

WSR 05-22-016
PREPROPOSAL STATEMENT OF INQUIRY
HIGHER EDUCATION
COORDINATING BOARD
[Filed October 24, 2005, 11:27 a.m.]

Subject of Possible Rule Making: To establish rules for the foster care endowed scholarship program to be consistent with SHB 1050, passed in chapter 215, Laws of 2005, and effective July 24, 2005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.79A.040 reenacted and amended; and new chapter 28B.116 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Passage of SHB 1050 established a scholarship endowment fund for foster care youth. Rules are needed for the effective administration of state and private monies held in trust which fund this effort. The rules will aid individuals involved in helping former foster care youth to access financial means to attend postsecondary education.

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

Process for Developing New Rule: Advisory Board.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Gebhardt, Associate Director, Higher Education Coordinating Board, P.O. Box 43430, Olympia, WA 98504-3430, e-mail bettyg@hecb.wa.gov, phone (360) 753-7852, fax (360) 753-7807.

October 20, 2005
Betty Gebhardt
Associate Director

WSR 05-22-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 24, 2005, 11:31 a.m.]

Subject of Possible Rule Making: Prohibited aquatic species rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Invasive tunicates have been discovered in Puget Sound. Classification of these species and a rapid response plan can help control these animals.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by December 15,

2005. Expected proposal filing on or after December 16, 2005.

October 24, 2005
Evan Jacoby
Rules Coordinator

WSR 05-22-027
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed October 26, 2005, 11:44 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Commercial fishers are allowed to take home commercially caught fish if the fish are accounted for on fish receiving tickets. These rules need to be reviewed.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by December 15, 2005. Expected proposal filing on or after December 16, 2005.

October 26, 2005
Evan Jacoby
Rules Coordinator

WSR 05-22-044
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed October 27, 2005, 4:34 p.m.]

The Health and Recovery Services Administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 99-06-084 on March 2, 1999 (WAC 388-550-2800, 388-550-2900, 388-550-3450, 388-550-3500, 388-550-3900, 388-550-4100, and 388-550-4500).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-045
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 27, 2005, 4:35 p.m.]

The Economic Services Administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal filed as WSR 01-13-020 on June 11, 2001 (WAC 388-14A-3900 through 388-14A-3925).
- Preproposal filed as WSR 02-03-010 on January 4, 2002 (WAC 388-14A-2000, 388-14A-2025, 388-14A-2080, 388-14A-3800, 388-14A-3810, 388-14A-4000, and 388-14A-4300 through 388-14A-4304).
- Preproposal filed as WSR 04-09-036 on April 13, 2004 (WAC 388-14A-1020, 388-14A-3140, 388-14A-3370, 388-14A-3600, 388-14A-3810, and 388-14A-6300).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 27, 2005, 4:37 p.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) is proposing to create new sections and/or amendments in chapter 388-14A WAC to clarify DCS rules regarding the proration of child support obligations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.330, 26.21.016, 26.23.030, 74.08.090, and 74.20.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS received a rule-making petition under RCW 34.05.330 from a member of the public requesting that DCS put its policy regarding proration of child support obligations into rule. That rule-making petition was combined with an existing rule-making project which has since been put on hold and the underlying CR-101 filed as WSR 02-03-010 was withdrawn. This notice replaces WSR 02-03-010.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support (DCS) headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's policy review web site, which can be found at <http://www1.dshs.wa.gov/esa/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser

with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else 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 Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065, e-mail nkoptur@dshs.wa.gov, toll-free 1-800-457-6202, fax (360) 664-5055, TTY/TDD (360) 664-5011.

October 26, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)

[Filed October 27, 2005, 4:38 p.m.]

Subject of Possible Rule Making: WAC 388-540-001 through 388-540-065, kidney disease program (state-funded).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050 and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising these rules to streamline and simplify the state-only funded kidney disease program (KDP) and to mirror Medicaid policy. Changes include, but are not limited to, revising (1) client income eligibility requirements; (2) the application process; (3) the annual deductible requirements; (4) covered services; and (5) reimbursement.

