

WSR 22-17-002
PREPROPOSAL STATEMENT OF INQUIRY
PIERCE COLLEGE

[Filed August 3, 2022, 12:49 p.m.]

Subject of Possible Rule Making: Pierce College is engaging in proposed rule making to update the student conduct code, chapter 132K-135 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pierce College is engaging in the rule-making process to maintain compliance with state laws regarding hazing.

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: Revised draft of student conduct code will be presented to the following entities for comment: Student advancement council, assistant attorney general, cabinet, and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Draper Davis, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-912-2331, email jdraperdavis@pierce.ctc.edu; or Marie Harris, 9401 Farwest Drive S.W., Lakewood, WA 98498, phone 253-864-3104, email mharris@pierce.ctc.edu.

August 3, 2022
Michele Johnson
Chancellor

WSR 22-17-014
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 4, 2022, 2:28 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0270 What services are available under community first choice (CFC)? and 388-106-0274 Are there limits to the assistive technology I may receive?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520, 74.39A.400; 42 C.F.R. § 441.500-590.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of this rule making is to amend WAC 388-106-0270 and 388-106-0274 to clarify items that can and cannot be purchased under this rule.

Process for Developing New Rule: The department invites interested parties to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representatives listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victoria Nuesca, CFC Program Manager, Aging and Long-Term Support Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2393, fax 360-438-8633, email victoria.nuesca@dshs.wa.gov; or Pon Manivanh, CFC Program Manager, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1572, fax 360-407-0955, email manipon.manivanh@dshs.wa.gov.

August 4, 2022
Katherine I. Vasquez
Rules Coordinator

**WSR 22-17-015
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed August 4, 2022, 3:12 p.m.]

The aging and long-term support administration (ALTSA) requests the withdrawal of preproposal statement of inquiry notice filed as WSR 22-11-023 on May 10, 2022 (WAC 388-76-10455), regarding medication administration. ALTSA requests that this withdrawal take effect as soon as this is filed.

Katherine I. Vasquez
Rules Coordinator

WSR 22-17-046

PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed August 11, 2022, 9:06 a.m.]

Subject of Possible Rule Making: WAC 4-30-010 Definitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The rule change is needed to add a definition for
professional services and to eliminate definitions that are no longer
needed.

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 Kirsten Donovan, Rules Coordinator, Washington State Board
of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone
360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email
Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov/>.

August 11, 2022

Jennifer Sciba

Acting Executive Director

WSR 22-17-048
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 11, 2022, 10:16 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending this rule to explain how HCA updates the state-only composite rate and to clarify language throughout. During the course of this review, HCA may identify additional related changes that are required in order to improve clarity or update policy.

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

Process for Developing New Rule: HCA 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, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Wendy Steffens, Program Questions, P.O. Box 45500, Olympia, WA 98504-5500, phone 360-725-5145, fax 360-586-9727, TRS 711, email wendy.steffens@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

August 11, 2022
Wendy Barcus
Rules Coordinator

WSR 22-17-050

PREPROPOSAL STATEMENT OF INQUIRY

GREEN RIVER COLLEGE

[Filed August 11, 2022, 11:38 a.m.]

Subject of Possible Rule Making: Green River College is engaging in proposed rule making to update the student conduct code, WAC 132J-126-090.

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: Green River College is engaging in the rule-making process to maintain compliance with state laws regarding hazing.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Godfrey Drake, 12401 S.E. 320th Street, phone 253-833-9111, email gdrake@greenriver.edu; or Deb Casey, 12401 S.E. 320th Street, phone 253-833-9111, email dcasey@greenriver.edu.

August 11, 2022

George P. Frasier

Vice President of College Advancement

WSR 22-17-060

PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF ACCOUNTANCY

[Filed August 12, 2022, 1:18 p.m.]

Subject of Possible Rule Making: WAC 4-30-045 Commission and referral fees and 4-30-049 Accounting principles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of accountancy proposes adoption of these new rules to reorganize the ethics and prohibited practice rule sections for clarity.

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 Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, TTY 1-800-833-6388, email Kirsten.donovan@acb.wa.gov, website <https://acb.wa.gov/>.

