

WSR 22-13-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 3, 2022, 10:39 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-410-0020 What happens if I receive more basic food, FAP, or WASHCAP benefits than I am supposed to receive?, 388-410-0030 How does the department calculate and set up my basic food, FAP, or WASHCAP overpayment?, 388-446-0015 What is an intentional program violation (IPV) and administrative disqualification hearing (ADH) for basic food?, and other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.91.142, 43.20A.550, 43.20B.630, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.770, 74.08.090, 74.08.580, 74.08A.120, 74.12.260; 7 C.F.R. §§ 271.2, 273.16, and 273.18.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will align department policy with federal regulations regarding administrative disqualification hearing notices and actions related to trafficked benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules to be consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

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 Carolyn Horlor, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-764-0676, email Carolyn.Horlor@dshs.wa.gov.

June 2, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-13-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 3, 2022, 10:56 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-400-0030 Who is eligible for refugee cash assistance?, 388-466-0120 Refugee cash assistance (RCA), 388-466-0150 Refugee employment and training services, and other related rules as may be appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are necessary to align department policies with authorization from the Office of Refugee Resettlement director to expand the eligibility period for refugee cash assistance from eight months to 12 months, pursuant to 45 C.F.R. § 400.211.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate review of proposed rule making with the health care authority.

Process for Developing New Rule: The department of social and health services (DSHS) welcomes the public to take part in developing these 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 Olga Walker, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4641, fax 360-725-4905, email olga.walker@dshs.wa.gov.

May 31, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-13-024
PREPROPOSAL STATEMENT OF INQUIRY
EVERETT COMMUNITY COLLEGE

[Filed June 3, 2022, 11:49 a.m.]

Subject of Possible Rule Making: Directory information; WAC 132E-122-130 Disclosure of student information.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state community college state system has defined and approved a uniform Family Educational Rights and Privacy Act (FERPA) directory information policy. This policy will provide students across the state attending community colleges a uniform directly information policy, for ease of understanding across the state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: FERPA (20 U.S.C. § 1232g; 34 C.F.R. Part 99) is a federal law that protects the privacy of student education records. Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

Process for Developing New Rule: All policies, procedures, and presidential directives will be updated to align with any substantive changes in applicable state and federal law. Any changes will be drafted and approved as follows: Policies - President, VP staff, and board of trustees. President, VP staff, and board of trustees approved new rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sindie Howland, 2000 Tower Street, phone 425-388-8280, email showland@everettcc.edu.

June 3, 2022

Rita Belvill

Executive Assistant to the President

WSR 22-13-037

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE PATROL

[Filed June 7, 2022, 6:06 a.m.]

Subject of Possible Rule Making: Lighting and emergency equipment: WAC 204-21-130 Emergency lamps, 204-21-230 Lighting equipment prohibited, and 204-36-050 Equipment requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.37.320, and 46.37.194.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 204-21-130, 204-21-230, and 204-36-050 are needed to coincide with legislative changes to RCW 46.37.184 that permit rear-facing blue lights on fire department vehicles, which will become effective June 9, 2022. A change is also needed in WAC 204-36-050 to make it consistent with the authority in WAC 204-21-130 and 204-21-230, which permit blue lights on law enforcement vehicles. Additional minor, nonsubstantive changes are necessary to clean up the existing language and eliminate confusion.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol (WSP) anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: Agency review. WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, the WSP will file a Proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, website wsp.wa.gov/rules-development/.

June 7, 2022
John R. Batiste
Chief

WSR 22-13-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 22-03—Filed June 7, 2022, 4:29 p.m.]

Subject of Possible Rule Making: Chapter 173-224 WAC, Water quality permit fees. The purpose of this chapter is to provide a permit fee system for state waste discharge and National Pollutant Discharge Elimination System permits issued by ecology pursuant to RCW 90.48.160, 90.48.162, or 90.48.260.

