

WSR 23-01-002

PREPROPOSAL STATEMENT OF INQUIRY

HORSE RACING COMMISSION

[Filed December 7, 2022, 12:32 p.m.]

Subject of Possible Rule Making: WAC 260-49-070 Distribution of source market fees.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) may need to adjust the source market fees distribution based on the effect to the revenue for WHRC in the event the in-state parimutuel handle exceeds \$50 million, thereby reducing the parimutuel tax from 1.803 percent to 1.3 percent.

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](mailto:doug.moore@whrc.state.wa.us), website [www.whrc.wa.gov](http://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](mailto:amanda.benton@whrc.state.wa.us), website [www.whrc.wa.gov](http://www.whrc.wa.gov).

December 7, 2022  
Douglas L. Moore  
Executive Secretary

**WSR 23-01-004  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
BELLINGHAM TECHNICAL COLLEGE**

[Filed December 7, 2022, 1:14 p.m.]

Due to the length of time since the original submission, and the fact that Bellingham Technical College will be making revisions to additional Title 495B WAC chapters in the upcoming months, Bellingham Technical College requests to withdraw preproposal statement of inquiry WSR 20-10-008, filed on April 24, 2020, at 7:47 a.m. This preproposal relates to revisions to chapter 495B-104 WAC. Bellingham Technical College will be submitting a new CR-101, which will include additional chapters requiring revisions to Title 495B WAC.

Please contact Rhonda Laughlin at rlaughlin@btc.edu or 360-752-8334 if you require additional information or clarification.

Ronda Laughlin  
Executive Assistant  
Rules Coordinator

**WSR 23-01-010**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**  
[Order 22-15—Filed December 8, 2022, 9:23 a.m.]

Subject of Possible Rule Making: The rule making creates new chapter 173-408 WAC, Landfill methane emissions. The purpose of this new chapter is to implement reducing methane emissions from landfills (E2SHB 1663, chapter 179, Laws of 2022, codified as chapter 70A.540 RCW).

Chapter 70A.540 RCW establishes various requirements for municipal solid waste (MSW) landfills. Ecology is considering rule making for the following:

Reporting Requirements:

- Establishing a method for landfills to claim exemption from the rule.
- Waste in place reporting requirements.
- Landfill gas heat input capacity calculation and reporting requirements.
- Records maintenance and reporting requirements related to monitoring, testing, landfill operations, operation of the gas control device, gas collection system, and gas control system.
- Reporting requirements for capping of landfill gas collection wells, removal or cessation of gas collection and control system equipment.
- Landfill closure reporting requirements.

Monitoring Requirements:

- Instantaneous and integrated surface monitoring requirements.
- Methane concentration limit requirements determined by instantaneous or integrated surface emissions monitoring.
- Exemptions for methane concentration limit exceedances due to activities defined in RCW 70A.540.050(3).
- Gas control system monitoring requirements.
- Methane leak rate limits for treatment systems that process routed gas.
- Wellhead gauge pressure monitoring requirements.

Technology Requirements:

- Gas collection and control system installation requirements.
- Gas collection and control system efficiency requirements.
- Gas collection and control system landfill gas leak limits.
- Methane destruction efficiency requirements for flares and energy recovery control devices.
- Requirements for gas collection and control systems that use an open flare.
- Requirements for devices measuring gauge pressure.
- Requirements for instruments used to measure methane.
- Landfill gas control system equipment requirements.
- Control device destruction efficiency calculation requirements.
- Source testing requirements for any gas control device or devices.

Other:

- Civil penalties for violation of the law and implementing rules.
- Terms and definitions.

Pursuant to RCW 70A.540.020(3), ecology's rule making must be informed by landfill methane regulations adopted by the California Air Resources Board, the Oregon Environmental Quality Commission, and the United States Environmental Protection Agency (EPA).

This rule making applies to owners and operators of MSW landfills that received solid waste after January 1, 1992. This includes both active and closed MSW landfills (as defined in RCW 70A.540.010). Landfills that are exempt from these new requirements are:

- Landfills that receive only hazardous waste, or are currently regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C., chapter 103).
- Landfills that receive only inert waste or nondecomposable wastes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 1663 Reducing methane emissions from landfills; chapter 70A.540 RCW, Landfills—Methane emissions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 70A.540.020(3) requires that ecology adopt rules to implement the law. Beginning January 1 of the year after ecology adopts rules, or upon commencing operation of a newly installed gas collection and control system or modification of an existing system, whichever is later (not to exceed 24 months after adoption of this rule making), no location on an MSW landfill surface may exceed methane concentration limits as defined in RCW 70A.540.050.

