

**WSR 07-16-001****PREPROPOSAL STATEMENT OF INQUIRY  
PUBLIC DISCLOSURE COMMISSION**

[Filed July 18, 2007, 2:29 p.m.]

Subject of Possible Rule Making: Title 390 WAC, new rule relating to defining registered voters for purposes of chapter 42.17 RCW and amending WAC 390-05-400 as prescribed in RCW 42.17.690.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370, 42.17.645, and 42.17.690.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission will consider (1) a possible new rule to define the term "registered voters" for limit computation purposes and (2) amendment of WAC 390-05-400 to adjust contribution limits for inflation [in] accordance with RCW 42.17.645 and 42.17.690.

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 commission is expected to discuss and possibly approve draft language on the above referenced rule topics at its meeting on September 27, 2007. A formal public hearing is expected in November or December of 2007.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Ellis, Assistant Director, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

July 18, 2007  
Vicki Rippie  
Executive Director

**WSR 07-16-005****PREPROPOSAL STATEMENT OF INQUIRY  
GAMBLING COMMISSION**

[Filed July 18, 2007, 2:53 p.m.]

Subject of Possible Rule Making: Title 230 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the past three years, the gambling [commission] has been rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. We are nearing the end of the project. We will be repealing our current rules to make way for the new plain English rules. This filing is to give notice of such repealer.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004; and on October 12, 2007, at the Red Lion, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000.

July 18, 2007  
Susan Arland  
Rules Coordinator

**WSR 07-16-007****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

[Filed July 18, 2007, 3:42 p.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the health care authority hereby withdraws its CR-101 preproposal statement of inquiry, filed September 19, 2006, WSR 06-19-083.

The reason underlying this withdrawal is that legislative amendments to chapter 70.47A RCW substantially changed the anticipated small employer health insurance partnership (SEHIP) program, making the proposed rule making unnecessary.

Please contact Jason B. Siems, Rules Coordinator, (360) 923-2720, should you have any questions or concerns regarding this withdrawal.

Jason Siems  
Rules Coordinator

**WSR 07-16-024****PREPROPOSAL STATEMENT OF INQUIRY  
ENERGY FACILITY SITE  
EVALUATION COUNCIL**

[Filed July 20, 2007, 1:13 p.m.]

Subject of Possible Rule Making: This rule making proposes to adopt an emissions performance standard (EPS) for greenhouse gases (GHGs) for baseload electric generation under the energy facility site evaluation council (EFSEC) jurisdiction for which electric utilities enter into long-term financial commitments on or after July 1, 2008. This rule making will add a new chapter to Title 463 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6001, Climate change—Mitigating impacts, adopted 2007 legislative session.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Emissions of CO<sub>2</sub> and other GHGs are a major contributor to global warming and climate

change. The proposed rules to implement an EPS for base-load power plants in ESSB 6001 will begin to address the impacts of climate change in Washington. Reducing GHG emissions from power plants supports the goals of Executive Order 7-02 [07-02] to reduce GHG emissions within Washington over the next several decades. These goals were also adopted within ESSB 6001.

ESSB 6001 sets a deadline of June 30, 2008, to adopt a GHG EPS by rule for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after July 1, 2008. At a minimum, this rule must:

- Implement and enforce the EPS,
- Establish criteria for evaluating carbon sequestration plans, and
- Establish an output-based methodology for calculating emissions of GHGs for a cogeneration facility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The EFSEC and the department of ecology's air quality and water quality programs will work closely together throughout the process to coordinate the development and adoption of rules by both agencies.

Process for Developing New Rule: The proposed rule will be drafted and reviewed by a stakeholder group and internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held and the proposed rule will be posted on the agency web site and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allen Fiksdal, EFSEC, P.O. Box 4317200, Olympia, WA 98504-3172, phone (360) 956-2151, fax (360) 956-2158, allenf@cted.wa.gov; or by accessing the EFSEC web site at <http://efsec.wa.gov/>.

July 20, 2007  
Allen J. Fiksdal  
Manager

### WSR 07-16-030

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 23, 2007, 10:50 a.m.]

Subject of Possible Rule Making: License and I.D. stamp fee increase per I-601.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Licensing fees need to be adjusted to reflect cost of regulating charitable/nonprofits, commercial establishments, and individuals. Additionally, I.D. stamp fees need to be adjusted.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004; and on October 12, 2007, at the Red Lion, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000.

July 23, 2007

Susan Arland

Rules Coordinator

### WSR 07-16-031

#### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed July 23, 2007, 10:52 a.m.]

Subject of Possible Rule Making: Tribal casinos.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The gambling commission is rewriting its rules manual using plain English techniques. We anticipate the project will be completed by January 1, 2008. The rules manual is being broken into sections and rewritten a section at a time. This filing is to provide notification that rules regarding tribal casinos are currently under review. There may be some sustentative and policy decisions made by the commission during the rewrite. If so, those will be identified under the proposed rule making CR-102 filing.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004; and on October 12, 2007, Red Lion, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000.

