

WSR 08-14-009**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 19, 2008, 3:52 p.m.]

Subject of Possible Rule Making: WAC 246-830-475 amending and updating the continuing education requirements for massage practitioners and adding a new section WAC 246-830-XXX Inactive credential.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025, SHB 2859 (chapter 25, Laws of 2008).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 2859 (chapter 25, Laws of 2008) passed during the 2008 legislative session. The new legislation creates an inactive credential for massage practitioners. The legislation also establishes authority for the board to revise the current continuing education requirements and improve the clarity of the requirements. The legislation also requires rules establishing requirements for maintaining an inactive status and converting from inactive to active status. The proposed rules will assure consistency with the statute and will allow a practitioner to place his or her license in an inactive status while not practicing massage therapy.

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 Massage, Kris Waidely, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867, (360) 236-4847, fax (360) 644-9077 [664-9077], kris.waidely@doh.wa.gov.

June 18, 2008

M. C. Selecky

Secretary

Kris Waidely

for Karin Olsen

Board Chair

WSR 08-14-015**PREPROPOSAL STATEMENT OF INQUIRY
CENTRAL WASHINGTON UNIVERSITY**

[Filed June 20, 2008, 12:04 p.m.]

Subject of Possible Rule Making: Student conduct code. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.528 and 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarify existing rules and conform to current administrative practice.

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 Kristy Magdlin, President's Office, 400

East University Way, Ellensburg, WA 98926-7501, (509) 963-2154, fax (509) 963-3206, magdlink@cwu.edu.

June 20, 2008

Jerilyn S. McIntyre

President

WSR 08-14-031**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 23, 2008, 9:13 a.m.]

Subject of Possible Rule Making: Sections 1 through 51, chapter 23, Laws of 2008.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040(1) and section 3(1), chapter 23, Laws of 2008.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a completely new licensing law that goes into effect on July 1, 2010, and will require a review of all current administrative codes and new rules to implement the statutes.

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 Jerry McDonald, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6524, fax (360) 570-7051, e-mail jmcDonald@dol.wa.gov.

June 23, 2008

Jerry McDonald

Assistant Administrator

WSR 08-14-032**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 23, 2008, 9:14 a.m.]

Subject of Possible Rule Making: Section 10, chapter 110, Laws of 2008.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a new section that is placed into chapter 18.85 RCW and it limits the real estate licensee in accepting payments or things of value from a title insurance company, that is not authorized by law or rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the insurance commissioner.

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 Jerry McDonald, P.O. Box 2445,

Olympia, WA 98507, phone (360) 664-6524, fax (360) 570-7051, e-mail jmcdonald@dol.wa.gov.

June 23, 2008
Jerry McDonald
Assistant Administrator

98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

June 23, 2008
John P. Neff
Council Chair

WSR 08-14-033

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 23, 2008, 9:16 a.m.]

Subject of Possible Rule Making: Section 24, chapter 119, Laws of 2008.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040(1) Director general powers and duties.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new section specifically mandates the director to establish rules for real estate licensees to follow when providing home inspector referrals.

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 Jerry McDonald, P.O. Box 2445, Olympia, WA 98507, phone (360) 664-6523, fax (360) 570-7051, e-mail Jmcdonald@dol.wa.gov.

June 23, 2008
Jerry McDonald
Assistant Administrator

WSR 08-14-041

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed June 23, 2008, 1:59 p.m.]

Subject of Possible Rule Making: Amendment of the 2006 International Building Code, chapter 51-50 WAC, and 2006 International Residential Code, chapter 51-51 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The council is considering further state amendments to the 2006 International Building Code and International Residential Code pertaining to unvented attics, adult family homes licensed by the state, and boarding homes licensed by the state.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA 98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

June 23, 2008
John P. Neff
Council Chair

WSR 08-14-040

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed June 23, 2008, 1:58 p.m.]

