

WSR 13-01-039**PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY**

[Filed December 12, 2012, 8:49 a.m.]

Subject of Possible Rule Making: WAC 516-26-040
Right to copy education records.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Amendments are needed to
WAC 516-26-040 Right to copy education records, to clarify
that the university may refuse to provide copies of education
records, including transcripts, in certain circumstances,
including when a student has outstanding financial obliga-
tions to the university, securing the integrity of exams, and
when disciplinary action is pending. Other housekeeping
items as necessary.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 by contacting David Brunnemer, Registrar, Western
Washington University, 516 High Street, MS-9008, Belling-
ham, WA 98225-9008, phone (360) 650-7732; or Marcia
Merth, Program Manager, Registrar's Office, Western Wash-
ington University, 516 High Street, MS-9008, Bellingham,
WA 98225-9008, phone (360) 650-3427, e-mail Marcia.
Merth@wwu.edu.

December 12, 2012
Suzanne M. Baker
Rules Coordinator

WSR 13-01-060**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING**

[Filed December 17, 2012, 1:44 p.m.]

Subject of Possible Rule Making: WAC 170-296A-
2950 regarding carbon monoxide detectors.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 43.215.060, 43.215.200, chapter 43.215
RCW.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The department of early
learning (DEL) is considering possible revisions based upon
review of related statutes and agency regulations.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: As appropriate, DEL plans to coordinate rule making
with or seek input on the draft rules from the following agen-
cies: Washington state building code council; Washington
state department of health; other agencies as appropriate.

Process for Developing New Rule: At a future date,
DEL will file proposed rules, schedule a public hearing or

hearings, and accept written comments before adopting final
rules.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication. Anyone interested in these rules may send com-
ments or join a mailing list to receive notices, draft and pro-
posed materials by contacting the DEL rules coordinator, e-
mail Rules@del.wa.gov, fax (360) 725-3482, or mail to P.O.
Box 40970, Olympia, WA 98504-0970.

December 17, 2012

Robert McLellan

Senior Assistant Director

(for the DEL rules coordinator)

WSR 13-01-064**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed December 17, 2012, 3:40 p.m.]

Subject of Possible Rule Making: Changes to the Wash-
ington department of fish and wildlife's (WDFW) Columbia
River commercial salmon, coastal commercial salmon, and
Puget Sound commercial salmon fishing rules, resulting from
North of Falcon recommendations.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 77.04.020, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Rules based on North of Fal-
con recommendations change from year to year to reflect
resource availability and to achieve conservation goals.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: NOAA Fisheries and the National Marine Fisheries
Service. These agencies, as well as WDFW, the Pacific Fish-
eries Management Council, and the Pacific Salmon Commis-
sion, all provide input and/or take part in the North of Falcon
meetings and recommendations.

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 by contacting John Long, WDFW Fish Program, 600
Capitol Way North, Olympia, WA 98501-1091, phone (360)
902-2733, fax (360) 902-2158, e-mail John.Long@dfw.wa.
gov. Contact by February 8, 2013. Expected proposal filing
on or after February 20, 2013.

December 17, 2012

Lori Preuss

Rules Coordinator

WSR 13-01-066
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed December 18, 2012, 8:30 a.m.]

Subject of Possible Rule Making: WAC 363-116-078 Training program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW, Pilotage Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modifications to this rule have been filed under emergency provisions. Rule making will proceed to consider permanent adoption.

The emergency provision reflects an alternative funding mechanism which is necessary to pay trainee stipends to Grays Harbor pilotage district (GHPD) pilot trainees. The sole source of training stipend revenue was through the GHPD tariff.

Other provisions in the rule will be reviewed, including but not limited to, stipend payment provisions, housekeeping modifications, etc.

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

Process for Developing New Rule: Discussions regarding proposed amendments to this rule will occur at regular session board meetings. Stakeholder comments are welcome. Upon review and consideration of recommended revisions, a public hearing will be scheduled pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Executive Director, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

December 18, 2012

Peggy Larson

Executive Director

allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of labor and industries and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, increase fees to affected providers.

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 works with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration and the Centers for Medicare and Medicaid Services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249, e-mail Thomas.Davis@Lni.wa.gov.

December 18, 2012

Judy Schurke

Director

WSR 13-01-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 18, 2012, 10:04 a.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum

WSR 13-01-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed December 18, 2012, 4:44 p.m.]

Subject of Possible Rule Making: Changes to Washington department of fish and wildlife's (WDFW) recreational sportfishing based on recommendations and input from the fish and wildlife commission, agency staff, the public, and North of Falcon meetings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.020, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules based on fish and

wildlife commission suggestions and input from agency staff and the public ensure that the agency adheres to its mission of preserving, protecting, and perpetuating fish, wildlife and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. Rules based on North of Falcon meetings change from year to year to reflect resource availability and to achieve conservation goals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: NOAA Fisheries and the National Marine Fisheries Service. These agencies, as well as WDFW, the Pacific Fisheries Management Council, and the Pacific Salmon Commission, all provide input and/or take part in the North of Falcon meetings and recommendations.

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 John Long, WDFW Fish Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2733, fax (360) 902-2158, e-mail John.Long@dfw.wa.gov. Contact by January 25, 2013. Expected proposal filing on or after February 1, 2013.

December 18, 2012

Joanna M. Eide

Administrative Regulations Analyst

WSR 13-01-088

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed December 19, 2012, 9:48 a.m.]