July 23, 2007

Susan Arland

Rules Coordinator

**WSR 07-16-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed July 23, 2007, 1:55 p.m.]

Subject of Possible Rule Making: Electronic pull-tab dispensers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering repealing rules that allow electronic pull-tab dispensing devices that open and/or read encoded data.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Sharon Reese, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3452; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsge.wa.gov](mailto:Susana@wsge.wa.gov).

[Meetings on] August 10, 2007, at the Hilton, 301 West 6th Street, Vancouver, WA 98660, (360) 993-4500; on September 14, 2007, at the Hilton Garden Inn, 401 East Yakima Avenue, Yakima, WA 98901, (509) 494-5004; and on October 12, 2007, at the Red Lion, 303 West North River Drive, Spokane, WA 99201, (509) 326-8000.

July 23, 2007  
 Susan Arland  
 Rules Coordinator

**WSR 07-16-045**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed July 25, 2007, 11:37 a.m.]

Subject of Possible Rule Making: Criminal background checks, new chapter 352-18 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.030(10).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2005, the legislature directed state parks to adopt rules establishing the requirements for a criminal history record information search for job applicants, volunteers and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These rules will set forth the procedures for conducting criminal history record information searches, disqualification and appeal rights.

Process for Developing New Rule: Agency study; and required by statute.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

lication by contacting Pamela McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 664-2106, e-mail [pamm@parks.wa.gov](mailto:pamm@parks.wa.gov).

July 25, 2007

J. M. French  
 Administrator of Statewide  
 Recreation Programs

**WSR 07-16-055**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Disability Services Administration)

[Filed July 26, 2007, 9:09 a.m.]

Subject of Possible Rule Making: Adding and amending sections within chapter 388-825 WAC, Division of developmental disabilities service rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title 71A RCW, RCW 71A.12.030, 71A.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 388-825 WAC, Division of developmental disabilities service rules, this rule making will develop rules to support the transition of children's medicaid personal care to division of developmental disabilities (DDD) from children's administration.

Other changes that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504, phone (360) 725-3400, fax (360) 407-0955, e-mail [roberdx@dshs.wa.gov](mailto:roberdx@dshs.wa.gov).

July 25, 2007

Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-057****PREPROPOSAL STATEMENT OF INQUIRY  
TRANSPORTATION COMMISSION**

[Filed July 26, 2007, 10:04 a.m.]

Subject of Possible Rule Making: Establishment of toll rates for SR 167 HOT lanes pilot project.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.403.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establishment of toll rates as directed by statute.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Pope, Washington State Department of Transportation, Tolls Policy and Planning Manager, 3214 50th Street Court N.W., Suite 302, Gig Harbor, WA 98335-8583, e-mail [poped@wsdot.wa.gov](mailto:poped@wsdot.wa.gov), phone (253) 534-4673, fax (253) 534-4679.

July 26, 2007  
Reema Griffith  
Executive Director

**WSR 07-16-059****PREPROPOSAL STATEMENT OF INQUIRY  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Docket PL-070974—Filed July 26, 2007, 1:04 p.m.]

Subject of Possible Rule Making: This rule making would consider possible corrections and clarifications to selected sections of chapter 480-75 WAC, Hazardous liquid, gas, oil and petroleum pipeline companies—Safety, rules governing hazardous liquid pipeline operators, specifically rules that need to reflect changes in Title 81 RCW resulting from the passage of SSB 5225 during the 2007 legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88.-040, 81.88.060, and sections 1, 2, and 4, chapter 142, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington utilities and transportation commission (UTC) has identified several rules that should be modified to reflect statutory changes in the 2007 legislative session. Chapter 480-75 WAC, governing Hazardous liquid, gas, oil and petroleum pipeline companies—Safety, require amendment to update definitions and provisions governing penalties. This rule making will modify most rules in chapter 480-75 WAC.

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; and the commission will ask for initial comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the UTC web portal <http://www.utc.wa.gov>, by **Tuesday, September 4, 2007**.

**WRITTEN COMMENTS:** You may submit written comments to the commission at the address given above and file them with the commission no later than September 4, 2007.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (PL-070974).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/070974>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), (3) submit your comments through the commission's web portal <http://www.utc.wa.gov/> or (4) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket PL-070974 to ensure that you are placed on the appropriate service list. Questions may be addressed to Ilyne Lawson, (360) 664-1302 or e-mail at [ilawson@utc.wa.gov](mailto:ilawson@utc.wa.gov).

**NOTICE**

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING**—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send

a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket PL-070974, and the words "Please keep me on the mailing list" or (2) e-mail your name, address, telephone and fax numbers, referencing Docket PL-070974, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto:records@utc.wa.gov). Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/070974>. THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

July 26, 2007  
Carole J. Washburn  
Executive Secretary

**WSR 07-16-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket PG-070975—Filed July 26, 2007, 1:05 p.m.]

**Subject of Possible Rule Making:** This rule making would consider possible corrections and clarifications to selected sections of chapter 480-93 WAC, Gas companies—Safety, rules governing natural gas pipeline operators, specifically rules that need to reflect changes in Titles 80 and 81 RCW resulting from the passage of SSB 5225 during the 2007 legislative session.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.01.040(4), 81.01.010, 81.04.160, 81.88.-040, 80.28.010(2), 80.28.020, and sections 1, 2, and 5, chapter 142, Laws of 2007.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The Washington utilities and transportation commission (UTC) has identified several rules that should be modified to reflect statutory changes in the 2007 legislative session. Chapter 480-93 WAC, governing gas safety rules, requires amendments to update definitions and provisions governing penalties. This rule making will modify most rules in chapter 480-93 WAC.

