

WSR 23-06-007
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 16, 2023, 10:44 a.m.]

Subject of Possible Rule Making: WAC 182-530-5000 Billing requirements—Pharmacy claim payment; and 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 this rule to clarify that signature for proof of delivery can be provided by either the client, the client's designee, or the provider. Currently, the rule does not include the "client's designee." This revision will bring the rule in alignment with the health care authority's (HCA) current practice. 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: The Centers for Medicare and Medicaid Services.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Valerie Freudenstein, Rule-Making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Charity Harris, Program Questions, P.O. Box 55087, Olympia, WA 98504-5087, phone 360-725-1301, fax 360-586-9727, TRS 711, email charity.harris@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 16, 2023
Wendy Barcus
Rules Coordinator

WSR 23-06-021
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed February 22, 2023, 8:14 a.m.]

Subject of Possible Rule Making: The board of pilotage commissioners (BPC), in consultation with ecology, is beginning a rule making to amend chapter 363-116 WAC, Pilotage rules. Chapter 363-116 WAC describes the training, licensing, and regulation of Washington state maritime pilots to ensure safe pilotage. Chapter 363-116 WAC also describes tug escort requirements for oil tankers in Washington waters.

The rule making will amend WAC 363-116-500 and, if needed, add new sections to chapter 363-116 WAC. The rule making will consider 2019 legislative changes made to chapter 88.16 RCW (Pilotage Act) through the passage of ESHB 1578. The rules will be designed to achieve best achievable protection, as defined in RCW 88.46.010, and will be informed by other considerations in ESHB 1578. The rule making will:

- Describe tug escort requirements for the following vessels operating in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area:
 - o Oil tankers of between 5,000 and 40,000 deadweight tons.
 - o Articulated tug barges (ATB) and towed waterborne vessels or barges greater than 5,000 deadweight tons that are designed to transport oil in bulk internal to the hull.
- Specify operational requirements for tug escorts, where they are required.
- Specify functionality requirements for tug escorts, where they are required.
- Consider the existing tug escort requirements applicable to Rosario Strait and connected waterways to the east, established in RCW 88.16.190 (2) (a) (ii), including adjusting or suspending those requirements, as needed.
- Describe exemptions to tug escort requirements, including whether certain vessel types or geographic zones should be precluded from the escort requirements.
- Make other changes to clarify language and make any corrections needed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.16.260 Board of pilotage commissioners authorized to adopt rules in consultation with other entities—Tug escorts.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Through ESHB 1578, codified in chapter 88.16 RCW, the legislature established tug escort requirements for certain oil tankers, ATBs, and towed waterborne vessels in Rosario Strait and connected waterways to the east. ESHB 1578 directs BPC, in consultation with ecology, to adopt rules regarding tug escorts in Puget Sound for oil tankers, ATBs (as defined in RCW 88.16.260), and towed waterborne vessels or barges by December 31, 2025.

A catastrophic oil spill in the Puget Sound could cause damage to endangered southern resident killer whales and other species, damage tribal, commercial, and recreational fishing, and cause economic and public health consequences in Washington state. The escort require-

ments addressed by this rule making are intended to provide preventative measures to reduce the risk of a major oil spill.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal and state agencies that regulate vessels transporting bulk oil include: United States Coast Guard, Environmental Protection Agency, Canadian Coast Guard Vessel Traffic Services, Washington state department of ecology, Washington state department of fish and wildlife, Washington state department of transportation, British Columbia Ministry of Environment and Climate Change Strategy, Oregon Department of Environmental Quality, California Department of Fish and Wildlife Office of Spill Prevention and Response, Alaska Department of Environmental Conservation Spill Prevention and Response, Transport Canada, and Pacific Pilotage Authority. Ecology will notify and solicit input from these federal and state agencies, and other stakeholders throughout this rule-making process.

Process for Developing New Rule: BPC 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 Jaimie Bever, Executive Director, BPC, 2901 3rd Avenue, Suite 500, Seattle, WA 98121, phone 206-515-3887, Washington relay service or TTY call 711 or 877-833-6341, email BeverJ@wsdot.wa.gov, website <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Spills-Prevention-Preparedness-Response/Legislative-work/BPC-tug-escort-rulemaking>.

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

February 22, 2023
Jaimie Bever
Executive Director

WSR 23-06-022
PREPROPOSAL STATEMENT OF INQUIRY
CLARK COLLEGE

[Filed February 21, 2023, 2:44 p.m.]

Subject of Possible Rule Making: Sam's Law, hazing prevention, revisions to student code of conduct WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB [2SHB] 1751.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HB [2SHB] 1751 "Sam's Law," hazing prevention.