Subject of Possible Rule Making: Amendment of the 2006 International Fire Code, chapter 51-54 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An emergency rule was adopted April 2, 2008, regarding emergency plans for schools in response to the safe schools plan adopted by the legislature in 2007. The proposed amendment to the 2006 International Fire Code, outlines basic requirements for lock-down and shelter-in-place plans.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA

WSR 08-14-042

**PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL**

[Filed June 23, 2008, 1:59 p.m.]

Subject of Possible Rule Making: Amendment of chapter 51-11 WAC, Washington State Energy Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27A.025, 19.27A.045.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council is considering amendments to the Washington State Energy Code pertaining to unvented attics and residential duct sealing and testing.

Process for Developing New Rule: Technical advisory group (TAG) review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To receive information on meetings of the TAGs, contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 42525, Olympia, WA

98504-2525, (360) 725-2967, fax (360) 586-9383, e-mail sbcc@cted.wa.gov.

June 23, 2008
John P. Neff
Council Chair

WSR 08-14-046
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Disability Services Administration)

[Filed June 24, 2008, 11:04 a.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 08-13-007 on June 5, 2008 (chapter 388-76 WAC).

Stephanie E. Schiller
Rules Coordinator

WSR 08-14-049
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed June 24, 2008, 11:39 a.m.]

The department would like to withdraw preproposal statement of inquiry WSR 08-13-052 filed June 12, 2008, 12:56 p.m. A revised CR-101 will be filed as its replacement.

Cindy Fazio
Staff Attorney
Division of Consumer Services

WSR 08-14-050
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Division of Consumer Services)

[Filed June 24, 2008, 11:39 a.m.]

Subject of Possible Rule Making: Implementing chapters 78 and 108, Laws of 2008, that affect the Consumer Loan Act, chapter 31.04 RCW, by amending the rules, chapter 208-620 WAC, and generally amending the rules for clarity and consistency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 78 and 108, Laws of 2008; chapters 31.04, 43.320 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New rules must be written and existing rules must be amended to implement the changes to chapter 31.04 RCW brought about by 2008 legis-

lation, and to generally amend the rules for clarity and consistency.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: If the new or amended rules parallel existing federal rules, the department of financial institutions will coordinate the proposed rules with the federal rules as much as practicable.

Process for Developing New Rule: Negotiated rule making; and consultation with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Elizabeth Stancil, Division of Consumer Services, P.O. Box 41200, Olympia, WA 98504-1200, (360) 902-8786, estancil@dfi.wa.gov, DFI web site, ListServ subscription.

June 24, 2008
Deborah Bortner, Director
Division of Consumer Services

WSR 08-14-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed June 25, 2008, 8:45 a.m.]

Subject of Possible Rule Making: Chapter 16-90 WAC, Penalty schedule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.36 and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2007 legislative session, the Washington state department of agriculture (WSDA) was given authority to assess civil penalties for violations of chapter 16.36 RCW and rules adopted under the chapter. WSDA is considering developing a new WAC within Title 16 WAC that would describe the department's process in assessing penalties, the types of violations, and the monetary amount per violation.

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

Process for Developing New Rule: WSDA staff will develop the rules proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1987, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

June 25, 2008
Leonard E. Eldridge, DVM
Assistant Director

WSR 08-14-066**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

(Securities Division)

[Filed June 25, 2008, 12:56 p.m.]

Subject of Possible Rule Making: The securities division is soliciting comments on the possible amendment of the franchise registration rules set forth in chapter 460-80 WAC particularly in light of the amended franchise disclosure rules adopted by the Federal Trade Commission and the promulgation of the 2008 Franchise Registration and Disclosure Guidelines by the North American Securities Administrators Association, Inc.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.100 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments to the franchise registration rules set forth in chapter 460-80 WAC may be necessary in light of the amended franchise disclosure rules adopted by the Federal Trade Commission and their preemptive effect on states laws, as well as to better coordinate our rules with the franchise registration and disclosure rules of other states in light of the promulgation of the 2008 Franchise Registration and Disclosure Guidelines by the North American Securities Administrators Association, Inc.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Trade Commission regulates the sale of franchises as do some other states. The Federal Trade Commission amended its franchise disclosure rule to require disclosure to prospective franchisees in the franchise disclosure document format effective July 1, 2008. See 16 C.F.R. Parts 436 and 437 (May 30, 2007). States may seek to coordinate their franchise rules through the adoption of the model franchise rules recently promulgated by the North American Securities Administrators Association, Inc. in the 2008 Franchise Registration and Disclosure Guidelines available at http://www.nasaa.org/industry_regulatory_resources/uniform_forms/3697.cfm.