**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; and the commission will ask for initial comments, and will provide the opportunity for additional comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, e-mail [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the UTC web portal <http://www.utc.wa.gov>, by Tuesday, September 4, 2007.

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP:** Written comments may be submitted to the commission at

the address given above and should be filed with the commission no later than September 4, 2007.

**Electronic copies.** The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by electronic mail to the commission's records center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (PG-070975).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/070975>. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), (3) submit your comments through the commission's web portal <http://www.utc.wa.gov> or (4) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the commission, please refer to Docket PG-070975 to ensure that you are placed on the appropriate service list. Questions may be addressed to Ilyne Lawson, (360) 664-1302 or e-mail at [ilawson@utc.wa.gov](mailto:ilawson@utc.wa.gov).

**NOTICE**

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING** — The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket PG-070975, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket PG-070975, and the words "Please keep me on the mailing list" to [records@utc.wa.gov](mailto:records@utc.wa.gov). Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/070975>. THOSE PARTIES WHO DO NOT

RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.

July 26, 2007  
Carole J. Washburn  
Executive Secretary

**WSR 07-16-062**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed July 26, 2007, 1:42 p.m.]

Subject of Possible Rule Making: Amending chapter 246-817 WAC, licensure relating to expanded function dental auxiliaries. Legislation passed in 2007, SHB 1099, allows expanded function dental auxiliaries (EFDAs) to apply to licensure with the department of health as of December 1, 2008. The legislation requires the commission to establish rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365; SHB 1099 (chapter 269, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement 2007 legislation, SHB 1099. The legislation requires the commission to establish rules relating to the scope of patient and laboratory duties that expanded function dental auxiliaries may provide. Rules are also needed to establish and clarify the education, training, eligibility, examination and supervisory criteria for the expanded function dental auxiliary license. Rule making may include restructuring existing rules and adding new sections.

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 Lisa R. Anderson, Dental Program Manager, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4863, fax (360) 664-9077, e-mail [Lisa.anderson@doh.wa.gov](mailto:Lisa.anderson@doh.wa.gov). The commission will notify all individuals and organizations who have expressed an interest in the commission's rule-making activities via the listserv e-mail notification system. Stakeholders may also submit written comments for consideration.

July 23, 2007  
Lisa Anderson  
Dental Program Manager

**WSR 07-16-063**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF HEALTH**

(Board of Physical Therapy)

[Filed July 26, 2007, 1:44 p.m.]

Subject of Possible Rule Making: Amending chapter 246-915 WAC regarding the licensing and supervision of physical therapist assistants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023, ESSB 5292 (chapter 98, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5292 (chapter 98, Laws of 2007) passed during the 2007 legislative session. The new legislation expands the regulation of physical therapy to include licensure for physical therapist assistants (PTAs). The legislation requires the board to revise the existing physical therapy rules to include licensure requirements for PTAs and may include restructuring existing rules or adding new sections for PTAs.

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 Department of Health, Board of Physical Therapy, Kris Waidely, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4847, fax (360) 644-9077, [kris.waidely@doh.wa.gov](mailto:kris.waidely@doh.wa.gov).

July 24, 2007  
Kris Waidely  
Program Manager

**WSR 07-16-064**

**PREPROPOSAL STATEMENT OF INQUIRY**

**DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed July 26, 2007, 1:46 p.m.]

Subject of Possible Rule Making: WAC 246-853-XXX Use of laser, light, radio frequency, and plasma devices as applied to the skin (osteopathic physicians) and 246-854-XXX Use of laser, light, radio frequency, and plasma devices as applied to the skin (osteopathic physician assistants). The board of osteopathic medicine and surgery (board) is considering rules that would define supervision and delegation of the use of lasers, light, radio frequency, and plasma (LLRP) devices by osteopathic practitioners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.57A.020, and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering rules to ensure that osteopathic physicians and osteopathic physician assistants properly delegate and supervise the use of lasers, light, radio frequency, and plasma (LLRP) devices as applied to the skin that are within the practice of osteo-

pathic medicine. These procedures carry a potential for serious risk, especially when performed by unlicensed, untrained or unsupervised individuals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Medical quality assurance commission (MQAC). The board has monitored MQAC's rules development and approved establishing similar rules for the osteopathic profession. This will provide greater consistency between osteopathic medicine and allopathic medicine in the use of LLRP devices. Department of licensing which regulates estheticians. Federal Food and Drug Administration because LLRP devices are regulated by that agency.

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 Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, e-mail arlene.robertson@doh.wa.gov. Notification of the rules process and opportunities to provide input to the board will be sent via Listserv and by mail to individuals on the board's interested parties list. The department of licensing and the medical quality assurance commission will be kept apprised of the rules development process and encouraged to provide input.