August 12, 2022

Jennifer Sciba

Acting Executive Director

WSR 22-17-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed August 15, 2022, 11:34 a.m.]

Subject of Possible Rule Making: Law enforcement officers' and firefighters' (LEOFF) Plans 1 and 2 benefit enhancements.

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: To clarify provisions of 2022 legislation that offers new retirement benefits for LEOFF Plans 1 and 2.

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 98504-8380, phone 360-664-7311, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/sitemap/rules/.

August 15, 2022
Rubi Reaume
Rules Coordinator

WSR 22-17-071
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 16, 2022, 8:56 a.m.]

Subject of Possible Rule Making: Amendments for consideration to the factory assembled structures (FAS) rules under chapter 296-150C WAC, Commercial coaches; chapter 296-150F WAC, Factory-built housing and commercial structures; chapter 296-150P WAC, Recreational park trailers; chapter 296-150R WAC, Recreational vehicles; and chapter 296-150V WAC, Conversion vendor units and medical units.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering amendments to FAS rules for design plan reviews by licensed professional engineers, architects, and firms for commercial coach trailers, factory-built housing and commercial structures, recreational park trailers, recreational vehicles, and conversion vendor units (food trucks and trailers). L&I has adopted emergency rules to clarify the procedures for review and approval of design plans for commercial coaches and factory-built and commercial structures by licensed professional engineers, architects, or firms under chapters 296-150C and 296-150F WAC. The emergency rule also allows those professionals to review and approve design plans for conversion vendor units, recreational vehicles (RVs), and park model RVs under chapters 296-150P, 296-150R, and 296-150V WAC. This rule making considers the adoption of permanent rules. L&I will be soliciting input from stakeholders in development of the permanent rules.

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 testimony during the public hearing and comment process.

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

August 16, 2022
Joel Sacks
Director

WSR 22-17-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE
(Public Works Board)
[Filed August 16, 2022, 9:48 a.m.]

Subject of Possible Rule Making: Modification to existing chapter 399-80 WAC, department of commerce (public works board), to align rules with current board practices for the broadband program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.155.040(5); adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington legislature has approved several changes regarding administration of the public works board programs under ESHB 1673, some of which will require an update to chapter 399-80 WAC.

Changes to RCW 43.155.160. This includes the following updates:

- The enablement and creation of a preapplication process for the broadband program (Sections 4a, 4b, 5).
- Updates the application notice requirements to broadband providers and removes previous contact requirements (Section 5o).
- States the public works board must publish proposed geographic broadband project service areas on its website, as well as preapplications (within three business days of the close of the preapplication cycle) and sets an objection period for 30 days for the proposed project (Sections 7a, 7b, 7c).
- Removes the utilities and transportation commission technical feasibility review (Section 10).
- Authorizes the public works board to make low-interest or interest-free loans or grants to eligible applicants for emergency public works broadband projects (Section 14).

It also includes updates for RCW 42.56.270(4). Changes were made to protect financial, commercial, and proprietary information.

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: Following regular 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 Mark Rentfrow, P.O. Box 42525, Olympia, WA 98504, phone 360-529-6432, email mark.rentfrow@commerce.wa.gov.

Additional comments: Written comments for consideration by the board should be submitted to Mark Rentfrow.

August 16, 2022
Amanda Hathaway
Rules Coordinator

WSR 22-17-078

PREPROPOSAL STATEMENT OF INQUIRY

GAMBLING COMMISSION

[Filed August 16, 2022, 4:01 p.m.]

Subject of Possible Rule Making: The Washington state gambling commission (WSGC) is considering amending its rules related to pull-tab inventory control, including WAC 230-14-260.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WSGC received a petition from a licensee proposing to amend rules so that pull-tab licensees no longer need to write the date they put a pull-tab game in play on purchase invoices. Some pull-tab licensees already write the date in play information on records, besides the purchase invoices, and feel there is duplication. Amending rules may allow some licensees flexibility related to pull-tab inventory control.

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 Jess Lohse, P.O. Box 42400, Olympia, WA 98504-2400, phone 206-786-3530, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov; or Adam Teal, phone 360-486-3475, email adam.teal@wsgc.wa.gov.