Process for Developing New Rule: The division is soliciting comments from interested persons and will consider the 2008 franchise registration and disclosure guidelines promulgated by the North American Securities Administrators Association, Inc. after the consideration of public comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Faith L. Anderson, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 725-7825, fax (360) 704-6480, e-mail fanerson@dfi.wa.gov.

June 23, 2008

Michael E. Stevenson
Director of Securities**WSR 08-14-076****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 26, 2008, 2:39 p.m.]

Subject of Possible Rule Making: Chapter 246-16 WAC, Standards of professional conduct, adding sections relating to sanctions for unprofessional conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 12, chapter 134, Laws of 2008 (section 12 of 4SHB 1103).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 12, chapter 134, Laws of 2008 (section 12 of 4SHB 1103) requires the secretary of the department of health to adopt rules for a uniform sanctioning schedule. The schedule must be consistent with a schedule that representatives of the health professions boards and commissions develop. These rules will fulfill the legislative mandate. They will provide consistent, enforceable standards for sanctions that all disciplining authorities will impose for unprofessional conduct by credentialed health care practitioners.

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. Representatives of the boards and commissions will develop recommendations and a proposed sanctions schedule as required by the legislation. Other stakeholders will be notified how they can provide comments. Stakeholders may join an interested persons list for e-mail notification of items related to this rule making by providing their contact information to sanctionguidelinerules@doh.wa.gov. They can also contact Margaret Gilbert at Department of Health, P.O. Box 47873, Olympia, WA 98504-7873 or (360) 236-4913.

June 26, 2008

Mary C. Selecky
Secretary**WSR 08-14-077****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 26, 2008, 2:40 p.m.]

Subject of Possible Rule Making: Chapter 246-562 WAC, J-1 Physician visa waiver regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.185 RCW, Federal legislation: Public Law 108-441 and 109-477.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules exceed federal requirement of three-year minimum service obligation. We have no authority to hold physicians to a longer requirement. The rules also have different application dates for FLEX (non-HPSA) waivers than non-FLEX waivers. This has caused problems for constituents and should be aligned with all other start dates. Finally, we would like to review our

specialist criteria to be more flexible with current health care market, and we need to allow for the possibility of more primary care physicians. These changes will allow the program to be in line with federal requirements and provide more flexibility for the program as the delivery of health care services evolves.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are federal rules that regulate the J-1 visa waiver program. This program coordinates with the United States Department of State (DOS) and the Bureau of Citizenship and Immigration Services (CIS) to ensure compliance with the federal regulations. DOS and INS [CIS] will be included in all mailings.

Process for Developing New Rule: Program staff will use mailings and web-based opportunities to solicit input on rule amendments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. There will be opportunity for input on these rules through mailings, web-based opportunities and community meetings, if needed. Please contact Jennell Prentice, Community and Rural Health, P.O. Box 47834, Olympia, WA 98504-7834, e-mail Jennell.Prentice@doh.wa.gov.

June 26, 2008
Mary C. Selecky
Secretary

WSR 08-14-081

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 26, 2008, 3:46 p.m.]

Subject of Possible Rule Making: Raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0277.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change would clarify requirements that must be followed if a minor sells raffle tickets.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] July 10, 2008, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 15, 2008, at the Coast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Wenatchee, WA

98801; and on September 12, 2008, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335.

June 26, 2008
Susan Arland
Rules Coordinator

WSR 08-14-117

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 30, 2008, 6:07 p.m.]