July 23, 2007

Blake T. Maresh  
Executive Director

### WSR 07-16-065

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 26, 2007, 1:48 p.m.]

Subject of Possible Rule Making: Amending chapter 246-817 WAC relating to the registration of dental assistants. Legislation passed in 2007, SHB 1099, requires persons practicing as dental assistants (DAs) to register with the department of health beginning on July 1, 2008. The legislation requires the commission to establish rules defining the scope of services that may be provided by a dental assistant.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365; SHB 1099 (chapter 269, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement 2007 legislation, SHB 1099, to establish criteria for the registration of persons practicing as dental assistants and rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants. Rules may also be needed to clarify supervisory relationships between dentists and dental assistants for various tasks and may include restructuring of the existing rules and adding new sections.

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 Lisa R. Anderson, Dental Program Manager, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4863, fax (360) 664-9077, e-mail Lisa.anderson@doh.wa.gov. The commission will notify all individuals and organizations who have expressed an interest in the commission's rule-making activities via the listserv e-mail notification system. Stakeholders may also submit written comments for consideration.

July 23, 2007

Lisa Anderson  
Dental Program Manager

### WSR 07-16-067

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 26, 2007, 3:23 p.m.]

Subject of Possible Rule Making: Dental hygiene, new section WAC 246-815-XXX Dental hygiene practice in senior centers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.29.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1298, passed in the 2007 legislative session. The bill allows a dental hygienist to remove deposits and stains from the surfaces of the teeth, apply topical preventive or prophylactic agents, polish and smooth restorations and perform root planing and soft-tissue curettage on seniors in senior centers with off-site supervision by a dentist licensed in Washington. The department is considering adopting rules defining and regulating this practice.

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 Vicki Brown, Department of Health, Dental Hygiene Program, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4865, fax (360) 664-9077. This notice will also be sent via e-mail to all individuals on the dental hygiene listserv, to all interested parties and to all individuals on the dental listserv.

July 26, 2007

Mary C. Selecky  
Secretary

**WSR 07-16-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 26, 2007, 3:23 p.m.]

Subject of Possible Rule Making: New chapter 246-XXX WAC, Licensure requirements for athletic trainers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5503 (chapter 253, Laws of 2007) and RCW 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5503 (chapter 253, Laws of 2007) passed during the 2007 legislative session. The new legislation requires athletic trainers to apply for licensure. Rules need to be established to license athletic trainers.

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 Jennifer Bressi, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4893, fax (360) 644-9077.

July 26, 2007  
 Mary C. Selecky  
 Secretary

**WSR 07-16-071**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed July 27, 2007, 11:29 a.m.]

Subject of Possible Rule Making: The department of natural resources is pursuing the adoption of a rule regarding blanket reclamation performance securities under the Surface Mining Act, chapter 78.44 RCW. The adoption of this rule should be of interest to all surface mine permit holders and landowners who maintain multiple surface mines and wish to avoid multiple performance securities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 78.44.350 and 78.44.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Surface Mining Act requires the posting of reclamation performance securities for each surface mine to cover the cost of reclamation, RCW 78.44.087. In 2006, the legislature authorized surface mine permit holders or landowners to post blanket performance securities to cover the potential reclamation cost of multiple surface mines, RCW 78.44.350. Applicants and proposed surface mines must satisfy certain criteria for inclusion into the blanket security by way of the proposed new rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other government-agency regulatory authorities involved with reclamation performance securities.

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. You may participate by providing written comments or by attending negotiated rule-making meetings. Preliminary negotiations have occurred with several surface mining permit holders. Future drafts will be available upon request. Comments regarding this notice of negotiated rule making or of draft rules may be sent to John Bromley, Surface Mine Reclamation Program, P.O. Box 47007, Olympia, WA 98504-7007, phone (360) 902-1465, fax (360) 902-1785, e-mail john.bromley@dnr.wa.gov.

July 27, 2007  
 Vicki Christiansen  
 Executive Director  
 Regulatory Programs

**WSR 07-16-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 27, 2007, 12:32 p.m.]

Subject of Possible Rule Making: WAC 392-140-600 through 392-140-685, School district eligibility for state special education safety net funding.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to rules are needed to implement provisions of the 2007-09 Biennial Operating Appropriations Act in the special education safety net application process for the 2007-08 school year and thereafter.

Process for Developing New Rule: 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 Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200. For telephone assistance contact Mary Ellen Parrish, (360) 725-6075.

July 27, 2007  
 Dr. Terry Bergeson  
 Superintendent of  
 Public Instruction



**WSR 07-16-074**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Management Services Administration)

[Filed July 27, 2007, 2:59 p.m.]

The management services administration requests the withdrawal of:

- Preproposal statement of inquiry filed as WSR 05-13-128 on June 20, 2005 (WAC 388-01-180, 388-01-190, and chapter 388-02 WAC).
- Preproposal statement of inquiry filed as WSR 04-01-142 on December 19, 2003 (chapter 388-03 WAC).

Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-076**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Division of Vocational Rehabilitation)

[Filed July 27, 2007, 3:16 p.m.]