Chapter 173-224 WAC implements RCW 90.48.465 that requires ecology to establish, by rule, annual fees to recover the cost of administering the wastewater and stormwater permit programs. The rule amendment considers the economic impact on small discharges and public entities, and provides appropriate adjustments where applicable.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.48 RCW, Water pollution control; RCW 90.48.465 Water discharge fees—Report to the legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 90.48.465 requires ecology to establish, by rule, annual permit fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology adopted chapter 173-224 WAC, Water quality permit fees, in response to this law in 1989.

This rule amendment allows ecology to continue recovering expenses in operating and managing the permit programs. Ecology is proposing to adjust permit fees for fiscal years 2024 and 2025 to recover the projected program costs next biennium and move closer to payment equity between permit fee categories. Ecology may also propose new permit fee categories, changes to the structure of specific permit fee categories, technical changes, and rule language changes to facilitate understanding.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Leslie Connelly, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-628-4381, for Washington relay service or TTY call 711 or 877-833-6341, email wqfeeunit@ecy.wa.gov, website <https://ecology.wa.gov/WQ-fee-rule>, <https://ecology.wa.gov/EmailList/WQfee>; or Ligeia Heagy, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-280-3697, for Washington relay service or TTY call 711 or 877-833-6341, email wqfeeunit@ecy.wa.gov, website <https://ecology.wa.gov/WQ-fee-rule>, <https://ecology.wa.gov/EmailList/WQfee>.

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

June 7, 2022
Vincent G. McGowan, PE
Water Quality Program Manager

**WSR 22-13-063
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2022-03—Filed June 9, 2022, 9:51 a.m.]

Subject of Possible Rule Making: Accessing and receiving health care services and benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.735, 48.43.515; and E2SSB 5702.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2022, the legislature enacted several new laws, including, but not limited to, HB 1651 (chapter 122, Laws of 2022), ESHB 1821 (chapter 213, Laws of 2022), and E2SSB 5702 (chapter 236, Laws of 2022), which relate to accessing and receiving health care services and benefits. Multiple provisions of office of insurance commissioner (OIC) rules in chapters 284-43 and 284-170 WAC may need to be amended to be consistent with the new laws. This consolidated rule making will ensure that necessary rules are adopted by OIC in a timely manner. These rules will facilitate implementation of the laws by ensuring that all affected health care entities understand their rights and obligations under the new laws.

Process for Developing New Rule: Submit comments by July 8, 2022.

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

June 9, 2022
Mike Kreidler
Insurance Commissioner

WSR 22-13-064
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2022-04—Filed June 9, 2022, 9:52 a.m.]

Subject of Possible Rule Making: Statement requirement for consumer adverse benefit determination notices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.43.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of rule making for 2SSB 5313 (chapter 280, Laws of 2021), a requirement was added to the rules for consumer adverse benefit determination (ABD) notices to include a statement regarding identification of experts who provided advice for the ABD. Based on feedback received by the office of insurance commissioner, amendments to the rules are needed to ensure this language is at a reading level more appropriate for consumer correspondence.

Process for Developing New Rule: Submit comments by July 8, 2022.

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

June 9, 2022
Mike Kreidler
Insurance Commissioner

WSR 22-13-066
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2022-05—Filed June 9, 2022, 9:53 a.m.]

Subject of Possible Rule Making: Implementation of SSB 5610 (chapter 228, Laws of 2022), Prescription drug cost sharing—Enrollee contribution calculation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5610, section 1(3), chapter 228, Laws of 2022.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5610 (chapter 228, Laws of 2022) was passed to address ongoing consumer complaints about the inconsistency with the use of discount prescription drug cards, assistance programs, and/or coupons. SSB 5610 (chapter 228, Laws of 2022) provides direction for applying payments to cost-sharing amounts and the out-of-pocket maximum, except in specified conditions. Given the input of interested parties during the legislative session, rule making is needed to clarify any potential ambiguity in implementation, thereby providing the consumer protection the legislation intended.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of the insurance commissioner (OIC) coordinated with the health care authority (HCA) during the legislative session as payment allowances from third parties may impact the actuarial calculation for individual exchange plans. Further, SEBB and PEBB plans are included in the SSB 5610 (chapter 228, Laws of 2022). HCA will participate in OIC rule making to the extent the programs are impacted.