According to the International Panel on Climate Change, reducing methane emissions is one of best strategies for mitigating the impacts of climate change in the near-term. Methane is a potent greenhouse gas (GHG) that has approximately 28 times more global warming potential than carbon dioxide (CO<sub>2</sub>) when looked at over a 100-year period, and approximately 84 times the global warming potential of CO<sub>2</sub> over a 20-year period.

Landfills are a significant source of methane emissions in Washington. Ecology's most recent GHG inventory reported approximately 1.5 million tons of carbon-dioxide-equivalent emissions from solid waste management at landfills, which was approximately two percent of the state's total GHG emissions in 2018.

This legislation and rule making align with Washington state's 2030, 2040, and 2050 GHG reduction goals. Based on current science and emissions trends, Washington must achieve these limits to support the global effort to avoid the most significant impacts of climate change.

This rule making will implement more protective standards for acceptable methane emissions limits than are currently required under the Clean Air Act, creating an opportunity to capture more methane from MSW landfills across the state.

As a result of this rule making, Washington state will join California and Oregon in adopting more stringent standards for methane emissions from MSW landfills.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: RCW 70A.540.020(3) directs ecology to adopt rules that are informed by landfill methane regulations adopted by the California Air Resources Board, the Oregon Environmental Quality Commission, and EPA. Ecology will consult with these agencies throughout the rule-development process.

Local air pollution control authorities have the primary responsibility for administering both the state and federal Clean Air Act programs in counties which have elected to activate a local air authority or to form a multicounty air authority. Ecology will consult with these agencies throughout the rule-development process.

Ecology writes minimum standards for solid waste handling, but local jurisdictional health departments are charged with oversight of solid waste facilities and may adopt more stringent standards than those set by ecology. Ecology will consult with these agencies throughout the rule-development process.

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 Bill Flagg, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-669-1385, Washington relay service or TTY call 711 or 877-833-6341, email [bill.flagg@ecy.wa.gov](mailto:bill.flagg@ecy.wa.gov), website <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-408>. Sign up to receive email notices on this rule making [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_265](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_265).

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.

December 7, 2022  
Kathy Taylor  
Air Quality Program Manager

WSR 23-01-037

PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY

[Filed December 13, 2022, 12:04 p.m.]

Subject of Possible Rule Making: WAC 182-537-0700 School district documentation requirements; 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 the electronic record and signature components of WAC 182-537-0700. 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, Rule-Making 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](mailto:brian.jensen@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Shanna Muirhead, Program Questions, P.O. Box 45505, Olympia, WA 98504-5505, phone 360-725-1153, fax 360-586-9727, TRS 711, email [shanna.muirhead@hca.wa.gov](mailto:shanna.muirhead@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

December 13, 2022  
Wendy Barcus  
Rules Coordinator

**WSR 23-01-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Veterinary Board of Governors)  
[Filed December 13, 2022, 5:03 p.m.]

Subject of Possible Rule Making: Chapter 246-933 WAC, Veterinarians, and chapter 246-935 WAC, Veterinary technicians. The veterinarian board of governors (board) is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613, as amended by ESSB 5229 (chapter 276, Laws of 2021). The board will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030, 43.70.040, 43.70.613, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department of health (department) to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards in November 2022. Any rules developed by the board must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to ensure that health care professionals complete health equity training and that the content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities. The objective of requiring health equity training is to enable health care professionals to care effectively for patients from diverse cultures, groups, and communities and patients of varying race, ethnicity, gender identity, sexuality, religion, age, ability, socioeconomic status, and other categories of identity.

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 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 711, email Lorelei.walker@doh.wa.gov, website [www.doh.wa.gov/veterinarian](http://www.doh.wa.gov/veterinarian).

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>. Interested parties 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.