Subject of Possible Rule Making: Chapter 246-16 WAC, Standards of professional conduct, adding a section for mandatory reporting by license holders, corporations, organizations, health care facilities, and state and local governmental agencies that employ licensed health care providers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.080 as amended by section 8, chapter 134, Laws of 2008 (4SHB 1103), RCW 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In March 2008, the department adopted mandatory reporting rules as directed by RCW 18.130.070 (as amended in 2006 by SHB 2974). In 2008, 4SHB 1103 imposed new mandatory reporting requirements. Additional rule making will place into chapter 246-16 WAC all mandatory reporting requirements related to licensed health care providers and authorized by chapter 18.130 RCW, the Uniform Disciplinary Act.

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 persons can submit written comments on proposed rules. Written comments can 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.

June 30, 2008
Mary C. Selecky
Secretary

WSR 08-14-119

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 1, 2008, 8:10 a.m.]

Subject of Possible Rule Making: Child support is currently a deduction from a household's countable gross income for Basic Food assistance. The department is proposing to exercise an option from the 2002 farm bill to treat child sup-

port payments made to someone outside of the home as an income exclusion prior to administering the gross income test.

These changes include amendments to the following WAC sections and any related rules: WAC 388-450-0015 What types of income does the department not use to figure out my benefits? and 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will assist low-income families in meeting their child support debts while enhancing their supplies of food. Currently, some households are denied for Basic Food assistance for excess gross income, even when up to 50% of their income is paid out in child support. These families are now unable to qualify for food assistance due to income that they have no access to because it is paid out in child support. This change will enhance the division of child support's mission to collect child support and will enhance the community services division's mission to assist low-income families to access the Basic Food program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Food Stamp Program as enacted in the 2002 farm bill and codified in the Code of Federal Regulations. The DSHS economic services administration, community services division (CSD) policy unit intends to notify FNS of our intent to exercise this option and will coordinate communications of the change with the CSD service delivery unit and with CSD regional financial coordinators.

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 Don Winslow, Policy Analyst/Program Manager, Division of Employment and Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4580, fax (360) 725-4905, e-mail winsldg@dshs.wa.gov.

June 30, 2007 [2005]
Stephanie E. Schiller
Rules Manager

WSR 08-14-120

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Economic Services Administration)

[Filed July 1, 2008, 8:10 a.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-478-0005 Cash assistance need and payment standards and grant maximum.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08-090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to revise the maximum payment limit to reflect the 3% increase for temporary assistance for needy families (TANF), state family assistance (SFA) and refugee cash assistance (RCA) which was authorized in ESHB 2687, section 207 (1)(e) during the 2008 legislative session.

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 Ian Horlor, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail Horloit@DSHS.WA.GOV.

June 20, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-14-125

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Health and Recovery Services Administration)

[Filed July 1, 2008, 8:22 a.m.]

Subject of Possible Rule Making: The department of social and health services' health and recovery services administration (HRSA) is proposing the adoption of new chapter 388-548 WAC, Federally qualified health centers.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the chapter is to implement the federal payment methodology for federally qualified health centers (FQHC) under Section 702 of the Benefit Improvement and Protection Act (BIPA) of 2000.

The act replaced cost-based reimbursement methodology with medicaid FQHC prospective payment system (PPS).

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).

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 Wendy L. Boedigheimer, Rules Program Manager, Health and Recovery Services Administration, Office of Rules and Publications, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail boediwl@dshs.wa.gov.

June 23, 2008
Stephanie E. Schiller
Rules Coordinator

WSR 08-14-133
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 1, 2008, 11:01 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications for Washington workers' compensation insurance and chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035 and 51.16.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for the classifications that are distributed fairly (RCW 51.16.-035). The department has conducted a review of various classifications and determined that certain classifications are in need of revision for purposes of clarification.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local or federal agency regulates this subject.

Process for Developing New Rule: Labor and industries may solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing classifications and advise customers of future rule making by direct mailing and/or the internet.