Sam's Law is the name of new antihazing legislation recently adopted in Washington state. It is named after Sam Martinez, a freshman at Washington State University who died of alcohol poisoning at a fraternity party in November 2019. The new law updates the definition of hazing and requires institutions of higher education to implement antihazing programming for employees and students. It also requires institutions of higher education (IHEs) to publish an annual report identifying student organizations, athletic teams, and living groups found responsible for engaging in hazing.

Process for Developing New Rule: State law.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gerald Gabbard, 1933 Fort Vancouver Way, Vancouver, WA 98663, phone 360-992-2317, fax 360-992-2998, email ggabbard@clark.edu, website www.clark.edu; or Colleen Snarski, 1933 Fort Vancouver Way, Vancouver, WA 98663, phone 360-992-2057, fax 360-992-2998, email csnarski@clark.edu, website www.clark.edu.

February 9, 2023
Gerald W. Gabbard, PhD
Director of Labor and Compliance
ADA and Title IX Coordinator

WSR 23-06-024

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed February 22, 2023, 9:51 a.m.]

Subject of Possible Rule Making: WAC 308-104-050 Waiver of driver education requirement—When granted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received a petition for rule making. This rule should be updated to reflect the current process and consider any proposed changes to the process authorized in RCW 46.20.100 Persons under eighteen.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will consult with the office of superintendent of public instruction on this rule making.

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 98501, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website dol.wa.gov/about/rules.

February 22, 2023

Ellis Starrett

Rules and Policy Manager

WSR 23-06-040
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 23, 2023, 3:45 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-478-0015 Need standards for cash assistance, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will update standards of need for cash assistance programs as required annually by RCW 74.04.770.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, fax 360-725-4905, email Patrick.Budde@dshs.wa.gov.

February 23, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-06-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Psychology)
[Filed February 23, 2023, 4:17 p.m.]

Subject of Possible Rule Making: Amending rules pertaining to psychologists and licensure requirements, including accreditation standards, national examinations, competency, supervised experience, use of remote technology, sanctions, and other necessary changes.

The examining board of psychology (board) will consider amending WAC 246-924-010, 246-924-043, 246-924-046, 246-924-047, 246-924-049, 246-924-053, 246-924-056, 246-924-059, 246-924-070, 246-924-100, 246-924-493, and 246-924-495, and possibly creating and repealing sections in chapter 246-924 WAC. The board will consider amending licensure requirements and making changes: (1) For consistency with the American Psychology Association (APA) and other accreditation standards; (2) to address new national examination options; (3) to address concerns with minimum competency; (4) to update requirements for supervised experience; (5) to address the role of remote technology and telepsychology in the profession; (6) to clarify the application process and requirements; (7) to consider additional options for sanctions; and (8) to address any other issues as appropriate. The board may also consider housekeeping changes to clarify and streamline these sections of rule as appropriate.

This rule making is a continuation of discussions with interested parties and rule-making work done under WSR 22-04-055. Because the board received comments from the public on issues beyond the scope of the initial rule making, the board is filing a new CR-101 to open additional rule sections and consider additional topics.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to chapter 246-924 WAC may be necessary to address new developments within the profession, such as updated APA accreditation standards, a new national examination option, the increasing use of remote technologies to provide education and telepsychology treatment, professional association requests for expanded sanction options, and other issues raised by the board and the public, including the license application process and timelines. Incorporating changes into rule will provide clarity for licensees and allow the board to consistently uphold standards that protect public safety.

The board may also consider making housekeeping changes to clarify and streamline rules as appropriate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Delgado, P.O. Box 47850, Olympia, WA 98504, phone 360-236-4951, TTY 711, email psychology@doh.wa.gov, website www.doh.wa.gov.

Additional comments: Rule development will take place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices will be mailed 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," then, check the box next to "Examining Board of Psychology."

February 22, 2023
Cedar O'Donnell, Ph.D., Chair
Examining Board of Psychology

WSR 23-06-046

PREPROPOSAL STATEMENT OF INQUIRY

BATES TECHNICAL COLLEGE

[Filed February 24, 2023, 1:48 p.m.]

Subject of Possible Rule Making: Time and place of board meetings, WAC 495A-104-015.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.100 "The board shall adopt a seal and may adopt such by-laws, rules, and regulations as it deems necessary for its own government."

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The fixed timing of the current rule has created challenges for the board in obtaining a quorum due to board members being unavailable at the established time. As well, the fixed location limits the college governing body from meeting at other campus locations. When the rule was written there was only one Bates campus, and now there are three. Allowing flexibility in establishing the time and location will assist in ensuring trustees can be fully engaged in college governance. As well, it allows more access by the college community into the actions of college governance.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 Nicholas Lutes, 1101 South Yakima Avenue, Tacoma, WA 98405, phone 253-680-7123, email nlutes@batestech.edu.