During the course of this review, the department may identify additional changes that are required in order to improve clarity or to 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: The department invites interested stakeholders (free-standing and hospital-based kidney centers) and the public to review and comment on draft material. For information about how to participate, contact the person listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

October 26, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-049**PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE UNIVERSITY**

[Filed October 28, 2005, 8:37 a.m.]

Subject of Possible Rule Making: Standards of conduct for students.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are being changed in order to update WSU's current code using a model code for the twenty-first century endorsed by the National Association of College and University Attorneys and the Association of Student Judicial Affairs. The revisions will allow the university to include amendments to FERPA published after the current code was implemented.

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

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be a public hearing to permit comment on the proposed rules and revisions. There will be an opportunity to provide written comments on the proposed rules.

October 26, 2005

Ralph T. Jenks, Director
Office of Procedures, Records, and
Forms and University Rules Coordinator

WSR 05-22-054**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed October 28, 2005, 11:22 a.m.]

Subject of Possible Rule Making: Commercial fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal law prohibits shark finning, but it is not specifically prohibited in state waters. A rule that prohibits the same activity in state waters will protect the shark resource.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by December 15,

2005. Expected proposal filing on or after December 16, 2005.

October 28, 2005
Evan Jacoby
Rules Coordinator

WSR 05-22-062**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed October 31, 2005, 3:09 p.m.]

Subject of Possible Rule Making: WAC 415-501-485 How do I obtain a distribution?, and possibly other sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.780(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will make a minor change to more accurately reflect the requirements of IRS Code and eliminate chances for misinterpretation. Other DCP rules may also be amended to improve clarity.

Process for Developing New Rule: The Department of Retirement Systems (DRS) will develop the draft rule(s) with the assistance of the Attorney General's Office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

October 27, 2005
Leslie Saeger
Rules Coordinator

WSR 05-22-069**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed October 31, 2005, 4:28 p.m.]

Subject of Possible Rule Making: WAC 388-450-0055 How does money from other agencies or organizations count against my benefits?

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments will more clearly explain the department policy on the treatment of needs-based assistance payments from other agencies when determining eligibility for cash, medical, and food assistance programs.

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 Steve Ebben, Policy Analyst, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4618, fax (360) 493-3493, e-mail ebbenst@dshs.wa.gov.

October 27, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-070
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Government and Community Affairs)
[Filed October 31, 2005, 4:29 p.m.]

Government and Community Affairs - Division of Vocational Rehabilitation requests the withdrawal of preproposal statement of inquiry filed as WSR 03-24-101 on December 3, 2003 (background checks).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-071
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed October 31, 2005, 4:31 p.m.]

The Economic Services Administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of intent filed as WSR 97-14-081 on July 1, 1997 (chapter 388-235 WAC).
- Preproposal statement of inquiry filed as WSR 97-24-024 on November 24, 1997 (financial institutions data matches).
- Preproposal statement of inquiry filed as WSR 98-06-088 on March 4, 1998 (chapter 388-31 WAC).

- Preproposal statement of intent filed as WSR 98-07-038 on March 12, 1998 (chapter 388-235 WAC).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-072
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)
[Filed October 31, 2005, 4:32 p.m.]

The Aging and Disability Services Administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 95-18-043 on August 29, 1995 (chapter 388-97 WAC).
- Preproposal statement of inquiry filed as WSR 95-18-045 on August 29, 1995 (chapter 388-15 WAC).
- Preproposal statement of inquiry filed as WSR 96-02-022 on December 22, 1995 (WAC 388-15-548, 388-15-552, 388-15-560 through 388-15-568).
- Preproposal statement of inquiry filed as WSR 96-12-015 on May 23, 1996 (chapters 440-22, 388-86, 388-500, 275-56, 388-15, 388-70, 388-73, and 275-27 WAC).
- Preproposal statement of inquiry filed as WSR 96-12-016 on May 23, 1996 (WAC 275-27-220 through 275-27-223).
- Preproposal statement of inquiry filed as WSR 96-15-106 on July 22, 1996 (contracted assisted living facilities).
- Preproposal statement of inquiry filed as WSR 96-16-059 on August 2, 1996 (nursing home licensing).
- Preproposal statement of inquiry filed as WSR 97-15-136 on July 23, 1997 (adjusting functional eligibility standards or services levels for the Chore, COPEs, and Medicaid personal care services programs).
- Preproposal statement of inquiry filed as WSR 98-09-094 on April 21, 1998 (WAC 275-27-030, 275-27-810, 275-27-820).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-073
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed October 31, 2005, 4:33 p.m.]