The division of vocational rehabilitation requests the withdrawal of preproposal statement of inquiry filed as WSR 05-20-083 on October 4, 2005 (chapter 388-891 WAC).

Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-077**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UNIVERSITY OF WASHINGTON**

[Filed July 27, 2007, 4:51 p.m.]

Subject of Possible Rule Making: Chapter 478-120 WAC, Student conduct code for the University of Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The University of Washington's student conduct code has not had a substantial revision since 1996. Amendments to the code would include addressing student violations that occur beyond campus boundaries, and extending the administration of the code to all three of the University of Washington campuses.

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 pub-

lication. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination by one of the following routes: Mail University of Washington, Rules Coordination Office, Box 355509, Seattle, WA 98195-5509; e-mail rules@u.washington.edu; fax (206) 221-6917.

July 27, 2007

Rebecca Goodwin Deardorff  
 Director of Rules Coordination

**WSR 07-16-078**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)

[Filed July 28, 2007, 12:16 p.m.]

The health and recovery services administration requests the withdrawal of:

- Preproposal statement of inquiry filed as WSR 05-16-082 on August 1, 2005 (WAC 388-550-2900).
- Preproposal statement of inquiry filed as WSR 05-08-089 on April 1, 2005 (WAC 388-550-2600).
- Preproposal statement of inquiry filed as WSR 04-03-092 on January 20, 2004 (chapter 388-550 WAC).

Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-085**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)

[Filed July 30, 2007, 11:41 a.m.]

The economic services administration requests the withdrawal of:

- Preproposal statement of inquiry filed as WSR 05-23-011 on November 4, 2005 (WAC 388-406-0055, 388-408-0035, 388-489-0005, 388-489-0010, 388-489-0015, 388-489-0020, and 388-489-0025).
- Preproposal statement of inquiry filed as WSR 05-20-085 on October 4, 2005 (WAC 388-310-0300 and 388-310-1450).

Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-089**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Juvenile Rehabilitation Administration)

[Filed July 30, 2007, 3:33 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-740-0070 Confinement and possible other sections in chapter 388-740 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.210 as amended by chapter 203, Laws of 2007 (SSB 5243).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to implement section 1(4)(b), chapter 203, Laws of 2007 of SSB 5243, by defining behavior which may be cause for the secretary to modify parole and return a juvenile sex offender to confinement for up to twenty-four weeks.

The department is also incorporating guidelines and certain existing juvenile rehabilitation administration (JRA) parole standards in current rule which implement RCW 13.40.210 (4)(a)(iv), (v) and (vi) which authorizes the secretary to return certain juvenile sex offenders committed to JRA or basic training camp graduates to confinement for the remainder of his or her sentence.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: JRA will coordinate with the office of administrative hearings during the rule-making process.

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 Kecia Rongen, Sex Offender Administrator/CF Liaison, Office Building 2, 1115 Washington Street, Olympia, WA 90504-5720 [98504-5720], mailstop 5720, rongekl@dshs.wa.gov, phone (360) 902-7952, fax (360) 902-8108, TTY 1-800-586-0609.

July 26, 2007  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)

[Filed July 31, 2007, 10:21 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-538-063 and possible other sections relating to mandatory enrollment in managed care for General assistance—Unemployable (GA-U) clients.

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 amending rule to meet requirements of the 2007-09 state omnibus operating budget (chapter 522, Laws of 2007) which provides for funding to add a mental health service component to the GA-U medical care services care management project. The department will review this section and also other sections in chapter 388-535 WAC to update and clarify existing language to meet these legislative requirements, as necessary.

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. 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 Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-45504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

July 31, 2007  
 Stephanie E. Schiller  
 Rules Coordinator

**WSR 07-16-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)

[Filed July 31, 2007, 10:26 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-550-1050 Hospital services definitions and possible other sections in chapter 388-550 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.09.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending this rule to correct language erroneously adopted in the definition for "highcost outlier" and reviewing the chapter for other necessary changes.

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. 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 pro-

posal 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 Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-45504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

July 31, 2007  
Stephanie E. Schiller  
Rules Coordinator

### WSR 07-16-108

#### PREPROPOSAL STATEMENT OF INQUIRY PENINSULA COLLEGE

[Filed July 31, 2007, 10:31 a.m.]

Subject of Possible Rule Making: Update WAC 132A-168-016, 132A-350-015, 132A-350-020, 132A-120-046, 132A-116-016, 132A-116-021, and 132A-116-026.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Peninsula College's WACs need revision to correspond with current policies, practices and procedures.

Process for Developing New Rule: Open discussion, public input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bonnie Cauffman, Rules Coordinator, 1502 East Lauridsen Boulevard, Port Angeles, WA 98362, (360) 417-6212, fax (360) 417-6315.

July 31, 2007  
Bonnie Cauffman  
Rules Coordinator

### WSR 07-16-110

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed July 31, 2007, 10:35 a.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-535 WAC relating to the department's access to baby and child dentistry (ABCD) program, and sections relating to dental-related services for clients through age twenty and clients age twenty-one and older.