August 16, 2022

Jess Lohse

Acting Rules Coordinator

WSR 22-17-079

PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION

[Filed August 16, 2022, 4:01 p.m.]

Subject of Possible Rule Making: The Washington state gambling commission (WSGC) is considering amending its rules related to wagering limits on house-banked card games, including WAC 230-15-140.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WSGC received a petition from the public proposing to amend rules to increase wagering limits on house-banked card games. Wagering limits for house-banked card games have not been increased since 2009. An amendment to rules to increase wagering limits, if approved, would specify the maximum limit authorized and how such limits must be applied.

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 Jess Lohse, P.O. Box 42400, Olympia, WA 98504-2400, phone 206-786-3530, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, website www.wsgc.wa.gov; or Adam Teal, phone 360-486-3475, email adam.teal@wsgc.wa.gov.

August 16, 2022

Jess Lohse

Acting Rules Coordinator

WSR 22-17-082
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 17, 2022, 3:00 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, and 182-513-1640 Tailored supports for older adults (TSOA)—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 CMS approval of the 1115 Renewal Application, amend rules regarding income and resource limits. 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: 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.

August 17, 2022
Wendy Barcus
Rules Coordinator

WSR 22-17-086
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 18, 2022, 8:43 a.m.]

Subject of Possible Rule Making: WAC 182-512-0500 SSI-related medical—Burial funds, contracts and spaces excluded as resources; 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 182-512-0500 to make the rule easier to understand and apply. 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: Washington state 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 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 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.

August 18, 2022
Wendy Barcus
Rules Coordinator

WSR 22-17-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed August 19, 2022, 9:41 a.m.]

Subject of Possible Rule Making: The department is considering amending enhanced services facilities WAC 388-107-0630 Training and home care aide certification requirements. The department may amend other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.97.230.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to ensure WAC 388-107-0630 is consistent with the requirements of chapter 388-112A WAC for home care aide certification, to support the health and safety of residents in this setting, and to benefit enhanced services facilities business owners.

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: The department will use a collaborative rule-making process to develop draft rules and seek informal review and comment on the draft rules prior to proposing them for adoption. To participate in the rule-making process, please contact the staff identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sondra Haas, P.O. Box 45600, Olympia, WA 98504, phone 360-688-0715, email Sondra.Haas@dshs.wa.gov.

August 19, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-17-100

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF COMMERCE

[Filed August 19, 2022, 10:42 a.m.]

Subject of Possible Rule Making: Implementation of energy efficiency standards and design requirements enacted in 2022 (ESHB 1619, chapter 19, Laws of 2022) for appliances, commercial kitchen equipment, and other products; updates and amendments to chapter 194-24 WAC to reflect changes in federal standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.260.070(7); chapter 19, Laws of 2022.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2022 legislation requires updates to state standards through rules. The legislation also requires rules referencing the new standards and test methods adopted through this bill, including compliance dates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Department of Energy; federal standards in some cases preempt state standards.

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, 1011 Plum Street S.E., phone 360-515-8194, email appliances@commerce.wa.gov, website commerce.wa.gov/appliances.

August 19, 2022
Amanda Hathaway
Rules Coordinator

WSR 22-17-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed August 19, 2022, 11:52 a.m.]

Subject of Possible Rule Making: WAC 246-933-010 Definitions and 246-933-200 Veterinary client patient relationship (VCPR). The veterinary board of governors (board) is considering establishing additional standards for telemedicine services. The board is considering amending WAC 246-933-200 and 246-933-010 and creating a new rule section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February 2022, the board received a rule-making petition requesting, at a minimum, that VCPR be established "either physically or through indirect supervision via remote video observation and guidance of an examination of the patient by a Washington State Licensed Veterinary Technician." The petitioner clarified an option to allow the VCPR to be maintained between medically necessary examinations via telephone or other types of consultations. However, a rule change should prohibit the prescribing of Schedule II controlled substances without first performing a hands-on examination.

In March 2022, the board received [a] second rule-making petition requesting the board modify veterinary telemedicine rules to allow a veterinarian to prescribe preventative medicines without the requirement for an annual in-person examination of the animal.