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

lication. Employers will be encouraged to participate in the process and can obtain information on our process at the employer services web site (www.lni.wa.gov/insurance/services/employerservices) and can submit comments electronically to moom235@lni.wa.gov or by calling (902) [(360)] 902-4774 or by fax at (360) 902-4729.

July 1, 2008
Judy Schurke
Director

WSR 08-14-139
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 1, 2008, 12:28 p.m.]

Subject of Possible Rule Making: Chapter 246-811 WAC, Certified chemical dependency professional, amending chapter 246-811 WAC to include requirements for CDP trainee.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 135, Laws of 2008 and RCW 18.205.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 135, Laws of 2008 (2SHB 2674) that creates eight new counselor professions and abolishes the registered counselor credential. Rules will establish certification requirements for certified chemical dependency professional trainee.

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. Stakeholders can participate in the development of rules by attending the chemical dependency certification advisory meetings on June 13 and October 17, 2008. Please join the chemical dependency professional listerv [listserv] mailing list at www.listserv.wa.gov and select chemical dependency professional to receive draft rules and meeting notices.

You can access the department's rule comment web page at www3.doh.wa.gov/policyreview/ or contact Leslie Magby, Department of Health, P.O. Box 47869, Olympia, WA 98504-7869, phone (360) 236-4912, fax (360) 236-4909, or e-mail at Leslie.Magby@doh.wa.gov.

July 1, 2008
Mary C. Selecky
Secretary

WSR 08-14-140
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 1, 2008, 12:29 p.m.]

Subject of Possible Rule Making: Chapter 246-809 WAC, Licensed counselors, amending chapter 246-809

WAC to include requirements for independent clinical social worker associate, licensed advanced social worker associate, licensed mental health counselor associate, and licensed marriage and family therapist associate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 135, Laws of 2008 and RCW 18.225.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 135, Laws of 2008 (2SHB 2674) that creates eight new counselor professions and abolishes the registered counselor credential. Rules will establish requirements for licensure as an associate.

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. Stakeholders and other interested parties can participate in the development of any new rules by attending the Washington state mental health counselors, marriage and family therapists and social workers advisory committee meetings on September 5, 2008, and December 12, 2008. Individuals can join the licensed counselor listserv mailing list at www.listserv.wa.gov and select licensed counselors. You can also access the department's rule comment web page at www3.doh.wa.gov/policyreview/.

July 1, 2008
Mary C. Selecky
Secretary

WSR 08-14-142

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 1, 2008, 12:54 p.m.]

Subject of Possible Rule Making: Chapter 246-810 WAC, Counselors, amending the chapter to repeal the registered counselor credential, and create agency affiliated counselor, certified adviser, and certified counselor.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 135, Laws of 2008 (2SHB 2674).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are needed to implement chapter 135, Laws of 2008 (2SHB 2674). Eight new counselor professions were created and the registered counselor credential is abolished July 1, 2010. This rule making will establish application requirements, continuing education, and practice standards for agency affiliated counselors, certified counselors and certified advisers.

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 Betty Moe, Department of Health,

Counselor Rules, 310 Israel Road S.E., Tumwater, WA 98501, fax (360) 236-4909, phone (360) 236-4912.

Meetings will start after July 1, 2008. To receive information about meetings, stakeholders can join the counselor program list serv at <http://listserv.wa.gov> and select registered counselors.

July 1, 2008
Mary C. Selecky
Secretary

WSR 08-14-144

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed July 1, 2008, 1:17 p.m.]

Subject of Possible Rule Making: Energy matchmakers, chapter 365-180 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.164.040(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules for the energy matchmakers weatherization program were established more than twenty years ago. Since then, the weatherization program has gone from simple energy-saving applications to a diagnostically driven, systematic evaluation of a home's heat loss, heating system performance, and the application of cost-effective materials designed to reduce energy use in the home. Along with a more sophisticated approach to weatherization comes requirements to ensure a dwelling is left not only more energy efficient, but is also durable, safe and healthy. Federal funding sources have made provisions for these additional requirements, but the energy matchmakers weatherization program statute and rules have not. Additionally, existing rules don't identify areas that should be addressed (e.g., service to Native Americans, community-based needs, or environmentally sustainable practices). Proposed rule changes will allow more funding flexibility to include additional requirements and help the department's weatherization providers to better serve low-income clients across the state.