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 amending these rules to meet requirements of the 2007-09 state omnibus operating budget which provides for expansion of covered dental-related services and access for medical assistance

clients. In addition, the department is clarifying existing policy, better defining the scope of the rule, and reviewing the chapter for other necessary changes.

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. 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 Kathy Sayre, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-45504, phone (360) 725-1342, fax (360) 586-9727, TTY 1-800-848-5429, e-mail sayrek@dshs.wa.gov.

July 31, 2007  
Stephanie E. Schiller  
Rules Coordinator

### WSR 07-16-111

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 31, 2007, 10:38 a.m.]

Subject of Possible Rule Making: The division of employment and assistance programs is amending WAC 388-478-0015 Need standards for cash assistance, to revise basic need standards based on the 2008 forecast.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change is needed to adjust for anticipated changes in costs for basic needs. DSHS is required by RCW 74.04.770 to establish standards of need for cash assistance programs on an annual basis.

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 Jenny Grayum, Program Manager, Division of Employment and Assistance Programs, P.O. Box

45470, Olympia, WA 98504-5470, phone (360) 725-4583,  
fax (360) 413-3293, e-mail grayuje@dshs.wa.gov.

July 30, 2007  
Stephanie E. Schiller  
Rules Coordinator

**WSR 07-16-117****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF CORRECTIONS**

[Filed July 31, 2007, 11:48 a.m.]

Subject of Possible Rule Making: Prohibiting sexual contact between inmates and employees, new rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090, 72.09.225.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 72.09.225 directs the department to adopt rules to implement its provisions.

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 parties to review and provide input on the proposed rules. Comments may be sent to John Nispel, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Nispel, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8365, fax (360) 664-2009.

July 31, 2007  
H. W. Clarke  
Secretary

**WSR 07-16-119****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 31, 2007, 1:55 p.m.]

The aging and disabilities services administration requests the withdrawal of:

- Preproposal statement of inquiry filed as WSR 06-05-099 on February 14, 2006 (chapter 388-106 WAC).
- Preproposal statement of inquiry filed as WSR 06-17-139 on August 22, 2006 (WAC 388-515-1505).
- Preproposal statement of inquiry filed as WSR 07-08-025 on March 27, 2007 (WAC 388-825-534).

Stephanie E. Schiller  
Rules Coordinator

**WSR 07-16-120****PREPROPOSAL STATEMENT OF INQUIRY  
UNIVERSITY OF WASHINGTON**

[Filed July 31, 2007, 2:21 p.m.]

Subject of Possible Rule Making: WAC 478-160-163 Waivers of tuition and fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.20.130 and chapter 450, Laws of 2007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5002 (chapter 450, Laws of 2007) creates a mandatory waiver of tuition and fees for children and spouses of veterans who have been killed, become totally disabled, are missing in action, or are being held as prisoners of war, where previously there was a permissive waiver established for these same individuals. The University of Washington intends to amend its rules in WAC 478-160-163 to comply with this legislative change.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, director of rules coordination by one of the following routes: Mail University of Washington, Rules Coordination Office, Box 355509, Seattle, WA 98195-5509; e-mail rules@u.washington.edu; or fax (206) 221-6917.

July 31, 2007  
Rebecca Goodwin Deardorff  
Director of Rules Coordination

**WSR 07-16-121****PREPROPOSAL STATEMENT OF INQUIRY  
BOARD OF ACCOUNTANCY**

[Filed July 31, 2007, 2:46 p.m.]

Subject of Possible Rule Making: WAC 4-25-750 What are the firm licensing requirements?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.04.055(8), 18.04.195, 18.04.205.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to align the rule with the Public Accountancy Act, chapter 18.04 RCW and RCW 25.15.045 Professional limited liability companies. This is necessary to clarify ownership requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. However, when notifying stakeholders of this rule-making activity, the board will include the secretary of state as a stakeholder.

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 Richard C. Sweeney, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box

9131, Olympia, WA 98507-9131, (360) 586-0163, fax (360) 664-9190, e-mail [webmaster@capboard.wa.gov](mailto:webmaster@capboard.wa.gov).

July 31, 2007  
Richard C. Sweeney  
Executive Director

**WSR 07-16-128**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed August 1, 2007, 8:24 a.m.]

Subject of Possible Rule Making: Spring bear seasons; multiple season permits; nontoxic shot; landowner hunting permits; deer and elk area boundary descriptions; game management unit boundary descriptions; auction, raffle, and special hunt rules; carcass importation; mandatory reporting; special hunting permits; cougar seasons with the aid of dogs.

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: Provides clarification and recreational opportunity.

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 Dave Brittell, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515.

August 1, 2007  
Loreva M. Preuss  
Rules Coordinator

**WSR 07-16-130**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed August 1, 2007, 8:48 a.m.]

Subject of Possible Rule Making: New chapter 246-XXX WAC, establishing a sixty-day supply of medical marijuana for qualifying patients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 371, Laws of 2007 - ESSB 6032.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2007 legislation, ESSB 6032 relating to medical use of marijuana, requires the department of health (department) to adopt rules defining the quantity of marijuana that could reasonably be presumed to be a sixty-day supply for qualifying patients. Establishing rules may assist patients, physicians, and law enforcement officers in determining what amount of marijuana a patient could potentially possess by providing a clear definition of a sixty-day supply. The legislation does provide flexibility if there is evi-

dence that the amount necessary for an individual patients' medical use differs from the rule. The department must establish these rules in order to comply with the legislation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state patrol, department of corrections, and the federal Drug Enforcement Administration. The department will be notifying these agencies of rule-making activities via e-mail and they will be invited to participate in rule development workshops.