December 12, 2022  
Jennifer Santiago  
Executive Director

**WSR 23-01-046**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Optometry)  
[Filed December 13, 2022, 5:06 p.m.]

Subject of Possible Rule Making: WAC 246-851-440 through 246-851-470. The board of optometry (board) is considering updating health professional monitoring program terminology as required by SSB 5496 Health professional monitoring programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070, 18.130.050, 18.130.175, 18.130.186; SSB 5496 (chapter 43, Laws of 2022).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering amendments to terminology and definitions to implement SSB 5496 (chapter 43, Laws of 2022) for substance use disorder and the health professional monitoring program for WAC 246-851-440 Philosophy governing voluntary substance abuse monitoring programs, 246-851-450 Definitions, 246-851-460 Approval of substance abuse monitoring programs, and 246-851-470 Participation in approved substance abuse monitoring program.

Amendments will include terminology and definitions for currently accepted language and replacing "substance abuse" with "substance use disorder" based on SSB 5496. The board will also consider amendments to correct citations and make other general housekeeping changes.

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 Kristina Bell, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4818, fax 360-236-2901, TTY 711, email [kristina.bell@doh.wa.gov](mailto:kristina.bell@doh.wa.gov), website [www.doh.wa.gov/optometrist](http://www.doh.wa.gov/optometrist).

Additional comments: Notices will be emailed through the program's GovDelivery interested parties list. Interested parties 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. To join the interested parties list via GovDelivery notices, visit [www.doh.wa.gov](http://www.doh.wa.gov) and click on the "Subscribe" button at the bottom of the page; next, check the box for "Optometry Board" under "Health Professions."

December 12, 2022  
Jennifer Santiago  
Executive Director



**WSR 23-01-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Physical Therapy)  
[Filed December 13, 2022, 5:12 p.m.]

Subject of Possible Rule Making: WAC 246-915-085 Continuing education requirements. The board of physical therapy (board) is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The board will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023, 43.70.615, 43.70.040, 43.70.613, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards in November 2022. Any rules developed by the board must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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 98504-7582 [7852], phone 360-236-2878, TTY 711, email [physical.therapy@doh.wa.gov](mailto:physical.therapy@doh.wa.gov).

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov), and select the "Subscribe" button at the bottom of the page, select "Health Professions," and then "Physical Therapy Program." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

December 13, 2022  
Kathryn L. Dale, DSC  
Board of Physical Therapy Chair

**WSR 23-01-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Veterinary Board of Governors)  
[Filed December 13, 2022, 5:16 p.m.]

Subject of Possible Rule Making: WAC 246-933-601 through 246-933-630. The veterinarian board of governors (board) is considering updating health professional monitoring program terminology as required by SSB 5496 Health professional monitoring programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030, 18.92.047, 18.130.050, 18.130.175; SSB 5496 (chapter 43, Laws of 2022).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering amendments to terminology and definitions to implement SSB 5496 (chapter 43, Laws of 2022) for substance use disorder and the health professional monitoring program for WAC 246-933-601 Definitions, 246-933-610 Approval of substance abuse monitoring programs, 246-933-620 Approval of substance abuse monitoring programs, and 246-933-630 Participation in approved substance abuse monitoring program.

Amendments will include terminology and definitions for currently accepted language and replacing "substance abuse" with "substance use disorder" based on SSB 5496. The board will also consider amendments to correct citations and make other general housekeeping changes.

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 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 711, email [Lorelei.walker@doh.wa.gov](mailto:Lorelei.walker@doh.wa.gov), website [www.doh.wa.gov/veterinarian](http://www.doh.wa.gov/veterinarian).

Additional comments: Notices will be emailed through the program's GovDelivery interested parties list. Interested parties 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. Interested parties may sign up for GovDelivery notices by visiting [www.doh.wa.gov](http://www.doh.wa.gov) and clicking on the "Subscribe" button at the bottom of the page. Next, check the "Veterinary Board of Governors" box.

December 12, 2022  
Jennifer Santiago  
Executive Director

**WSR 23-01-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF REGISTRATION**  
**FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**

[Filed December 14, 2022, 7:54 a.m.]

Subject of Possible Rule Making: Chapter 196-12 WAC, Registered professional engineers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 196-12 WAC are needed to clarify recently amended language, including possible amendments regarding if, or when, experience may be granted by the board while enrolled in school.