Process for Developing New Rule: Draft rules have been reviewed by a committee of stakeholders. Additional feedback will be accepted at a public hearing in central Washington.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorelei Walker, CTED, Housing Division, P.O. Box 42525, Olympia, WA 98504-2525, phone (360) 725-2955, fax (360) 586-5880, e-mail loraleiw@cted.wa.gov.

July 1, 2008
Marie Sullivan, Director
Government Relations

WSR 08-14-158**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed July 2, 2008, 8:19 a.m.]

Subject of Possible Rule Making: WAC 246-841-405 Nursing assistant delegation, 246-840-910 Purpose, 246-840-920 Definitions, 246-840-930 Criteria for delegation, 246-840-940 Washington state nursing care quality assurance commission community-based and in-home care setting delegation decision tree, 246-840-950 How to make changes to the delegated tasks, 246-840-960 Rescinding delegation, and 246-840-970 Accountability, liability, and coercion. Amending the listed WACs to allow nurses to delegate insulin injections to nursing assistants and updating language to assure it is current, understandable, and not duplicative.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 146, Laws of 2008 (ESSHB [E2SHB] 2668); RCW 18.79.110, 18.79.260, 18.88A.210, 18.88A.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules need to be amended to implement chapter 146, Laws of 2008 (ESSHB [E2SHB] 2668). This recently passed law allows registered nurses to delegate to registered and certified nursing assistants the administration of insulin by injection in a community-based care setting or in-home care setting. This allows people with disabilities to continue to reside in their own home or other home-like settings. The rules need to be amended to be consistent with the new law and to make certain that procedures are in place to ensure patient safety. In addition, the commission will look at all the language to assure that it is current, understandable, and is not duplicative.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services, aging and disability services, administration, home and community services division. Department of health personnel are meeting with department of social and health services personnel to coordinate implementation of the rules with the ability of the department of social and health services to develop the training and to train the trainers.

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 can participate in the decision to adopt the new rule and formulation of the proposed rule through workshops and submitting comments on draft rules. All notices will be sent to members of the nursing care quality assurance commission listserv. Interested parties can sign up at <http://listserv.wa.gov/dgi-bin/wa?SUBED1=nursingquc&A=1>. Interested parties may also obtain this information by contacting Kendra Pitzler, Program Manager, P.O. Box

47864, Olympia, WA 98504-7860, phone (360) 236-4723, fax (360) 236-4738, or e-mail kendra.pitzler@doh.wa.gov.

July 1, 2008

Paula R. Meyer, MSN, RN
Executive Director
Nursing Care Quality
Assurance Commission

WSR 08-14-160**PREPROPOSAL STATEMENT OF INQUIRY****EMPLOYMENT SECURITY DEPARTMENT**

[Filed July 2, 2008, 8:28 a.m.]

Subject of Possible Rule Making: The department intends to adopt rules that specify the circumstances under which an individual may establish good cause for voluntarily leaving work under RCW 50.20.050 (2)(a).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.040, and 50.20.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 19, 2008, the state supreme court issued a decision in the case of *Spain v. ESD* holding that the eleven circumstances listed in RCW 50.20.050 (2)(b) that do not disqualify an individual from receiving unemployment benefits for voluntarily leaving work is not exclusive list. The court held that ESD has authority to determine whether individuals have good cause to leave work in other circumstances. The department's current rules were formulated with the understanding that the eleven factors constituted an exclusive list; therefore revisions to the rules are needed.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The department will hold public meetings to obtain and consider public and stakeholder input prior to filing the proposed rules. In addition, there will be a mailing to stakeholders identified in the rule-making process and written comments from stakeholders will be considered.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 902-9665, fax (360) 902-9799, e-mail jmyers@esd.wa.gov. Please include your name, organization (if any), mailing address, e-mail address, and telephone number.