February 24, 2023

Nicholas Lutes

Vice President for Administrative Services

WSR 23-06-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed February 27, 2023, 10:53 a.m.]

Subject of Possible Rule Making: WAC 388-829-0087 and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 and 74.39A.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend WAC 388-829-0087 to extend due dates for continuing education credits required under chapter 388-829 WAC. During the course of this review, the department of social and health services (DSHS) may make additional changes that are necessary to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-790-4732, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

February 27, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-06-055
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed February 27, 2023, 10:55 a.m.]

Subject of Possible Rule Making: The department plans to adopt new WAC section(s) in Title 388 WAC, WAC 388-XXX-XXXX Diaper-related payment (DRP), and adopt or amend other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned actions under this filing comply with SSB 5838 (chapter 100, Laws of 2022), which allows issuance of a DRP to all TANF/SFA households with a child under age three. Payments may take effect November 1, 2023.

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 Kathryn Gussett, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 509-290-8435, email kathryn.gussett@dshs.wa.gov.

February 27, 2023
Katherine I. Vasquez
Rules Coordinator

WSR 23-06-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 28, 2023, 2:33 p.m.]

Subject of Possible Rule Making: Safety standards for firefighters. WAC 296-305-03002 Hazardous material and 296-305-04001 Respiratory protective equipment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries (L&I) is considering rule making for WAC 296-305-03002 Hazardous materials, after receiving a rule petition. As requested in the petition, the rule making will consider updating rule language about the appropriate selection of chemical, biological, radiological and nuclear (CBRN) ensembles and using the statement of standard for NIOSH CBRN SCBA testing. L&I will also consider updating WAC 296-305-04001 Respiratory equipment protection, which has guidance for breathing air quality for firefighters. The reference to ANSI/CGA G6-1 Commodity Specification for Air, needs to be updated to fix a typo in the standard number.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in the formulation of these rules may contact the individual listed below. 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 Tari Enos, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5541, fax 360-902-5619, email Tari.Enos@Lni.wa.gov.

February 28, 2023
Joel Sacks
Director

**WSR 23-06-071
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed March 1, 2023, 8:40 a.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 23-01-066 on December 14, 2022, and distributed in the 23-01 State Register.

Wendy Barcus
Rules Coordinator

WSR 23-06-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed March 1, 2023, 9:55 a.m.]

Subject of Possible Rule Making: WAC 458-20-13501 Timber harvest operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Timber harvesting operations involved multiple activities, including extracting, hauling, manufacturing, and selling (standing and harvested timber). RCW 82.04.260 provides a preference business and occupation (B&O) tax rate for businesses engaged in timber product activities (extracting, manufacturing, selling). RCW 82.16.020 gives a reduced public utility tax for businesses that are engaged in log transportation. RCW 82.04.333 provides a B&O tax exemption to "small harvester" as defined under RCW 84.33.035. In addition, RCW 82.04.440 provides a B&O tax credit to businesses who conduct manufacturing, extracting, and selling activities within this state. This rule provides guidance on the tax application of the statutes, the filing and reporting obligations, and other taxes (real estate excise and timber tax) that may apply to this industry.

The department plans to share the proposed rule amendments with the public in advance of the public meeting and discuss any proposed amendments during the public meeting.

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: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule-making process, or giving oral testimony at the public meeting or hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tiffany Do, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504-7453, phone 360-534-1558, fax 360-534-1606, TTY 800-833-6384, email TiffanyD@dor.wa.gov, website www.dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Tiffany Do using one of the contact methods above. Written and oral comments will be accepted at the public meeting on April 11, 2023, at 10:00 a.m.

Public meeting location: This meeting will be conducted over the internet/telephone. An in-person option will also be available. Contact Cathy Holder at CathyH@dor.wa.gov for dial-in/login information. If you would like to attend in person, please RSVP by emailing CathyH@dor.wa.gov by March 28, 2023.

March 1, 2023
Atif Aziz
Rules Coordinator

WSR 23-06-079
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed March 1, 2023, 11:13 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering amending WAC 314-55-096 concerning cannabis vendor, educational, and internal quality control samples, and repealing or creating new sections in chapter 314-55 WAC as necessary to align potential revisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 31, 2022, WSLCB accepted a rule petition related to cannabis vendor, educational, and internal quality control samples. Consistent with RCW 34.05.330 (1)(b), WSLCB is initiating the rule-making process to begin collaboratively engaging with stakeholders and any interested members of the public to explore potential rule revisions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

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 Jeff Kildahl, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-480-7960, fax 360-664-9689, email rules@lcb.wa.gov, www.lcb.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/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

March 1, 2023
David Postman
Chair