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

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

December 14, 2022  
Ken Fuller  
Director

**WSR 23-01-053  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed December 14, 2022, 8:57 a.m.]

This memo serves as notice that the chiropractic quality assurance commission (commission) is withdrawing the CR-101 for WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720, and 246-808-810, which was filed November 18, 2016, and published as WSR 16-23-120.

The commission is withdrawing this CR-101 because it has reprimaritized rule-making activities as it relates to the chiropractic profession. The commission intends to refile a new CR-101 related to these topics at a later time in which rule-making activity for the identified WAC sections will resume.

Individuals requiring information on this rule should contact Betty J. Moe, regulatory analyst, at 360-236-2868 or email Betty.Moe@doh.wa.gov.

WSR 23-01-065

**PREPROPOSAL STATEMENT OF INQUIRY  
TRANSPORTATION IMPROVEMENT BOARD**

[Filed December 14, 2022, 3:24 p.m.]

Subject of Possible Rule Making: Chapter 479-10 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject:  
Chapters 47.26, 47.66 RCW; RCW 47.04.320, 47.04.325.

Reasons Why Rules on this Subject may be Needed and What They  
Might Accomplish: The complete streets program was established in 2015  
as part of the connecting Washington transportation package. Three  
grant cycles have been completed and both agency customers and the  
board have identified the need to realign the program to be consistent  
with the transportation improvement board's existing programs. In ad-  
dition, the state legislature enacted move ahead Washington in 2022,  
which has included Climate Commitment Act funding. This requires modi-  
fying existing chapter 479-10 WAC.

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 Gena Workman, P.O. Box 40901, Olympia, WA 98504-0901, phone  
360-586-1140, cell 360-280-3273, email GenaW@tib.wa.gov, website  
www.tib.wa.gov; or Ashley Probart, phone 360-790-5472, email  
AshleyP@tib.wa.gov.

December 14, 2022  
Ashley Probart  
Executive Director

**WSR 23-01-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed December 14, 2022, 4:15 p.m.]

Subject of Possible Rule Making: New chapter 182-80 WAC, Primary care transformation model (PCTM) centralized provider certification; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, and 74.09.758.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is developing new rules for a centralized provider certification process as part of its implementation of the Washington multi-payer PCTM. Providers statewide will be able to voluntarily participate in the model through the centralized certification process administered by HCA. Through this process, providers will be assigned a certification level from Level 1 to Level 3 based on their capacity to provide comprehensive, whole-person, primary care as delineated under the model. This certification process will provide a common measuring stick for gauging provider status under PCTM. 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: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-Making 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](mailto:jason.crabbe@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Stella Chang, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-9457, fax 360-586-9727, TRS 711, email [stella.chang@hca.wa.gov](mailto:stella.chang@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

December 14, 2022  
Wendy Barcus  
Rules Coordinator

WSR 23-01-067

**PREPROPOSAL STATEMENT OF INQUIRY  
TRANSPORTATION IMPROVEMENT BOARD**

[Filed December 14, 2022, 4:20 p.m.]

Subject of Possible Rule Making: Chapters 479-01, 479-02, 479-05, 479-06, 479-10, and 479-14 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 47.26, 47.66 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending Title 479 WAC to update program changes that may include, but not be limited to: Updating and clarifying eligibility criteria, making technical corrections to ensure consistency within existing programs, and deleting obsolete program criteria.

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 Gena Workman, P.O. Box 40901, Olympia, WA 98504-0901, phone 360-586-1140, cell 360-280-3273, email GenaW@tib.wa.gov, website www.tib.wa.gov; or Ashley Probart, phone 360-790-5472, email AshleyP@tib.wa.gov.

December 14, 2022  
Ashley Probart  
Executive Assistant

WSR 23-01-071  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE  
[Filed December 15, 2022, 9:24 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests. The department is considering expanding the boundaries of the Japanese beetle internal quarantine. The current internal quarantine specified in chapter 16-470 WAC covers 49 square miles in the southeastern corner of Yakima County and the southwestern corner of Benton County. Japanese beetle catches from the 2022 trapping season indicate that an expansion of the internal quarantine is necessary to prevent further infestation of this pest in nonquarantined areas. The department is also considering amending the articles regulated under the quarantine, as well as the conditions governing the movement of regulated articles from quarantine areas.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011 and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Japanese beetle (*Popillia japonica* Newman) is a highly invasive plant pest native to Japan. It has been known to cause severe damage to more than 300 species of ornamental and agricultural plants, including roses, grapes, and hops. Adult beetles damage plants by skeletonizing foliage and feeding on buds, flowers, and fruit. The larvae also damage the roots of plants such as turf grass. Although this feeding does not always kill the plant, it weakens it and may reduce the plant's overall yield.