The board will consider a third rule-making petition at their September 2022 business meeting requesting the board amend rules to allow VCPR virtually.

At its March 21, 2022, meeting, the board reviewed both rule-making petitions and agreed to begin rule making to consider changes to WAC 246-933-010, 246-933-200, and possibly adding [a] new section to set additional standards for veterinary telemedicine services. The board agrees there are areas of veterinarian services that may be appropriate for veterinary telemedicine. The rule-making petitions request specific changes; the board agrees to consider those requests during the rule-making process along with establishing new veterinary telemedicine standards.

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 Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7853 [7852], phone 360-236-4947, fax 360-236-2901, TTY 711, email loralei.walker@doh.wa.gov, website <https://doh.wa.gov>.

Additional comments: Notices will be emailed through the program's GovDelivery interested parties list. To sign up, please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Stakeholders will be invited to participate in meetings and rule drafting workshops. At the formal proposal stage of rule making, proposed rule language will be posted on the department's rules comments website to receive public comment for the public hearing.

August 19, 2022
Jennifer Santiago
Executive Director
Office of Health Professions

WSR 22-17-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed August 19, 2022, 4:00 p.m.]

Subject of Possible Rule Making: The department is initiating rule making to establish a voluntary program for the certification of cannabis and cannabis products produced and processed in compliance with the National Organic Program standards (7 C.F.R. 205) and the department's organic program adopted under chapter 15.86 RCW. Rule making will include the identification of a marketing claim for qualifying products, the development of a fee schedule to provide for the recovery of the full cost of the program, and other rules necessary for the implementation and administration of the certification service.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.125.020; chapter 15.86 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, chapter 15.125 RCW was created, which authorizes the department to adopt rules establishing a self-sustaining and voluntary program to certify cannabis and cannabis products to a production standard consistent with 7 C.F.R. Part 205 and other rules as necessary for administration of this chapter. The authorizing statute requires the rules to include a fee schedule providing for the recovery of the full cost of the program, including, but not limited to, application processing, inspections, sampling and testing, notifications, public awareness programs, and enforcement.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state liquor and cannabis board (WSLCB) and Washington department of health (DOH). Communication will be maintained and primary contacts established so marketing claims and enforcement activities are transparent to WSLCB, DOH, and the Washington state department of agriculture (WSDA).

Process for Developing New Rule: WSDA staff will discuss rule making with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will also 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 Brenda Book, WSDA Organic Program Manager, 1111 Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1805, TTY 800-833-6388 or 711, email organic@agr.wa.gov, website agr.wa.gov/organic.

August 19, 2022
Steve Fuller
Assistant Director
Food Safety and Consumer Services Division

**WSR 22-17-112
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH**

[Filed August 22, 2022, 8:07 a.m.]

This memo serves as notice that the Washington state board of health (board) is withdrawing the CR-101 for on-site sewage system drainfield remediation technologies, which was filed June 7, 2006, and published in WSR 06-12-108.

The board is withdrawing this CR-101 because the regulation of on-site sewage system drainfield remediation technologies is being addressed in the permanent rule making for chapter 246-272A WAC, On-site sewage systems, that is currently underway. The CR-101 for that rule making was filed as WSR 18-06-082 on March 6, 2018.

Individuals requiring information on this rule making should contact Stuart Glasoe at stuart.glasoe@sboh.wa.gov or 360-236-4111.

Michelle A. Davis
Executive Director

WSR 22-17-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed August 22, 2022, 9:11 a.m.]

Subject of Possible Rule Making: The department is planning to amend the following rules and any related rules as may be required: WAC 388-400-0060 Who is eligible for aged, blind, or disabled (ABD) cash assistance?, 388-400-0070 Who is eligible for referral to the housing and essential needs (HEN) program?, 388-434-0005 How often does the department review my eligibility for benefits?, 388-449-0001 What are the disability requirements for the aged, blind, or disabled (ABD) program?, 388-449-0200 Am I eligible for cash assistance for aged, blind, or disabled (ABD) while waiting for supplemental security income (SSI)?, 388-452-0005 Do I have to be interviewed in order to get cash and basic food benefits?, 388-478-0006 The clothing, personal maintenance, and necessary incidentals (CPI) payment standard for cash assistance, and 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.0052, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.04.805, 74.08.025, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will implement a change in ABD cash assistance program eligibility related to individuals residing in a public mental institution, as provided in the supplemental operating budget (chapter 297, Laws of 2022).