The Health and Recovery Services Administration requests the withdrawal of preproposal statement of inquiry

filed as WSR 98-10-106 on May 6, 1998 (chapters 388-86, 388-87, 388-500, 388-501, 388-503, 388-504, 388-505, 388-506, 388-507, 388-508, 388-509, 388-510, 388-511, 388-512, 388-513, 388-515, 388-517, 388-518, 388-519, 388-521, 388-522, 388-523, 388-524, 388-525, 388-526, 388-527, 388-528, 388-529, and 388-538 WAC).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-074
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed October 31, 2005, 4:34 p.m.]

The Children's Administration requests the withdrawal of the following preproposal statements of inquiry:

- Preproposal statement of inquiry filed as WSR 96-09-076 on April 16, 1996 (WAC 388-15-134).
- Preproposal statement of inquiry filed as WSR 97-03-097 on January 17, 1997 (modifications to adoption support program).

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed November 1, 2005, 4:27 p.m.]

Subject of Possible Rule Making: WAC 388-478-0070 Monthly income and countable resource standards for medically needy (MN) and 388-478-0080 Supplemental security income (SSI) standards; SSI-related categorically needy income level (CNIL); and countable resource standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500 and 74.09.530; Section 1924 of the Social Security Act (42 U.S.C. 1396r-5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The federal SSI standard is increasing effective January 1, 2006, due to a change in federal rules. This change will affect the SSI-related standards as well as the categorically needy income level (CNIL) and medically needy income level (MNIL).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will coordinate as appropriate with the federal Centers for Medicaid and Medicare Services.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and informa-

tion about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Forslin, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1343, e-mail forslwc@dshs.wa.gov, fax (360) 664-0910, TTY 1-800-848-5429.

October 31, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health and Recovery Services Administration)
[Filed November 1, 2005, 4:29 p.m.]

Subject of Possible Rule Making: WAC 388-542-0010 Purpose and scope of SCHIP.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.450; Title XXI of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to make a technical correction - adding language to confirm that an unborn child is eligible for SCHIP coverage when the mother is ineligible for Medicaid.

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 invites the interested public 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 representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1330, fax (360) 664-0910, TTY 1-800-848-5429, e-mail scotsjk@dshs.wa.gov.

October 31, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed November 1, 2005, 4:30 p.m.]

Subject of Possible Rule Making: The department is planning to amend, repeal, or adopt rules in chapter 388-310

WAC, WorkFirst and chapter 388-484 WAC, TANF/SFA File year time limits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.08.090, and 74.08A.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending/repealing these rules to ensure TANF/SFA recipients receive comprehensive employability evaluations, establish criteria for termination of TANF/SFA cash aid for refusal to engage in activities required by the department, and modify the approval criteria for TANF/SFA time limit extensions. As part of this process, the department may find it necessary to adopt additional rules in these chapters or other chapters as necessary in order to comply with WorkFirst reexamination workgroup recommendations as approved by the governor.

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 Sandy JAMES, Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4648, fax (360) 493-3493, e-mail jsamesm@dshs.wa.gov.

October 31, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 05-22-102

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 1, 2005, 4:36 p.m.]

Subject of Possible Rule Making: Chapter 392-169 WAC, Special service programs running start program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.600.390.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify the participation by home-based education students in the running start program consistent with legislative changes to RCW 28A.600.310(1). Current WAC language does not distinguish between public school and home-based education students.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State Board for Community and Technical Colleges and Higher Education Coordinating Board.

Process for Developing New Rule: Early solicitation of public comments and recommendations in the course of drafting the rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments to Rules Coordinator, Office of Superintendent of Public Instruction, Administrative Resources, P.O. Box 47200, Olympia, WA 98504-7200, fax (360)753-4201. Questions: Marcia L. Riggers, Assistant Superintendent, Student Support and Operations, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360)725-6175.