In 2021, the department caught 24,048 Japanese beetles in the current internal quarantine area. Throughout 2021 and 2022, the department took extensive measures to reduce the spread of the beetle, with an ultimate goal of eradicating it. Measures that have been taken include treating residential and public properties with pesticide, trapping, and establishing an internal quarantine. Despite these efforts, by the end of the 2022 trapping season, numerous Japanese beetles, which indicate a reproducing population, were caught outside of the currently established internal quarantine area. Due to this, immediate action is needed to expand the internal Japanese beetle quarantine to more accurately reflect the area of infestation in order to prevent the beetles from spreading into noninfested areas.

Not only do these beetles pose a threat to the plants themselves, but if established, they have the potential to impact the availability of export markets for agricultural commodities grown in the area. Expanding the Japanese beetle quarantine is intended to prevent the spread of this invasive pest and protect Washington's agricultural industries, as well as maintain access to national and international markets.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture (USDA). The department is coordinating this quarantine with USDA and the National Plant Board, following guidance found in the National Plant Board Japanese Beetle Harmonization Plan. This plan is signed by USDA and outlines requirements for preventing the interstate movement of the Japanese Beetle from infested states.

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 hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email [bwhite@agr.wa.gov](mailto:bwhite@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email [ghaubrich@agr.wa.gov](mailto:ghaubrich@agr.wa.gov), website <https://agr.wa.gov/services/rulemaking>.

December 15, 2022  
Brad White  
Assistant Director

**WSR 23-01-075**

**PREPROPOSAL STATEMENT OF INQUIRY  
BELLINGHAM TECHNICAL COLLEGE**

[Filed December 15, 2022, 1:15 p.m.]

Subject of Possible Rule Making: General revisions and updates to language to chapters 495B-104, 495B-122, 495B-130, 495B-131, 495B-132, 495B-133, and 495B-134 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, employees, and visitors clear direction on college processes.

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 Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, website www.btc.edu.

December 15, 2022  
Ronda Laughlin  
Executive Assistant  
Rules Coordinator

**WSR 23-01-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Optometry)  
[Filed December 15, 2022, 2:04 p.m.]

Subject of Possible Rule Making: Chapter 246-851 WAC, Optometrists. The board of optometry (board) is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613 as amended by ESSB 5229 (chapter 276, Laws of 2021). The board will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070, 43.70.040, 43.70.613, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department filed proposed rules for health equity CE minimum standards on August 23, 2022, under WSR 22-17-141. Any rules developed by the board must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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, phone 360-236-4947, fax 360-236-2901, TTY 711, email Lorelei.walker@doh.wa.gov, website [www.doh.wa.gov/optometrist](http://www.doh.wa.gov/optometrist).

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the "Subscribe" button at the bottom of the page.

December 15, 2022  
Jennifer Santiago  
Executive Director

**WSR 23-01-082**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed December 16, 2022, 8:04 a.m.]

This memo serves as notice that the state board of health (board) is withdrawing the CR-101 to consider amending chapter 246-101 WAC, Notifiable conditions, to establish and clarify requirements for novel coronavirus (SARS-CoV-2), coronavirus disease 2019 (COVID-19), reporting by health care providers, health care facilities, laboratories, and local health jurisdictions consistent with the board's emergency rule, WAC 246-101-017, and P.L. 116-136, § 18115(a), the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was filed July 20, 2021, and published in WSR 21-15-105. This withdrawal is effective December 31, 2022.

In March 2021, the board adopted numerous revisions to chapter 246-101 WAC, Notifiable conditions. Of these revisions, COVID-19 is designated as a notifiable condition and requires timely reporting of cases by regulated entities under the chapter. These revisions go into effect January 1, 2023.

The board is withdrawing this CR-101, as it is no longer needed. The revised notifiable conditions rules that become effective on January 1, 2023, permanently make COVID[-19] a notifiable condition. Health and human services (HHS) still needs certain data components for COVID[-19] to be reported under the CARES Act through the end of the public health emergency. These requirements continue to change. Currently, the data components required by HHS fall under the requirements of provisional reporting in WAC 246-101-015. Therefore, at this time, there is no longer a need to further revise the notifiable conditions rules.