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 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 Evelyn Acopan, P.O. Box 45470, Olympia, WA 98504, phone 253-778-2381, email evelyn.acopan@dshs.wa.gov.

August 22, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-17-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed August 22, 2022, 9:14 a.m.]

Subject of Possible Rule Making: WAC 388-101D-0190, 388-101D-0195, 388-101D-0200, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is considering amending these rules and adding new sections to chapter 388-101D WAC regarding suspending and terminating a client's residential services. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1500, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

August 22, 2022
Katherine I. Vazquez
Rules Coordinator

WSR 22-17-118

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed August 22, 2022, 12:50 p.m.]

Subject of Possible Rule Making: WAC 260-40-140 Horse must be eligible at time of entry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarifies the horse must remain eligible in the time after entry and up to the time of the race. Ensures that if a horse's eligibility changes after entries due to a redistribution of a purse, or any other reason, the horse is only allowed to compete if it remains eligible any time prior to racing.

Process for Developing New Rule: Negotiated rule making.

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

August 22, 2022
Douglas L. Moore
Executive Secretary

WSR 22-17-123

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed August 23, 2022, 9:08 a.m.]

Subject of Possible Rule Making: WAC 308-12-205 Architect fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject:
RCW 43.24.086 Fee policy for professions, occupations, and businesses
—Determination by rule and 43.24.023 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They
Might Accomplish: The department is required to set fees for each pro-
fessional, occupational, or business licensing program at a sufficient
level to defray the costs of administering that program. This program
last saw an increase in fees in 2017. Current fees are insufficient to
sustain these programs. The department is considering fee increases
that would go into effect November of 2022.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA
98504, phone 360-902-3846.

August 23, 2022

Ellis Starrett

Rules and Policy Manager

WSR 22-17-126
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 23, 2022, 9:14 a.m.]

Subject of Possible Rule Making: WAC 296-20-097 Reopenings, relating to workers' compensation claims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.28.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1902, from the 2022 legislative session, updated language in RCW 51.28.040 by expanding the time period the department of labor and industries (L&I) or the self-insured employer can retroactively pay time-loss and treatment benefits on reopened claims if a specific exception is met. WAC 296-20-097 needs to be amended to reflect changes made by SHB 1902 by clarifying when and how the department or self-insured employer can pay these benefits beyond 60 days prior to the receipt of the application up to 120 days.

Process for Developing New Rule: Parties interested in this rule 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. A public hearing 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 Suzy Campbell, L&I, Insurance Services, Legal Services, P.O. Box 44270, Olympia, WA 9854 [98504]-4270, phone 360-902-5003, fax 360-902-5029, TTY 360-902-4252, email suzanne.campbell@Lni.wa.gov.

August 23, 2022
Joel Sacks
Director

WSR 22-17-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 23, 2022, 9:15 a.m.]

Subject of Possible Rule Making: Transportation network companies (TNC) reporting and classification amendments. 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: The purpose of this rule making is to implement requirements of ESHB 2076, which removes the exemption from workers' compensation coverage for TNC drivers, requiring TNCs to report and pay quarterly for driver coverage. Drivers will be covered effective January 1, 2023, during dispatch platform time and passenger platform time, as defined by ESHB 2076. The department of labor and industries (L&I) will review the reporting and classification rules to determine amendments needed to implement the bill.

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, L&I, Insurance Services, Employer Services, 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.

August 23, 2022
Joel Sacks
Director

WSR 22-17-128

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed August 23, 2022, 9:18 a.m.]

Subject of Possible Rule Making: WAC 308-13-150 What are the landscape architect fees and charges?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.086 Fee policy for professions, occupations, and businesses—Determination by rule and 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is required to set fees for each professional, occupational, or business licensing program at a sufficient level to defray the costs of administering that program. The department is considering fee increases that would go into effect in November of 2022.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov.