Process for Developing New Rule: Submit written comments by July 15, 2022.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barb Jones, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7041, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

June 9, 2022
Mike Kreidler
Insurance Commissioner

WSR 22-13-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed June 14, 2022, 12:39 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) intends to amend chapter 388-96 WAC regarding its nursing facility medicaid methodology to implement a low-wage worker wage equity funding and verification and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.46.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has directed DSHS to develop and adopt rules with respect to the low-wage worker wage equity funding, per ESSB 5693 204(53).

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: 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 Elizabeth Pashley, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-995-2807, fax 360-725-2641, TTY 1-877-905-0454, email Elizabeth.Pashley@dshs.wa.gov, website <https://www.dshs.wa.gov/altsa/management-services-division/office-rates-management>.

June 14, 2022
Katherine I. Vasquez
Rules Coordinator

**WSR 22-13-115
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 16, 2022, 6:57 a.m.]

Following is notice that the department of health (department) is withdrawing the CR-101 for Title 246 WAC, creating a new chapter to establish nicotine content measurement standards for closed system nicotine containers used with vapor products. The CR-101 was filed July 7, 2017, and published in WSR 17-15-026.

The department is withdrawing this CR-101 because the United States Food and Drug Administration issued final regulations regarding vapor products containing nicotine, including requirements for product labeling (81 F.R. 28973). The final regulation's product labeling requirements took effect May 10, 2018.

The terms of RCW 70.345.075 (3)(a) state that the statute requiring the department to make rules regarding nicotine measurement standards in closed system nicotine containers "expires on the effective date of the final regulations issued by the United States food and drug administration or by any other federal agency, when such regulations mandate warning or advertisement requirements for vapor products."

Individuals requiring information on this rule should contact Heidi Glesmann, health services consultant, heidi.glesmann@doh.wa.gov, or 360-236-3715.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-13-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed June 16, 2022, 11:21 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC to support the passage of SB 5866, an act relating to medicaid long-term services and supports eligibility determinations being completed by federally recognized Indian tribes. DSHS is planning to amend WAC 388-71-0503 What definitions apply to WAC 388-71-0500 through WAC 388-71-05640, 388-106-0010 What definitions apply to this chapter?, 388-106-0060 Who must perform the assessment?, and 388-115-0516 What are the responsibilities of the consumer directed employer when providing care to a client?

The department may amend other related rules as required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DSHS is planning to amend WAC to support the passage of SB 5866, an act relating to medicaid long-term services and supports eligibility determinations being completed by federally recognized Indian tribes. SB 5866 amended RCW 74.09.520, 74.39A.009, 74.39A.090, 74.39A.095, and 74.39A.515.

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: 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 within 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 360-464-0550, fax 360-468-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

June 15, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-13-121
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 17, 2022, 10:10 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering amending WAC 388-76-10350, 388-78A-2100, and 388-107-0080 to extend timelines for resident assessments and other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 70.97.230, and 70.128.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Because of the COVID-19 public health emergency, home and community services (HCS) temporarily suspended completing re-assessments for HCS clients living in adult family homes, assisted living facilities, and enhanced services facilities. The department filed emergency rules suspending the required deadlines for completing these assessments on February 24, 2022, under WSR 22-06-042. The intent of the suspension is to allow case managers to focus on completing assessments on patients in hospitals, easing the capacity challenges in hospitals by allowing those patients to be discharged to long-term care facilities. Because HCS clients must have an assessment completed by a case manager, facilities are not able to complete this regulatory requirement while HCS is not completing reassessments. DSHS is considering rule making to capture the timeline of this emergency suspension in rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: Negotiated rule making; and DSHS will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the DSHS staff listed below to receive draft material and information about how to participate in the 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 Libby Wagner, P.O. Box 45600, Olympia, WA 98504, phone 360-464-0487, fax 360-438-7903, email libby.wagner@dshs.wa.gov.