Individuals requiring information on this rule should contact Kaitlyn Campbell, state board of health policy advisor, at [kaitlyn.campbell@sboh.wa.gov](mailto:kaitlyn.campbell@sboh.wa.gov) or 360-584-6737.

**WSR 23-01-090**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed December 16, 2022, 11:38 a.m.]

Subject of Possible Rule Making: WAC 363-116-360 Exempt vessels.  
Statutes Authorizing the Agency to Adopt Rules on this Subject:  
Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They  
Might Accomplish: The board of pilotage commissioners (board) will be  
reviewing the current fee schedule and overall language to adjust as  
needed to align with current and preferred practices.

Process for Developing New Rule: Discussion regarding proposed  
revisions will occur at regular vessel exemption commission (VEC) and  
board meetings. Upon committee review and consensus, and consultation  
with the board's assistant attorney general, a recommendation will be  
presented to the board. Tribal and stakeholder comments are encouraged  
throughout the process. Upon review and consideration of recommended  
revisions, a public hearing will be scheduled pursuant to formal no-  
tice requirements.

Interested parties can participate in the decision to adopt the  
new rule and formulation of the proposed rule before publication by  
contacting Jaimie C. Bever, Executive Director, 2901 3rd Avenue, Suite  
500, Seattle, WA 98121, phone 206-515-3887, fax 206-515-3906, email  
BeverJ@wsdot.wa.gov, website [www.pilotage.wa.gov](http://www.pilotage.wa.gov).

December 16, 2022  
Jaimie C. Bever  
Executive Director

## WSR 23-01-097

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF HEALTH

[Filed December 16, 2022, 4:53 p.m.]

Subject of Possible Rule Making: Chapter 246-824 WAC, Dispensing optician. The department of health (department) is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The department will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.34.120, 43.70.040, 43.70.613, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules in November 2022. Any rules developed for dispensing opticians must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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 Kristina Bell, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4818, fax 360-236-2901, TTY 711, email kristina.bell@doh.wa.gov, website doh.wa.gov.

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov), select the "Subscribe" button at the bottom of the page, and then under "Health Professions," select the "Dispensing Optician" box.

December 16, 2022  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-01-099**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed December 16, 2022, 5:05 p.m.]

Subject of Possible Rule Making: Chapter 246-850 WAC, Orthotics and prosthetics. The department of health (department) is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613 as amended by ESSB 5229 (chapter 276, Laws of 2021). The department will also consider whether additional CE hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.200.050, 43.70.040, 43.70.613, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards in November 2022. Any rules developed for orthotic or prosthetic licensees must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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 Kristina Bell, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4818, fax 360-236-2901, TTY 711, email [kristina.bell@doh.wa.gov](mailto:kristina.bell@doh.wa.gov), website [doh.wa.gov](http://doh.wa.gov).

Additional comments: Interested parties can participate in the drafting of the proposed rules. The department will be conducting rules workshops with interested parties and subject matter experts. The department will use existing GovDelivery lists and other known contact information to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov), select the "Subscribe" button at the bottom of the page, and then select the "Orthotics and Prosthetics Program" box.

December 16, 2022  
Kristin Peterson, JD  
Chief of Policy  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 23-01-109  
PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF REGISTRATION  
FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS**

[Filed December 19, 2022, 2:19 p.m.]

Subject of Possible Rule Making: Chapter 196-29 WAC, Professional practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to WAC 196-29-110 are needed to remove the outdated reference to chapter 196-16 WAC, and to clarify existing language in subsections (3) and (4).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of natural resources (DNR). Board staff will work with DNR staff on any proposed language so that there is no conflicting language with chapter 332-130 WAC.

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

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

December 19, 2022  
Ken Fuller  
Director



**WSR 23-01-111**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Pharmacy Quality Assurance Commission)  
[Filed December 19, 2022, 3:26 p.m.]