August 23, 2022

Ellis Starrett

Rules and Policy Manager

**WSR 22-17-129
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed August 23, 2022, 9:22 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for chapter 308-125 WAC, filed as WSR 22-03-103, on January 19, 2022.

Ellis Starrett
Rules Coordinator

WSR 22-17-130
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 23, 2022, 9:55 a.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for chapter 308-104 WAC, filed as WSR 22-16-108, on August 2, 2022.

Ellis Starrett
Rules Coordinator

WSR 22-17-142

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed August 23, 2022, 2:28 p.m.]

Subject of Possible Rule Making: WAC 246-853-661 Exclusions. The board of osteopathic medicine and surgery (board) is considering amendments to expand the types of patients who are exempt from certain provisions of rule when being prescribed opioid drugs. The board will consider the Washington medical commission's (WMC) recently adopted rules to ensure consistency and alignment with best practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.57.800, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board works to remain consistent with WMC rules, as osteopathic physicians and allopathic physicians regularly provide care in the same settings. Maintaining consistency with WMC makes rules easier for licensees to understand and apply standards in the complex health care regulatory environment.

WMC received comments that adhering to the opioid prescribing rules for patients admitted to a long-term acute care (LTAC) facility or nursing home, is onerous. Specifically, the current rules require a history and physical as well as a check of the prescription monitoring program (PMP) be completed prior to prescribing opioids. Patients transferred to LTACs and nursing homes have their medical history documented and a physical done while in the previous facility, and practitioners in LTACs and nursing homes can rely on that assessment. Inpatient hospital patients are currently exempt from the opioid prescribing rules. WMC noted that patients in LTACs and nursing homes are similarly situated to hospital patients receiving inpatient treatment. WMC also received comments that patients in residential habilitation centers (RHC) were also similarly situated to LTAC and nursing home patients. The board may consider exemptions for several facility types to allow practitioners in these facilities to continue the patient's pain medications without having to wait for a physician to perform a history and physical assessment.

Adding these exemptions could allow patients to receive necessary care in an efficient manner by removing the need for a duplicative history, physical, and PMP check. Amendments would ensure consistency and alignment with allopathic practitioners and best practices.

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 Becky McElhiney, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email osteopathic@doh.wa.gov, website <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/osteopathic-physician-and-surgeon>.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

August 23, 2022
Jennifer Santiago
Executive Director
for Megan Maxey

WSR 22-17-143
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Physical Therapy)
[Filed August 23, 2022, 2:33 p.m.]

Subject of Possible Rule Making: WAC 246-915-120 Foreign educated applicants. The board of physical therapy (board) is considering updating internet-based test of english as a foreign language (ibTOEFL) scoring requirements to bring them into alignment with the Federation of State Boards of Physical Therapy (FSBPT) guidelines. The board is considering creating a pathway for foreign trained applicants who hold an active license and have been practicing in the United States for a certain period of time. Additionally, there are some minor edits needed to clarify the language of the rule without changing its effect.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 13, 2022, the board authorized staff to open WAC 246-915-120 and initiate rule making. The board will review and determine if amendments to TOEFL's minimum passing score are necessary to protect the public without creating unnecessary barriers for licensure. Washington state's current passing score requirements were originally established based on FSBPT's passing score recommendation. FSBPT's minimum passing score recommendations have since been updated. To come into alignment with FSBPT's recommendation, Washington state would have to lower the minimum passing score for the writing and speaking tests, and raise the minimum passing score requirements for the reading and listening tests. Consistent licensing standards between states will help support a framework of equality and increased mobility for physical therapists and physical therapy assistants. Additionally, FSBPT research has shown that candidates who meet their recommended criteria are more likely to pass the national physical therapy exam.

The board will consider creating a pathway for foreign educated applicants who hold an active license and have been practicing in the United States for a certain period of time. This change should be considered because current practice requires a foreign educated physical therapist or a physical therapist assistant who has been practicing in the United States, to be held to the same standards as a newly licensed physical therapist or physical therapy assistant educated at a program not approved by the Commission on Accreditation in Physical Therapy Education. This does not take real life experience in practicing, communicating with patients, or continuing education, which every jurisdiction requires, into consideration.

