnection fees, and deposits" Having seen the impact of changed practices on electric and natural gas customers and the utilities that serve them, the commission finds it in the public interest to consider if longer term changes should be incorporated into chapters 480-90 and 480-100 WAC. Topics for consideration include those found in chapters 480-90 and 480-100 WAC, including electric and natural gas service applications, responsibilities, connections, disconnections, reconnections, refusals, interruptions, deposits, fees, payment arrangements and programs, customer information, billing requirements, billing payments, customer notice, credit, collections, and other related topics.

Process for Developing New Rule: The utilities and transportation commission (UTC) uses a collaborative rule-making process that includes stakeholder workshops, formal comments, and draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amanda Maxwell, UTC, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1234, TTY 711 or 1-800-833-6384, email records@utc.wa.gov, website www.utc.wa.gov/e-filing.

March 18, 2022
Amanda Maxwell

WSR 22-07-084

PREPROPOSAL STATEMENT OF INQUIRY

WENATCHEE VALLEY COLLEGE

[Filed March 22, 2022, 8:05 a.m.]

Subject of Possible Rule Making: Update WAC 132W-125-010 to be in compliance with HB [2SHB] 2513, now RCW 28B.10.293 (2)(a).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.293 (2)(a).

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 Reagan Bellamy, 1300 Fifth Street, phone 509-682-6445, email rbellamy@wvc.edu.

March 22, 2022
Jim Richardson
President

WSR 22-07-085
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 22, 2022, 8:11 a.m.]

Subject of Possible Rule Making: WAC 182-537-0600 School district requirements for billing and payment; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-537-0600 to remove subsection (6), which requires participating school districts to provide local funding. The legislature changed the funding formula for school-based health services by removing the financial contribution requirement for school districts. During this review, health care authority may identify additional related changes that are required 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 Brian Jensen, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Shanna Muirhead, Program Questions, P.O. Box 45505, Olympia, WA 98504-5505, phone 360-725-1153, fax 360-586-9727, TRS 711, email shanna.muirhead@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 22, 2022
Wendy Barcus
Rules Coordinator

WSR 22-07-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 22, 2022, 8:22 a.m.]

Subject of Possible Rule Making: The department of labor and industries (L&I) is considering a possible fee increase for conveyances under WAC 296-96-00922, 296-96-01005, 296-96-01010, 296-96-01025, 296-96-01027, 296-96-01030, 296-96-01035, 296-96-01040, 296-96-01045, 296-96-01055, 296-96-01057, 296-96-01060, and 296-96-01065.

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: This rule making considers increasing the elevator fees by 17 percent to fund a new conveyance management system (CMS). L&I is in the process of replacing its current CMS database that provides permitting, inspection, and other information. The current system has been in use since 2006. It is aging, failing, and no longer meets the service needs of customers and staff. The new CMS is expected to go online in mid-2023.

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, 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>.

March 22, 2022
Joel Sacks
Director

WSR 22-07-094
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 22, 2022, 11:40 a.m.]

Subject of Possible Rule Making: WAC 392-550-035 Full-day kindergarten requirements, in alternative learning experience (ALE), and 392-550-050 Assessment requirements, in ALE.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.232.010 and 28A.150.315.

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 expand and clarify the methods through which full-day kindergarten can be implemented in an ALE setting.

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 Anissa Sharratt, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6229, TTY 360-664-3631, email anissa.sharratt@k12.wa.us, website k12.wa.us.

March 22, 2022
Chris P.S. Reykdal
State Superintendent of Public Instruction

WSR 22-07-099

PREPROPOSAL STATEMENT OF INQUIRY
CHARTER SCHOOL COMMISSION

[Filed March 22, 2022, 1:44 p.m.]

Subject of Possible Rule Making: General administrative and procedural rule changes in chapters 108-30 and 108-40 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.710.070, 28A.710.100, 28A.710.190, 28A.710.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission proposes to update procedural and administrative rule changes in order to clarify existing language and timelines and provide more detailed information about standards set out by the commission in adopted policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both the state board of education (SBE) and the office of superintendent of public instruction (OSPI) regulate areas that may be impacted by these rules. The commission will solicit input from these agencies.

Process for Developing New Rule: Agency study; and the commission will solicit comments on these rules from SBE, OSPI, charter schools, and other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Amanda Martinez, 1068 Washington Street S.E., phone 360-725-5511, email charterschoolinfo@k12.wa.us, website www.charterschool.wa.gov.

March 22, 2022
Amanda Martinez
Chief of Staff
Rules Coordinator

WSR 22-07-103
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 23, 2022, 8:34 a.m.]

Subject of Possible Rule Making: WAC 182-531-0300 Anesthesia providers and covered physician-related services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; and 42 C.F.R. § 482.52.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To align with 42 C.F.R. § 482.52, the health care authority (HCA) is amending WAC 182-531-0300(1) to include a doctor of medicine or osteopathy (other than an anesthesiologist) to the list of providers HCA reimburses for performing covered anesthesia services. During this review, HCA may identify additional related changes that are required 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, telecommunications relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Karin Inderbitzin, Program Questions, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9805, fax 360-586-9727, TRS 711, email karin.inderbitzin@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

March 23, 2022
Wendy Barcus
Rules Coordinator