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. Interested parties may join a Listserv to receive notices to participate in rule development workshops and rule-making activities. Workshops will be held in September 2007 in eastern, western and southwest Washington. To join the Listserv, send an e-mail to [medical\\_marijuana@doh.wa.gov](mailto:medical_marijuana@doh.wa.gov) or write to the Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, or call (360) 236-4790 or fax (360) 236-4768.

August 1, 2007  
Mary C. Selecky  
Secretary

**WSR 07-16-134**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed August 1, 2007, 9:11 a.m.]

Subject of Possible Rule Making: Recreational 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: Annual changes in recreational fishing opportunities, housekeeping needs, and conservation issues are needed to respond to resource changes and to balance opportunity with anticipated needs.

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 98501-1091, phone (360) 902-2651. Contact by September 17, 2007. Expected proposal filing on or after September 19, 2007.

August 1, 2007  
Loreva M. Preuss  
Rules Coordinator

**WSR 07-16-136**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed August 1, 2007, 9:47 a.m.]

Subject of Possible Rule Making: Eligibility requirements, training requirements, test requirements, and fees for commercial driver's licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110, 46.25.060, and 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bring eligibility requirements into conformance with federal regulations, clarify test requirements, and set fees and adopt training requirements as authorized by recent legislation. Rules will serve to improve the qualifications for drivers of commercial motor vehicles and improve traffic safety.

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 Clark J. Holloway, P.O. Box 9030, Olympia, WA 98507-9030, phone (360) 902-3846, e-mail cholloway@dol.wa.gov, fax (360) 586-8351.

August 1, 2007  
 Gibb Kingsley  
 Commercial Driver License  
 Compliance Program Manager

**WSR 07-16-138**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Veterinary Board of Governors)

[Filed August 1, 2007, 10:18 a.m.]

Subject of Possible Rule Making: New section WAC 246-935-XXX Continuing education requirements for veterinary technicians.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030, HB 1331 (chapter 235, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2007 legislation has amended RCW 18.92.030 to allow the veterinary board of governors to adopt rules fixing minimum standards of continuing education for veterinary technicians.

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. Interested persons can participate in the development of new rules by attending stakeholder workshops and/or providing comments on proposed language which will be sent to interested persons through Listserv and by regular mail. Send written comments to Judy Haenke, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360)

236-4947, fax (360) 586-4359, or e-mail judy.haenke@doh.wa.gov.

July 31, 2007  
 Lisa Salmi  
 Acting Executive Director

**WSR 07-16-139**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Podiatric Medical Board)

[Filed August 1, 2007, 10:21 a.m.]

Subject of Possible Rule Making: New sections to chapter 246-922 WAC. The podiatric medical board (board) is creating rules on the administration of sedation and anesthesia in the offices of podiatric physicians. The rule making may include necessary training and equipment requirements for podiatric physicians to perform office-based surgery.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015, 18.130.050, ESHB 1414 (2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently there is no direct regulation of office-based surgery by podiatrists in Washington. ESHB 1414 (chapter 273, Laws of 2007) requires the board to adopt rules governing the administration of sedation and anesthesia in the offices of podiatric physicians, including necessary training and equipment. Rules are needed to reduce the risk of substandard care, inappropriate anesthesia, infections, and serious complications by podiatric physicians when performing office-based surgeries. The rules will establish enforceable standards for the board to take action against a podiatric physician if unprofessional conduct occurs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board will be coordinating its rules development with the medical quality assurance commission (MQAC), board of osteopathic medicine and surgery (BOMS), and nursing care quality assurance commission, to include nurse anesthetists (ARNP). MQAC and BOMS are considering similar rules on office-based surgery.

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. Staff will coordinate workshops with the other two professions. The board will provide several opportunities at regular meetings to provide input directly to the board members. The board will notify interested parties and organizations that have expressed interest in this issue by Listserv or regular mail. Stakeholders may also submit written comments for consideration to Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, e-mail arlene.robertson@doh.wa.gov.

July 30, 2007  
 Maryella E. Jansen  
 Deputy Executive Director

**WSR 07-16-140**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Podiatric Medical Board)  
[Filed August 1, 2007, 10:23 a.m.]

Subject of Possible Rule Making: Amending WAC 246-922-010 Definitions, adding new sections to chapter 246-922 WAC, to establish standards for prescribing orthotic devices by podiatric physicians. The podiatric medical board (board) is considering clarifying definitions for orthotic devices. The board is considering clarifying that a prescriptive orthotic device involves conducting a medical evaluation and making a diagnosis.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015, 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering rules to clarify the definitions for and processes to obtain orthotic devices, especially custom-fabricated and "custom" prefabricated devices from podiatric physicians. The board is concerned that patients may receive delayed or improper care by using devices that are dispensed without the benefit of medical expertise. By clarifying the process for prescribing orthotic devices, the board will be able to help consumers identify the differences between the products prescribed by a podiatric physician and those chosen at their own discretion.