Subject of Possible Rule Making: The pharmacy quality assurance commission (commission) is reviewing existing rules (WAC 246-945-455) limiting access to drugs stored outside of the pharmacy in a health care facility to licensed health care professionals. The commission will consider adopting new requirements allowing access to drugs outside the pharmacy by unlicensed staff. The commission will also consider if other disruptions within the health care facilities, resulting from requirements within WAC 246-945-455, are necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 69.41.075, 69.50.301.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On July 1, 2020, chapter 246-945 WAC went into effect replacing all rules under the commission's authority, save temporary exceptions for some rules pertaining to continuing education requirements. WAC 246-945-455 now contains the rules pertaining to drugs stored outside of a pharmacy. Previously, WAC 246-873-070(3) permitted the director of pharmacy at a hospital to "designate in writing, by title and/or position those individuals who shall be authorized access to particular areas within the pharmacy, including authorization of access to keys and/or combinations." This provision was removed in the chapter-rewrite process. WAC 246-945-455 (1)(c) about drugs stored outside of the pharmacy now reads, "Access must be limited to health care professionals licensed under the chapters specified in RCW 18.130.040 acting within their scope ..."

Under WAC 246-945-455 (1)(c), unlicensed staff responsible for supporting supply chain management as a part of their scope of employment are not able to access certain drugs such as over-the-counter drugs or IV fluids without obtaining a pharmacy assistant credential. Since WAC 246-945-455 (1)(c) caused unintended disruptions in health care facilities, the commission determined at its December 3, 2021, business meeting that they would not find licensees deficient or take enforcement actions against licensees for violations of WAC 246-945-455 (1)(c) if the conditions outlined in the associated guidance document are met.

Rule making is necessary to consider codifying the guidance the commission has provided on access to drugs outside the pharmacy by unlicensed staff and review whether there are other unintended disruptions from WAC 246-945-455 (1)(c) within health care facilities.

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: 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 Haleigh Mauldin, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-890-0720, fax 360-236-2321, TTY 711, email Haleigh.Mauldin@doh.wa.gov.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the

box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

December 19, 2022  
Teri Ferreira, RPh  
Pharmacy Quality Assurance Chair

**WSR 23-01-113**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Pharmacy Quality Assurance Commission)  
[Filed December 19, 2022, 3:31 p.m.]

Subject of Possible Rule Making: WAC 246-945-178 Pharmacist continuing education and 246-945-220 Pharmacy technician—Continuing education. The pharmacy quality assurance commission (commission) is proposing amending sections of chapter 246-945 WAC relating to continuing education (CE) requirements to establish minimum standards for health equity CE training programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005, 18.130.040, 43.70.613.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5229 (chapter 276, Laws of 2021), codified as RCW 43.70.613, requires rule-making authorities to establish health equity CE. Per RCW 43.70.613(1), "each health profession licensed under Title 18 RCW subject to continuing education requirements." There are two professions under the jurisdiction of the commission subject to CE requirements under Title 18 RCW: Pharmacists and pharmacy technicians. The department is responsible for conducting model rule making that, once complete, the commission can either adopt the minimum requirements or establish its own rule making pertaining to health equity training as an element of existing CE requirements. The commission's CE requirements must meet, at a minimum, the same requirements as the model rules. The commission must complete its rule making on this issue by January 1, 2024.

The purpose of health equity CE training is to develop skills among licensed health care personnel to "address structural factors, such as bias, racism, and poverty that manifest as health inequities" per RCW 43.70.613 (3) (c). Establishing training requirements for pharmacists and pharmacy technicians will help identify and address ongoing health inequities in Washington state and promote overall patient safety.

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 Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2987, fax 360-236-2901, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," and check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

December 19, 2022  
Teri Ferreira, RPh  
Pharmacy Quality Assurance Chair

**WSR 23-01-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed December 20, 2022, 8:21 a.m.]

Subject of Possible Rule Making: Medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims. WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of the department of labor and industries (L&I) and maintain consistency with the health care authority (HCA) and medicaid purchasing administration. Specifically, any proposed rule changes will consider the following:

- WAC 296-20-135: Updating the conversion factors used by L&I for calculating reimbursement rates for most professional health care and anesthesia services. Updating the conversion factors to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes would enable L&I to continue a reimbursement methodology consistent with other state agencies. Cost-of-living adjustments may be incorporated into the changes in the conversion factors.
- WAC 296-23-220 and 296-23-230: Updating the maximum daily reimbursement level for physical and occupational therapy services so L&I may, if necessary, give cost-of-living adjustments to affected providers.