October 26, 2005

Marty Daybell
for Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 05-22-103

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE PATROL

[Filed November 2, 2005, 8:29 a.m.]

Subject of Possible Rule Making: WAC 446-65-010 Commercial motor vehicle regulations/transportation requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Additional Title 49 Code of Federal Regulations are to be adopted to remain compliant with federal enforcement requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Worked with Utilities and Transportation Commission to ensure we adopt the correct Title 49 Code of Federal Regulations regulating the enforcement of the commercial vehicle industry.

Process for Developing New Rule: Other.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington State Patrol, Equipment and Standards Review, P.O. Box 42614, Olympia, WA 98504-2614, christine.fox@wsp.wa.gov, (360) 753-3697, fax (360) 586-8223.

November 2, 2005

John R. Batiste
Chief

WSR 05-22-112

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2005-03—Filed November 2, 2005, 9:25 a.m.]

Subject of Possible Rule Making: Exempt certain commercial property and casualty forms from filing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a), 48.18.100(6), 48.18.103 (3)(a).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 284-24-120 suspends rate filing requirements in chapter 48.19 RCW for large risks based on objective criteria. It would be easier for large risks to negotiate pricing issues if they had the ability to negotiate coverage issues.

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

Process for Developing New Rule: Send written comments by December 1, 2005.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

November 2, 2005
Mike Kreidler
Insurance Commissioner

WSR 05-22-113

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2005-04—Filed November 2, 2005, 9:27 a.m.]

Subject of Possible Rule Making: The insurance commissioner is considering adopting a rule that will require health carriers to permit a contracted provider to select another provider who will serve as a substitute in the absence of the contracted provider for a period of no more than sixty days in a period of substitution, whether or not the substitute is a member of the carrier's network. This is commonly referred to as a "*locum tenens*" provision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.515.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On September 28, 2005, the Washington State Chiropractic Association formally petitioned the insurance commissioner for the adoption of a rule requiring carriers to include a "*locum tenens*" provision in contracts with chiropractors. The commissioner carefully considered the petition and has elected to initiate rule making on this topic. It is expected that the resulting rule will affect all provider types, not only chiropractors.

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

Process for Developing New Rule: Submit written comments by December 12, 2005.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia,

WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

November 2, 2005
Mike Kreidler
Insurance Commissioner

WSR 05-22-114

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2005-05—Filed November 2, 2005, 9:29 a.m.]

Subject of Possible Rule Making: The commissioner will consider whether to repeal or amend WAC 284-44-043, 284-46-507, 284-50-377, and 284-96-015 in response to a petition for rule making from Steve Critchlow.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.43.055, 48.44.050, 48.46.100, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On September 22, 2005, the insurance commissioner received a formal petition for rule making from Steve Critchlow. Petitioner believes that the rules listed above should be repealed or amended because in his opinion they do not accomplished the intended result, are applied differently to different people, are not clear, exceed the commissioner's rule-making authority, and conflict with or duplicate other federal, state or local laws or rules.

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

Process for Developing New Rule: Submit written comments by December 12, 2005.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

November 2, 2005
Mike Kreidler
Insurance Commissioner

WSR 05-22-115

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2005-06—Filed November 2, 2005, 9:31 a.m.]

Subject of Possible Rule Making: Establishing requirements for authority for an agent to represent an insurer prior to notifying the commissioner of appointment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 (3)(a) and 48.17.150 [(1)](g)(ii).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature enacted section 7, chapter 223, Laws of 2005, to allow an agent to act as a representative of and place insurance with an insurer without first notifying the commissioner of the appointment for a period of time while the agent's appointment is being processed.

The commissioner was given the authority to adopt rules to implement the new law. The commissioner will consider all implementation aspects of the new law, including rules to establish requirements in addition to or in lieu of existing regulations.

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

Process for Developing New Rule: Submit written comments by December 12, 2005.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

November 2, 2005

Mike Kreidler
Insurance Commissioner

WSR 05-22-116

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed November 2, 2005, 10:11 a.m.]