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. Interested parties will be notified through the podiatry Listserv and by mail. Public workshops will be held in western and eastern Washington to receive input during the rules process. Written comments regarding the proposals will also be encouraged.

The board chair and staff will be available to provide informational meetings to the programs within [the] department of health.

July 30, 2007  
Maryella E. Jansen  
Deputy Executive Director

**WSR 07-16-141**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Board of Osteopathic Medicine and Surgery)  
[Filed August 1, 2007, 10:25 a.m.]

Subject of Possible Rule Making: New sections to chapter 246-853 WAC, Osteopathic physicians and chapter 246-854 WAC, Osteopathic physician assistants. The board of osteopathic medicine and surgery (board) is creating rules on the administration of sedation and anesthesia in the offices of osteopathic physicians and osteopathic physician assistants. The rule making may include necessary training and equip-

ment requirements, and supervisory requirements for osteopathic physician assistants to perform surgery in their offices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.57A.020, 18.130.050, ESHB 1414 (2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently there is no direct regulation of office-based surgery for osteopathic practitioners in Washington. ESHB 1414 (2007) permits the board to adopt rules governing the administration of sedation and anesthesia in the offices of osteopathic practitioners, including necessary training and equipment. Rules are needed to reduce the risk of substandard care, inappropriate anesthesia, infections, and serious complications by osteopathic practitioners when performing office-based surgeries. The rules will establish enforceable standards for the board to take action against osteopathic practitioners if unprofessional conduct occurs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board will be coordinating its rules development with the medical quality assurance commission, podiatric medical board, and nursing care quality assurance commission, to include nurse anesthetists (ARNP).

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. Staff will coordinate workshops with medical and podiatry. The board will provide several opportunities at regular meetings to provide input directly to the board members. The board will notify interested parties and organizations that have expressed interest in this issue by Listserv or regular mail. Stakeholders may also submit written comments for consideration to Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, e-mail arlene.robertson@doh.wa.gov.

July 30, 2007  
Maryella E. Jansen  
Deputy Executive Director

**WSR 07-16-142**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
(Veterinary Board of Governors)  
[Filed August 1, 2007, 10:26 a.m.]

Subject of Possible Rule Making: New section WAC 246-935-XXX Identification of veterinary technician standard tasks and procedures that must be included in the experience of a person who qualifies to take the veterinary technician examination through a period of practical experience.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030 and HB 1331 (chapter 235, Laws of 2007).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2007 legislation requires the

veterinary board of governors to adopt rules identifying standard tasks and procedures that must be performed within a period of practical experience for a veterinary technician to qualify to take the licensing examination. Developing standards for the practical experience provision will provide the public with assurance that the veterinary technician applicant has completed a well defined and structured training program throughout the practical experience.

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. Interested persons can participate in the development of new rules by attending stakeholder meetings, providing comments on proposed language which will be sent to interested persons through Listserv and by regular mail. Send written comments to Judy Haenke, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4947, fax (360) 586-4359, or e-mail [judy.haenke@doh.wa.gov](mailto:judy.haenke@doh.wa.gov).

July 31, 2007

Lisa A. Salmi

Acting Executive Director

ical quality assurance commission (MQAC) staff has been sharing preliminary background information with the board. The board is interested in coordinating its rules process with MQAC which is also considering rules on the same subject.

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. In order for the board to coordinate rules with MQAC, joint meetings will be held simultaneously to gather input. The board will also provide opportunities at regular meetings for public comment and input. The board will notify interested parties and organizations via Listserv and regular mail. Stakeholders may submit written comments for consideration to Arlene Robertson, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4945, fax (360) 236-2406, or by e-mail [arlene.robertson@doh.wa.gov](mailto:arlene.robertson@doh.wa.gov).

July 31, 2007

Maryella E. Jansen

Deputy Executive Director

### WSR 07-16-143

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed August 1, 2007, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 246-853 WAC, Osteopathic physician and chapter 246-854 WAC, Osteopathic physician assistant. The board of osteopathic medicine and surgery (board) will consider writing rules to ensure that osteopathic physicians and osteopathic physician assistants appropriately delegate and supervise the performance of nonsurgical cosmetic procedures that fall within the practice of osteopathic medicine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005, 18.57A.020, 18.130.050(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is concerned that osteopathic physicians and osteopathic physician assistants may be inappropriately performing and/or delegating the performance of nonsurgical procedures that may sever or penetrate the skin, or the administration of drugs or medicinal preparations. Procedures include injections, chemical peels, microdermabrasion, dermabrasion, sclerotherapy, soft-tissue fillers, and mesotherapy. These procedures carry a significant risk, especially when performed without appropriate delegation and supervision. Rules are needed to ensure appropriate delegation and supervision.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Disciplining authorities for allopathic physicians and physician assistants, nurses, dentists, pharmacies, and department of licensing regarding regulation of estheticians. Med-