June 17, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-13-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed June 17, 2022, 12:59 p.m.]

Subject of Possible Rule Making: Creation of rules to allow for department of natural resources (DNR) law enforcement to issue trespass orders regarding trespass violations. A due process piece will also be included for possible redressability issues.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.12.065(1); chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DNR law enforcement has chronically had issues with trespassers on state land. DNR law enforcement lacks the tools to remove trespassers from state land for any period of time. The new rule(s) will allow DNR law enforcement to order trespassers off state land for various periods of time.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of fish and wildlife and other state law enforcement agencies.

Process for Developing New Rule: Full rule-making process with public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Bodine, 815 88th Avenue S.E., Tumwater, WA 98501, phone 360-628-6930, email jason.bodine@dnr.wa.gov; or Michael Kearney, 1111 Washington Street S.E., Olympia, WA 98504-7014, phone 360-902-1088, email michael.kearney@dnr.wa.gov.

June 15, 2022
Duane Emmons
Deputy Supervisor
for State Uplands (Acting)

WSR 22-13-146
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 21, 2022, 8:47 a.m.]

Subject of Possible Rule Making: 2023 Industrial insurance premium rates. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is required by law to establish and maintain a workers' compensation classification plan, and to set premium rates that are: (1) The lowest necessary to maintain actuarial solvency of the accident and medical aid funds; and (2) designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

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: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. L&I works with the workers' compensation advisory committee (WCAC) and retrospective rating advisory committee (RAC) as changes are developed. The public can participate in these discussions by attending the WCAC or RAC meetings.

A schedule of WCAC meetings is available at www.lni.wa.gov/insurance/insurance-requirements/workers-compensation-advisory-committee#meeting-schedule. A schedule of the meetings is available at www.lni.wa.gov/insurance/rates-risk-classes/reducing-rates/retro-advisory-committee#schedule-of-meetings.

Employers covered by L&I will receive notice of the proposed changes and public hearings. L&I is planning to hold formal public hearings in October 2022, via Zoom.

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, L&I, Insurance Services/Employer Services, P.O. Box 44148, Olympia, WA 98504-4148, phone 360-902-4777, fax 360-902-4988, TTY 360-902-5797, email JoAnne.Attwood@Lni.wa.gov, website www.lni.wa.gov/rulemaking-activity/?query=premium.

June 21, 2022
Joel Sacks
Director

WSR 22-13-148
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 21, 2022, 8:48 a.m.]

Subject of Possible Rule Making: Implementation of labor standard certification requirements for clean and renewable energy tax incentives under 2022's 2SHB 1988 and ESSB 5714, and chapter 296-140 WAC, Clean energy labor standards certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 7, chapter 185, Laws of 2022 (2SHB 1988); section 6, chapter 161, Laws of 2022 (ESSB 5714); RCW 82.08.962 and 82.12.962.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2022 legislative session, the Washington state legislature passed 2SHB 1988 and ESSB 5714. 2SHB 1988 allows for tax deferrals on investment projects in clean technology manufacturing, clean alternative fuels production, and renewable energy storage when the project meets certain labor standards and is certified by the department of labor and industries (L&I). ESSB 5714 allows for tax deferrals on large-scale commercial parking lots and other similar areas when the project meets certain labor standards and is certified by L&I. L&I is required to adopt rules to define and set minimum requirements for all labor standards associated with the certification for tax deferral; set requirements for all good faith efforts; and set other requirements regarding documentation and the certification process.