Subject of Possible Rule Making: WAC 458-20-267 Annual reports for certain tax adjustments.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In order to take certain tax exemptions, credits, and rates ("tax adjustments"), taxpayers must file an annual report with the Department of Revenue detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. This rule explains the reporting requirements for tax adjustments provided to the aerospace manufacturing, aluminum manufacturing, electrolytic processing, and solar electric manufacturing industries. This rule explains who is required to file annual reports, how to file reports, and what information must be included in the reports.

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 this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, fax,

or at the public meeting. Oral comments will be accepted at the public meeting. A preliminary draft of the proposed changes is available upon request. Written comments on and/or requests for copies of the rule may be directed to Allan C. Lau, Interpretations and Technical Advice Unit, P.O. Box 47453, Olympia, WA 98504-47453 [98504-7453], phone (360) 570-6134, fax (360) 664-0693.

Public Meeting Location: Capital Plaza Building, 4th Floor, Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on December 8, 2005, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Sandy Davis no later than ten days before the hearing date, TTY 1-800-451-7985 or (360) 725-7499.

November 2, 2005

Alan R. Lynn

Rules Coordinator

WSR 05-22-118

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 2, 2005, 10:20 a.m.]

Subject of Possible Rule Making: Ballast water rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.120.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is to establish an interim ballast water management report. This rule will establish this report.

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 Lew Atkins, Fish Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2651. Contact by December 15, 2005. Expected proposal filing on or after December 16, 2005.

November 1, 2005

Evan Jacoby

Rules Coordinator

WSR 05-22-119

PREPROPOSAL STATEMENT OF INQUIRY PARKS AND RECREATION COMMISSION

[Filed November 2, 2005, 10:25 a.m.]

Subject of Possible Rule Making: The commission is reviewing current agency business practices for naming park facilities as defined in chapter 352-16 WAC, Naming of state park areas and the land classification system, and is considering amendments to this chapter. In addition, changes to this

chapter may require subsequent amendments to other provisions throughout Title 352 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030, 79A.05.035, 79A.05.055, 79A.05.070, 79A.05.075, 79A.05.305.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering delegating to the director the authority to name facilities and subareas within state parks such as roadways and other significant features. Such delegation of authority is intended to streamline the communication between park designers and permitting agencies in the processing of development applications and in the daily operation of a park.

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 Bill Koss, Manager, Planning and Research, Washington State Parks, Parks Development SC, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8629, fax (360) 902-8666, e-mail Bill.Koss@parks.wa.gov.

November 2, 2005

Jim French
Administrator of Statewide
Recreation Programs

WSR 05-22-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 05-13—Filed November 2, 2005, 10:35 a.m.]

Subject of Possible Rule Making: Certification of operators of solid waste incinerator and landfill facilities, chapter 173-300 WAC. There are amendments to the following sections: Definitions (WAC 173-300-020); Duties of the board of advisors (WAC 173-300-030); Operator certification required at incineration facilities (WAC 173-300-050); Operator certification required at landfill facilities (WAC 173-300-060); Certification of inspectors (WAC 173-300-070); Applications and certification requirements (WAC 173-300-080); Training and examinations (WAC 173-300-090); Certification term (WAC 173-300-100); Renewal of certificate (WAC 173-300-110); Fees (WAC 173-300-120); and Revocation (WAC 173-300-130). A new section is also proposed, entitled, Contracting for services (WAC 173-300-075).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.95D.080 Solid waste incinerator and landfill operators.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule provides a process and criteria for certifying solid waste landfill and incinerator operators. The amendment specifically states that ecology may enter into agreements for those certifications to be carried out by other governmental or nongovernmental organizations under agreements or contracts with ecology.

The rule clarifies existing language. Certification activities could be carried out without the rule amendment; however, the language being added or changed will avoid potential confusion and uncertainty.

Process for Developing New Rule: The rule amendment will be developed by ecology staff to clarify language to avoid potential confusion or uncertainty about ecology's authority to enter into agreements with governmental or non-governmental agencies to carry out the requirements of the statute.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randy Martin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6136, fax (360) 407-6102 or (360) 407-6903, e-mail rama461@ecy.wa.gov.