July 1, 2008

Karen T. Lee
Commissioner

WSR 08-14-161
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
 (Elections Division)
 [Filed July 2, 2008, 8:55 a.m.]

Subject of Possible Rule Making: Voting systems, voter registration, voters' pamphlet, and other election-related issues.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules will update the process for certifying a voting system, update the requirements for maintaining the security of a voting system, update voter registration procedures, and update the submission process for candidate and committee statements that appear in the state voters' pamphlet. These rules are intended to take effect after the 2008 general election.

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 Katie Blinn, Assistant Director of the Elections Division, P.O. Box 40220, Olympia, WA 98504-0220, (360) 902-4168, kblinn@secstate.wa.gov.

July 2, 2008

Steve Excell

Assistant Secretary of State

WSR 08-14-163
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed July 2, 2008, 10:46 a.m.]

Subject of Possible Rule Making: Oiled wildlife care standards: Rehabilitation requirements for birds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.56.110 and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Successful oiled bird rehabilitation requires adequate quantities and qualities of water, space, air, and specialized supplies. These key components must be available in a timely manner and in quantities commensurate with the numbers of birds oiled. Rules reflecting our understanding of the best available practices for oiled bird care were adopted in 2004, but amendments to the existing rules are needed to reflect our current knowledge of oiled bird care and to account for technological improvements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of ecology (ecology) is responsible for the state's "oil and hazardous substance spill prevention and response program," per chapter 90.56 RCW. Ecology's contingency plan rules require contingency plan holders to meet the requirements of rules that may be adopted by the Washington department of fish and wildlife (WDFW). The United States Fish and Wildlife Service (USFWS) has

authority to issue federal permits for the rehabilitation of birds and special permits for taking and rehabilitating oiled birds. WDFW will include ecology and the USFWS as stakeholders in this rule-making process.

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: WDFW will solicit input by holding a public hearing, and by use of e-mail, voicemail, or other avenues of information dissemination. The department will be following the standard rule-making process as required by the Administrative Procedure Act and the Regulatory Fairness Act. WDFW is actively soliciting science-based information that will refute or support proposed bird rehabilitation care standards, and we will review all information received when developing these standards. For more information, contact Brian Edie, Oil Spill Section Manager, Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-8123, fax (360) 902-8126, ediebge@dfw.wa.gov. Expected proposal filing is August 20, 2008.

July 2, 2008

Loreva M. Preuss

Rules Coordinator

WSR 08-14-166
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed July 2, 2008, 11:27 a.m.]

Subject of Possible Rule Making: Possible amendments to WAC 390-20-110 Forms for lobbyist employers report, 390-20-120 Forms for report of legislative activity by public agencies, 390-05-290 Definition—Political advertising, 390-18-030 Advertising—Exemptions from identification, and 390-16-207 In-kind contributions—Explanation and reporting, and new rule to clarify reporting requirements for surplus fund accounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission (PDC) will update rules to provide guidance and clarification to filers.

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 draft language at the September 25, 2008, meeting. A formal rule-making hearing for permanent adoption will be scheduled for November/December 2008.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Assistant Director, Doug Ellis, PDC, P.O. Box 40908, Olympia, WA 98504-0908, (360)

664-2735, toll-free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

July 2, 2008
Vicki Rippie
Executive Director

WSR 08-14-167
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed July 2, 2008, 11:27 a.m.]

Subject of Possible Rule Making: Possible amendments to Title 390 WAC to incorporate legislative changes in 2SHB 3104 (chapter 6, Laws of 2008).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission (PDC) will update rules to clarify that state registered domestic partners are part of an individual's "immediate family."

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 draft language at the September 25, 2008, meeting. A formal rule-making hearing for permanent adoption will be scheduled for November/December 2008.

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

July 2, 2008
Vicki Rippie
Executive Director