The development of these rules will address at a minimum:

- Standards for certification for:
 - Procurement from and contracts with women-owned, minority-owned, and veteran-owned businesses, which will include a requirement that the recipient of the deferral consult with the office of minority and women's business enterprises (OMWBE) and the department of veterans affairs (DVA) to develop a plan to meet the standards or good faith efforts;
 - Procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations;
 - Apprenticeship utilization;
 - Preferred entry for workers living in the area where the project is being constructed;
 - Payment of prevailing wages; and
 - Project labor agreements and community workforce agreements.
- Requirements for and processes related to application, records and documentation, and certification.

This rule will be adopted under chapter 296-140 WAC, Clean energy labor standards certification.

Additional changes to the clean energy labor standards certification rules will also be considered, to align the requirements for clean and renewable energy tax incentive programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Applicants are required to work with OMWBE and DVA on plan development and plan review. L&I is also required to consult with OMWBE, DVA, and the Washington state apprenticeship and training council (WSATC) on standards.

L&I will coordinate with OMWBE, DVA, and WSATC on the rule development, as well as coordinate with the department of revenue.

Process for Developing New Rule: L&I will develop the rule language with input from stakeholders. Interested parties may participate in the formulation of the amended rules before the proposed rules are filed by contacting the individual below. The public may also participate after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's rule-making activity website at <https://www.Lni.wa.gov/rulemaking-activity/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Christina Summers, L&I, Clean Energy Program, P.O. Box 44274, Olympia, WA 98504-4274, phone 360-902-5772, email FPLSRULES@Lni.wa.gov.

June 21, 2022
Joel Sacks
Director

WSR 22-13-149
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 21, 2022, 8:50 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance. Verification for presumptive coverage of frontline employees and health care workers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.32.181, and 51.32.390.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5115 and ESSB 5190, 2021 legislative session, created a new presumption for frontline and health care workers that any infectious or contagious diseases which are the subject of a public health emergency are occupational diseases during a health emergency. Both bills became law in 2021 with the creation of RCW 51.32.181 and 51.32.390. As part of this presumption, these RCW explain that, frontline and health care workers must provide verification that they contracted the infectious or contagious disease that is the subject of the public health emergency. A new rule is needed in order to define "verification" and any associated processes the workers must follow in order to prove contraction of the infectious or contagious disease.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health.

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jordan Ely, Department of Labor and Industries, Insurance Services, Legal Services, P.O. Box 44270, Olympia, WA 98504-4270, phone 360-902-4616, fax 360-902-5029, TTY 360-902-4252, email Jordan.ely@Lni.wa.gov.

June 21, 2022
Joel Sacks
Director

**WSR 22-13-154
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 21, 2022, 11:31 a.m.]

The department of labor and industries (L&I) is withdrawing the CR-101 Preproposal statement of inquiry regarding definition of ordinary maintenance (WAC 296-127-010 prevailing wage definitions rules), filed on February 16, 2022, and published under WSR 22-05-099.

In February, L&I filed a CR-101 to begin considering changes to the definition of "ordinary maintenance" in WAC 296-127-101, including "ordinary maintenance" specific to work on residential properties owned by housing authorities. Shortly after, the legislature passed HB 1975 relating to property management services provided to housing authority properties; amending RCW 35.82.070. Now that HB 1975 has passed, and includes clearer definitions of what "ordinary maintenance" includes specific to housing authorities in statute, L&I plans to adopt this language in WAC 296-127-010 through the expedited rule-making process, in accordance with RCW 34.05.353 (1)(b).

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

WSR 22-13-156
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 21, 2022, 2:20 p.m.]

Subject of Possible Rule Making: WAC 182-503-0535 Washington apple health—Citizenship and immigration status and 182-507-0135 Immigration status requirement for refugee medical assistance (RMA); other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Public Law 117-128; RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to align with the Additional Ukrainian Supplemental Appropriations Act (AUSAA), P.L. 117-128. The AUSAA provides for resettlement assistance, entitlement programs, and other benefits available to refugees for Ukrainian populations and other non-Ukrainian people in response to their displacement from Ukraine and entry into the United States. 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.