November 1, 2005

Cullen D. Stephenson
Program Manager
Solid Waste and Financial
Assistance Program

WSR 05-22-122

PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed November 2, 2005, 11:19 a.m.]

Subject of Possible Rule Making: WAC 181-01-002 WEST-B Exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.210, 28A.410.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To redefine and clarify "individuals from out of state applying for Washington state residency teaching certificate" and "individuals applying to masters-degree level teacher preparation programs residing outside of the state of Washington at time of application."

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

Process for Developing New Rule: Negotiated rule making; and early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to the Professional Educator Standards Board, Old Capitol Building, 600 Washington Street South, Room 249, P.O. Box 47236, Olympia, WA 98504-7236. For telephone assistance contact Esther Baker at (360) 725-6277.

November 2, 2005

Esther Baker
Program Director
Teacher Assessments

WSR 05-22-123
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2005, 11:27 a.m.]

The Department of Health is withdrawing the CR-101 for revising the fee schedule for drinking water operating permits which was filed July 21, 2004, and published as WSR 04-15-147. The original proposal was to incorporate how a statutorily created annual fee of twenty-five cents per connection to support water conservation activities would be assessed. Since the filing of WSR 04-15-147, the Department of Health has determined that because the fee schedule is set in statute and has an expiration date, it is not necessary to incorporate its assessment into the rule. For this reason, the CR-101 is not needed.

Individuals requiring information on this rule should contact Denise Clifford, Director, Department of Health, Office of Drinking Water, at (360) 236-3110 or denise.clifford@doh.wa.gov.

M. C. Selecky
Secretary

WSR 05-22-124
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2005, 11:27 a.m.]

Subject of Possible Rule Making: Chapter 246-455 WAC, Hospital inpatient discharge information reporting also known as comprehensive hospital abstract reporting system (CHARS).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.052.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is to respond to the revision of the federal uniform billing form (UB04)/Centers for Medicare and Medicaid Services (CMS). CHARS utilizes this billing document as a source of information and the rule needs to reflect the federal changes. Through stakeholder input, the current data elements may expand to include additional information. The current list of data elements, including definitions, are included in the rule. The definitions will be removed from the rule and referenced in the CHARS procedure manual. The current data validation process will be simplified to assure high quality and timely release of data.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS); National Uniform Billing Committee (NUBC).

CMS establishes the UB04 requirements. NUBC adopts these requirements and disseminates the data to users of the UB04. Department of Health, through CHARS, can only collect data elements from the UB04.

Process for Developing New Rule: The Department of Health will work with interested stakeholders to develop the proposed rule changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Hettick, HPDS Manager, Department of Health, P.O. Box 47814, Olympia, WA 98504-7814, phone (360) 236-4210, fax (360) 664-8579, larry.hettick@doh.wa.gov. All information will be available to interested stakeholders via e-mail, newsletters, open meetings, web site, etc.

November 1, 2005
Mary C. Selecky
Secretary

WSR 05-22-125
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 2, 2005, 11:28 a.m.]

Subject of Possible Rule Making: New chapter 246-16 WAC, Standards of professional conduct. The department is considering developing rules that will define sexual misconduct standards for credentialed health care practitioners regulated by the Secretary of Health. The department will also consider standardizing sanctions for practitioners who do engage in sexual misconduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.050 (1) and (12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, most regulated health care professions have no rules defining sexual misconduct. Without rules, practitioners do not know the standards to which they are held and any disciplinary action may be inconsistent. The proposed rules will help assure clear and consistent definitions of sexual misconduct and appropriate sanctions for individuals who engage in sexual misconduct. The proposed rules may help providers avoid sexual misconduct.

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. Public meetings will be held in various areas of the state. Written comments may be sent to Margaret Gilbert, Department of Health, P.O. Box 47873, Olympia, WA 98504-7873, phone (360) 236-4913, fax (360) 236-4930, e-mail Margaret.Gilbert@doh.wa.gov.

November 1, 2005
M. C. Selecky
Secretary