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 Allyson McIver, P.O. Box 47852, Olympia, WA 98504, phone 360-236-2878, fax 360-236-2901, TTY 711, email physical.therapy@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Rule-making notices will be emailed via GovDelivery.

August 23, 2022

Kathryn Dale, PT, DSC
Board Chair

WSR 22-17-145
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 23, 2022, 2:52 p.m.]

Subject of Possible Rule Making: Chapter 246-220 WAC, Radiation protection—General provisions; chapter 246-221 WAC, Radiation protection standards; chapter 246-222 WAC, Radiation protection—Worker rights; chapter 246-224 WAC, Radiation protection—Radiation machine assembly and registration; chapter 246-225 WAC, Radiation protection—X-rays in the healing arts; and chapter 246-227 WAC, Radiation protection—Industrial X-ray. The department of health (department) will consider amending existing rules and may adopt a new chapter to establish radiation safety standards for the use of body scanners capable of detecting contraband contained under clothing and within body cavities, meeting applicable federal and state radiation and safety standards. The department will consider adopting these standards so that they may apply to all entities operating whole body scanners at any facility within the state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2SSB 5695 (chapter 160, Laws of 2022) and RCW 70A.388.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2SSB 5695, chapter 160, Laws of 2022, requires the Washington state department of corrections (corrections) to establish a comprehensive body scanner program at the Washington corrections center for women and at a male state correctional facility as part of an expanded pilot program to create drug-free facilities. The pilot program is scheduled to expire June 30, 2024. Corrections must establish a comprehensive body scanner program to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeter of the participating correctional facility; provide training on radiation safety, operation of the body scanner, and screening procedures; and develop a method to track and maintain records on the frequency of body scans conducted on any individual to comply with any maximum allowable monthly and annual radiation dosage limits set by the department. The department is designated as the state radiation control agency with sole responsibility for the administration of regulatory, licensing, and radiation control laws. Rule making may be needed to establish safeguards in rule to protect the public's health and safety from overexposure to radiation to implement the bill.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Food and Drug Administration (FDA); United States Department of Labor Occupational Safety and Health Administration (OSHA); corrections; Washington state department of labor and industries (L&I).

Rules may reference the United States Code of Federal Regulations where necessary, and the department will collaborate with corrections and L&I throughout the rule-making process by forming a work group to develop rule requirements.

Process for Developing New Rule: The department will use a collaborative rule-making approach. The department will keep stakeholders and interested parties informed of the rule development through email and posting information on the department's rule-making websites. Stakeholders and interested parties will have the opportunity to provide comments throughout the rule-making process, during the formal comment period, and 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 Ashlie Laydon, P.O. Box 47822, Olympia, WA 98504-7822, phone 360-236-3000, TTY 711, email ashlie.laydon@doh.wa.gov; or Richard Montemarano, P.O. Box 47822, Olympia, WA 98504-7822, phone 360-236-3238, email richard.montemarano@doh.wa.gov.

August 23, 2022
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

WSR 22-17-146

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE LOTTERY

[Filed August 23, 2022, 3:42 p.m.]

Subject of Possible Rule Making: Title 315 WAC, Lottery commission. Washington's lottery is proposing to add a chapter to Title 315 WAC to create rules for a new draw game known as cash pop.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's lottery is considering offering a new draw game known as cash pop. This game has proven to be successful in other states and could help the lottery achieve its statutory mandate to "produce the maximum amount of net revenues for the state" Rules are necessary to inform the public how the game is played, odds, ticket price, prize structure, etc.

Process for Developing New Rule: The agency will use a collaborative rule-making process to develop the proposed rules. The lottery will post the draft rules on the agency's website and notify interested parties of the opportunity to provide comments. Formal comments will also be taken in writing during the formal comment period and in person at the public hearing. Staff will evaluate comments in coordination with the lottery commission and edit the draft rules consistent with the intent of this rule making prior to proposing the final rules for adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kristi Weeks, P.O. Box 4300 [43000], Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email KWeeks@walottery.com, website www.walottery.com.

August 23, 2022

Kristi Weeks

Director of Legal Services

WSR 22-17-152

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed August 23, 2022, 4:45 p.m.]