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 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 Dody McAlpine, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-9964, fax 360-586-9727, TRS 711, email dody.mcalpine@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 21, 2022
Wendy Barcus
Rules Coordinator

WSR 22-13-157
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 21, 2022, 2:22 p.m.]

Subject of Possible Rule Making: WAC 182-513-1625 Tailored supports for older adults (TSOA)—Applications, 182-513-1635 Tailored supports for older adults (TSOA)—Income eligibility, 182-513-1640 Tailored supports for older adults—Resource eligibility; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 1115 of the Social Security Act; RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency anticipates filing rules to: (1) Revise the TSOA application process; and (2) upon Centers for Medicare and Medicaid Services approval of the 1115 Renewal Application, amend rules regarding income and resource limits. 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.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: 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, website 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, website www.hca.wa.gov/about-hca/rulemaking.

June 21, 2022
Wendy Barcus
Rules Coordinator

WSR 22-13-161
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 21, 2022, 3:52 p.m.]

Subject of Possible Rule Making: Chapter 392-136A WAC, Finance—
Shared leave.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 28A.400.380.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: In response to the COVID-19 pandemic, shared leave
statutes were amended by the Washington state legislature (HB 2739
(2020)). Office of superintendent of public instruction (OSPI) is con-
sidering rule making concerning shared leave to align with recent
changes to the related statute. The purpose will be to clearly articu-
late changes to the shared leave program eligibility for district
staff to include the permitted use of shared leave as a result of the
2019 novel coronavirus. Additional changes to the chapter may be con-
sidered.

Process for Developing New Rule: Early solicitation of feedback
and recommendations concerning new or amended rules, consideration of
comments and recommendations during the process of drafting rule lan-
guage.

Interested parties can participate in the decision to adopt the
new rule and formulation of the proposed rule before publication by
contacting T. J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504-7200,
phone 360-725-6301, TTY 360-664-3631, email Thomas.Kelly@k12.wa.us,
website k12.wa.us.

June 21, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 22-13-162
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 21, 2022, 3:56 p.m.]

Subject of Possible Rule Making: Add new sections to chapter 392-122 WAC to describe the compliance rules and calculations concerning provisions in SSHB 1664 (2022) and the 2022 supplemental budget (ESSB 5693).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.260.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2022 supplemental budget (ESSB 5693) implements SSHB 1664 which provides increased funding allocations for physical, social, and emotional support staff through the prototypical school funding model beginning with the 2022-23 school year. Maximum allocations to local education agencies are subject to compliance rules as drafted by the office of superintendent of public instruction (OSPI). These changes are required to ensure that local education agencies receive an allocation for basic education that is in alignment with the state budget. Without these rules, local education agencies could receive state basic education allocations in excess of what the RCW and state budget language allows.

Process for Developing New Rule: Early solicitation of feedback and recommendations concerning new or amended rules, and consideration of comments and recommendations in the course of drafting rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T. J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6301, TTY 360-664-3631, email thomas.kelly@k12.wa.us, website k12.wa.us.

June 21, 2022
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 22-13-169
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed June 21, 2022, 6:10 p.m.]

Subject of Possible Rule Making: WAC 182-505-0211 Washington apple health—Foster care; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: P.L. 115-271; 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 this rule to update subsection (3) to include language regarding the out-of-state Alumni population as mandated by the SUPPORT Act, section 1002. The SUPPORT Act, P.L. 115-271, makes changes to the new coverage group created under the Affordable Care Act that extends medicaid coverage to former foster youth (alumni). This change expands the coverage group so former foster youth who have aged out of foster care in any state at the age of 18 can have medicaid coverage in any other state through the age of 26. 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.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Center 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 Emily Good, Program Questions, P.O. Box 33023, Olympia, WA 98504-3023, phone 360-725-0920, fax 360-586-9727, TRS 711, email Emily.good@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 21, 2022
Wendy Barcus
Rules Coordinator

WSR 22-13-175

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed June 22, 2022, 8:42 a.m.]