Process for Developing New Rule: L&I notifies external stakeholders through the GovDelivery system of updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. L&I coordinates these updates with HCA, the medicaid purchasing administration, and the Centers for Medicare and Medicaid Services to ensure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups, published via the GovDelivery service, and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Megan Lemon, L&I, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-5161, fax 360-902-4249, email Megan.Lemon@lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity>.

December 20, 2022  
Joel Sacks  
Director

**WSR 23-01-129**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BIG BEND**  
**COMMUNITY COLLEGE**

[Filed December 20, 2022, 2:52 p.m.]

Subject of Possible Rule Making: WAC 132R-04-057, 132R-04-017 and 132R-04-015; and new WAC 132R-04-060.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with recently enacted HB 1752 "Sam's Bill" hazing prevention.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting André Guzman, 7662 Chanute Street N.E., Moses Lake, WA 98837, phone 509-793-2077, email andreg@bigbend.edu, website [www.bigbend.edu](http://www.bigbend.edu).

December 20, 2022  
Melinda Owens Dourte  
Executive Assistant to the President

**WSR 23-01-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Massage)  
[Filed December 20, 2022, 4:27 p.m.]

Subject of Possible Rule Making: Chapter 246-830 WAC. The board of massage (board), in coordination with the department of health (department), is considering adopting the health equity continuing education (CE) model rules, WAC 246-12-800 through 246-12-830, to comply with RCW 43.70.613. The board will also consider whether additional hours and course topics should be included.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025, 43.70.040, 43.70.613, 18.130.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: By January 1, 2024, RCW 43.70.613(1) requires each health profession credentialed under RCW 18.130.040 with a CE requirement to adopt rules requiring completion of health equity CE training at least once every four years.

RCW 43.70.613 (3) (b) also directed the department to create model rules establishing minimum standards for health equity CE programs. The department adopted model rules for health equity CE minimum standards in November 2022. Any rules developed by the board must meet or exceed the minimum standards in the model rules found at WAC 246-12-800 through 246-12-830.

The goal of health equity CE training is to equip health care workers with the skills to recognize and reduce health inequities in their daily work. The content of the health equity trainings include instruction on skills to address structural factors, such as bias, racism, and poverty, which manifest as health inequities.

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 Megan Maxey, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4945, fax 360-236-2901, TTY 711, email [megan.maxey@doh.wa.gov](mailto:megan.maxey@doh.wa.gov), website [www.doh.wa.gov/massage](http://www.doh.wa.gov/massage), <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

Additional comments: Interested parties can participate in the drafting of the proposed rules. Rules workshops will be conducted with interested parties and subject matter experts. Existing GovDelivery lists and other known contact information will be used to inform interested parties of opportunities to provide input on proposed rule language. To find out more information about our rule making, visit [www.doh.wa.gov](http://www.doh.wa.gov). To subscribe to GovDelivery, please visit [www.doh.wa.gov](http://www.doh.wa.gov) and select the "Subscribe" button at the bottom of the page. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions" and then click on "Board of Massage." You may also check the box next to one or more of the other professions listed to receive information related to that specific profession.

December 19, 2022  
Heidi Williams, Chairperson  
Board of Massage  
and Kristin Peterson, JD  
Chief of Policy

**WSR 23-01-135**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed December 21, 2022, 8:04 a.m.]

Subject of Possible Rule Making: Transitional kindergarten, chapter 392-335 WAC, Pupils—Uniform entry qualifications; and chapter 392-121 WAC, Finance—General apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.225.160 and 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering revising chapters 392-335 and 392-121 WAC to provide regulatory guidelines for school districts that choose to implement a transitional kindergarten program. Rules being considered would be intended to clarify the purpose of transitional kindergarten, establish uniform entry qualifications, and further define transitional kindergarten.

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 Samantha Bowen, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6161, TTY 360-664-3631, email [samantha.bowen@k12.wa.us](mailto:samantha.bowen@k12.wa.us), website [k12.wa.us](http://k12.wa.us); or Dr. Jon Ram Mishra, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-701-9321, email [Jon.Mishra@k12.wa.us](mailto:Jon.Mishra@k12.wa.us), website [k12.wa.us](http://k12.wa.us).

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