Subject of Possible Rule Making: WAC 308-96A-530 Veterans remembrance and military service award license plate emblems.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 Rule-making authority, 46.16A.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 308-96A-530 will provide greater clarity to the public by adding the prevent veteran suicide license plate emblem, enacted via the passage of HB 1181, to the list of other military license plate emblems, and differentiating between issuance requirements for this new emblem and other military emblems.

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: Internal review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Price, 1125 Washington Street S.E., Olympia, WA 98501, phone 360-902-0120, email gprice@dol.wa.gov, website <https://www.dol.wa.gov/about/vehiclerules.html>.

August 23, 2022

Ellis Starrett

Rules and Policy Manager

WSR 22-17-157
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 24, 2022, 9:04 a.m.]

Subject of Possible Rule Making: WAC 392-191A-160 Minimum procedural standards—Conduct of the comprehensive evaluation for certificated principals and assistant principals and 392-191A-190 Minimum procedural standards—Conduct of the focused evaluation for certificated principals and assistant principals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.405.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In collaboration with the teacher and principal evaluation program (TPEP) steering committee, the office of superintendent of public instruction (OSPI) is considering rule making concerning timing for principal/assistant principal evaluations. Teacher evaluations typically have a deadline date determined through collective bargaining. However, in most districts, principals/assistant principals do not have a collective bargaining agreement and evaluations for these positions might not be completed in a manner or on a timeline that allows a principal/assistant principal to improve their practice or to seek another position. OSPI is considering rule changes to ensure that principals/assistant principals receive timely feedback as well as indications of their employment status.

TPEP steering committee includes the following: Association of Washington School Principals, Washington Association of School Administrators, Washington Education Association, Washington State School Directors' Association, and Washington State Parent Teacher Association, as well as OSPI.

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 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 Sue Anderson, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6116, TTY 360-664-3631, email sue.anderson@k12.wa.us, website k12.wa.us/educator-support/teacherprincipal-evaluation-program.

August 15, 2022
Chris P. S. Reykdal
State Superintendent of Public Instruction

WSR 22-17-158
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 24, 2022, 9:05 a.m.]

Subject of Possible Rule Making: For Title 392 WAC, adding a new chapter or sections concerning education of youth in institutional education facilities and post-resident youth.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.190.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making based on HB [E2SHB] 1295 (2021) which directs OSPI to establish requirements concerning education and supports for youth in or recently exiting the juvenile justice system. Academic progress toward grade-level progression and high school graduation are particularly critical for students within the juvenile justice system, including those entering, transitioning between facilities, and post-resident youth, in making life-changing transformations for the future.

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 Emmelia Wargacki, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6022, TTY 360-664-3631, email emmelia.wargacki@k12.wa.us, website k12.wa.us; or Ada Daniels, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-972-0648, TTY 360-664-3631, email ada.daniels@k12.wa.us, website k12.wa.us.

August 15, 2022

Chris P. S. Reykdal

State Superintendent of Public Instruction

WSR 22-17-169

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed August 24, 2022, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 16-228 WAC, General pesticide rules. The department is considering modifying the rules for assessing penalties for pesticide violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030(2), 17.21.315, 15.58.040(2), 15.58.335.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

- Existing rules have not been substantially updated since they were first adopted in 1999.
- Penalties for various levels of violation are too low and do not serve as an effective deterrent.
- Having four levels of violation is meaningless since the department is rarely able to assess the highest level (fourth level) of violation due to the time constraints of the investigation and adjudicative process. This limits the department's ability to assess the maximum civil penalties authorized by statute.
- Current rules for calculating license suspensions is a "one size fits all" approach and is not equitable when considering the differences between certain license types or when no licensed applicator is involved.
- Current rules for calculation of penalties do not accurately reflect the differences in severity of violations and do not specifically explain that each violation of the statutes or rule is a separate and distinct offense for the purpose of calculating total penalties for an incident.
- Rules for adjusting (aggravating or mitigating) a penalty within the penalty assignment schedule are not clear.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Nielsen, Compliance Case Review Officer, Pesticide Management Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 509-990-6518, fax 360-902-2093, email snielsen@agr.wa.gov, website agr.wa.gov.

August 24, 2022
R. Schoen-Nessa
Assistant Director