Subject of Possible Rule Making: WAC 182-517-0100 Federal medicare savings programs; 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 182-517-0100 Federal medicare savings programs, to remove resource limits as an eligibility requirement. During this review, the 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 Mark Westenhaver, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-1324, fax 360-586-9727, TRS 711, email mark.westenhaver@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

June 22, 2022
Wendy Barcus
Rules Coordinator

WSR 22-13-182
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2022-06—Filed June 22, 2022, 10:52 a.m.]

Subject of Possible Rule Making: General filing instructions for carrier submission of provider agreements and health care benefit manager (HCBM) contracts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.19.035, 48.43.730, 48.43.731, 48.44.050, 48.46.200, and 48.200.900.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Requirements for the submission of provider agreements were originally placed in the Washington state SERFF health and disability form filing general instructions. At that time, the health forms unit at the office of the insurance commissioner (OIC) reviewed both health forms and provider agreements. Now the subject matter expertise for review of provider agreements is located in the provider network oversight program at OIC, and most carriers have a separate team for submission of these agreements, which have different filing requirements than health forms. Due to legislation passed in 2020 (2SSB 5601), carriers are also now required to file HCBM contracts, which include provider network management and other services that direct provider activity. The subject matter expertise for the review of HCBM contracting is located in the provider network oversight program that reviews provider agreements at OIC. Health carriers similarly have units that specialize in these types of agreements and contracting arrangements. This rule will amend existing rules to establish unique general filing instructions for the submission of provider agreements and HCBM contracts by carriers.

Process for Developing New Rule: Submit comments by July 15, 2022.

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

June 22, 2022
Mike Kreidler
Insurance Commissioner

WSR 22-13-184
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 22, 2022, 11:18 a.m.]

Subject of Possible Rule Making: WAC 246-843-990 Nursing home administrator fees and renewal cycle. The department of health (department) is opening this rule to establish a retired active status fee if that licensure status is first adopted by the board of nursing home administrators (board) in separate rule making.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.250, 18.52.025, and 18.130.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will only establish a fee after the board has adopted a rule to establish a retired active status. The board is considering adding a retired active status to allow nursing home administrators to maintain their credential and practice in a limited way at a reduced cost. The department will rescind this proposal should the board decide not to allow for this licensure status.

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 Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov, website www.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, click on the box next to nursing home administrators. You may also check the box next to one or more of the other professions listed.

June 22, 2022
Kristin Peterson, JD
Deputy Secretary
Policy and Planning
for Umair Shah, MD, MPH
Secretary

WSR 22-13-186

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed June 22, 2022, 11:32 a.m.]

Subject of Possible Rule Making: Chapter 246-843 WAC, Nursing home administrators. The board of nursing home administrators (board) is considering a new section to establish a retired active status credential and amending WAC 246-843-180 to require proof of passing the jurisprudence exam before renewing an expired license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.52.061, 18.130.050, and 18.130.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering the establishment of retired active status as a way for nursing home administrators to continue to practice in a limited way at a reduced cost. Having access to a retired active status would allow nursing home administrators to be more readily available during a health emergency such as the Coronavirus disease 2019 (COVID-19) pandemic. The board is considering adding proof of a jurisprudence exam for a renewal of an expired license as a means to check that all active licensees [have] sufficient knowledge of current Washington laws and rules.

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 Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov, website www.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, check the box next to "nursing home administrators." You may also check the box next to one or more of the other professions listed that you may be interested in.

June 22, 2022

Carl Christensen, Ph.D., RN
Chair