Subject of Possible Rule Making: Amending chapter 388-106 WAC, Long-term care services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending chapter 388-106 WAC, specifically New Freedom consumer directed services (NFCDS), in order to make program revisions. Other policy changes that arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 Angel Sullivan, P.O. Box 45600, Olym-

pia, WA 98504, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

December 18, 2012

Katherine I. Vasquez

Rules Coordinator

WSR 13-01-089

PREPROPOSAL STATEMENT OF INQUIRY

OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-32—Filed December 19, 2012, 9:53 a.m.]

Subject of Possible Rule Making: Surplus line broker licensing requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.15.015.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The federal Graham-Leach-Bliley Act requires states to reciprocate in regards to insurance producer licensing. Current Washington rules require that for both resident and nonresident surplus line brokers to become licensed, the broker must have a concurrent Washington insurance producer license. Other states do not have this requirement. In order for Washington to recognize non-resident surplus line brokers licensed in these other states and have reciprocity with these other states, the commissioner will consider rules to eliminate the requirement for nonresident surplus line brokers to have a Washington insurance producer license.

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

Process for Developing New Rule: Submit written comments by February 1, 2013, to Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

December 19, 2012

Mike Kreidler

Insurance Commissioner

WSR 13-01-092

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

[Filed December 19, 2012, 10:09 a.m.]

This serves as notice that the department is withdrawing the CR-101 for chapter 246-843 [246-980] WAC which was filed July 11, 2012, and published as WSR 12-15-024. The original intent of the preproposal was to amend rules for the

home care aide credential to reflect changes in ESHB 2314 (2012) and other recent changes in the law.

The department would like to withdraw this CR-101 and file a new CR-101 for chapter 246-843 [246-980] WAC to include consideration of changing the time frame the long-term care worker has to turn in an application for a home care aide credential, and the documentation required for applicants to take the home care aide examination.

Individuals requiring information on this rule should contact Kendra Pitzler, program manager for the home care aide program, at (360) 236-4723.

Mary C. Selecky
Secretary

WSR 13-01-093

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 19, 2012, 11:13 a.m.]

Subject of Possible Rule Making: Chapter 246-803 WAC, East Asian medicine practitioner, amending the chapter to define and clarify the practice of point injection therapy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.06.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering defining and clarifying the practice of point injection therapy, which may include the substances that can be injected. Amending the rules is expected to reduce confusion about the practice and address public health concerns.

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 can participate in the rule-making process by attending rule workshops and providing comments in writing. To be notified of rule-making activities join the listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=ACUPUNCTURE&A=1>. Send written comments to Vicki Brown, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4865, fax (360) 236-2901, or e-mail vicki.brown@doh.wa.gov.

December 19, 2012
Mary C. Selecky
Secretary

WSR 13-01-094

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed December 19, 2012, 11:15 a.m.]

Subject of Possible Rule Making: Chapter 246-980 WAC, Home care aides, amending rules to reflect changes in the law and revise the application deadline and requirement to send training certificate to the examination vendor. Adding new sections for scope of practice, nurse delegation, and exemptions and requirements for certification for home care aides. Amending WAC 246-10-501, to allow use of brief adjudicative proceeding for home care aide applicants and credential holders who are disqualified by chapter 74.39A RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2314 (chapter 164, Laws of 2012) chapters 18.88B, 18.130 RCW, RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2314 (2012) changed laws for home care aides. The home care aide rules need to be amended to reflect recent changes in law, including establishing scope of practice, nurse delegation, exemptions from certification, requirements for certification and updating references to laws and dates. Changes are also needed to make clarifications or add requirements in order to ensure consistency with the law and DSHS rules. Changes may be needed to WAC 246-10-501 to allow use of the brief adjudicative proceeding process for applicants disqualified under chapter 74.39A RCW. The application time frames may also need to be changed to allow home care aides more time to submit an application to the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services (DSHS) regulates the training of long-term care workers. The department of health will work closely with DSHS home and community services (HCS) to coordinate efforts to assure rules adopted by both departments are consistent. The department of health will consult HCS about possible changes and share draft efforts.

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 may receive notices of rule development workshops and other rule-making activities by contacting Kendra Pitzler, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4723, fax (360) 236-2901, e-mail kendra.pitzler@doh.wa.gov. All notices will be sent to the home care aide listserv. Interested parties can join the listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=HOMECAREAIDES&A=1>.

December 19, 2012
Mary C. Selecky
Secretary

WSR 13-01-096
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 19, 2012, 11:57 a.m.]

lication by contacting T. J. Kelly, P.O. Box 47200, Olympia,
WA 98504, (360) 725-6301, thomas.kelly@k12.wa.us.

December 19, 2012
Randy Dorn
Superintendent of
Public Instruction

Subject of Possible Rule Making: WAC 392-410-117
Temporary exemption from credit requirements.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 28A.655.180.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: We will be repealing the rule
as the state board of education has changed the definition for
a high school credit removing the need for the exemption.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: Washington state board of education - revised the defi-
nition of a high school credit, removing the need for the
exemption.

Process for Developing New Rule: This is a response to
actions of the state board of education.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Dan Newell, Assistant Superintendent,
Secondary Education/Student Support, Office of Superinten-
dent of Public Instruction, P.O. Box 47200, Olympia, WA
98504-7200, phone (360) 725-6176, fax (360) 664-3575,
Dan.newell@k12.wa.us.

December 19, 2012
Randy Dorn
Superintendent of
Public Instruction

WSR 13-01-097
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 19, 2012, 11:59 a.m.]

Subject of Possible Rule Making: Chapter 392-117
WAC, Timely data reporting.

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: To include CEADRS
[CEDARS] data submissions into current timely reporting
WAC language. This will ensure that all districts are submit-
ting CEDARS data on a regular basis.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Early solicitation of
public comments and recommendations respecting new,
amended, or repealed rules, and consideration of the com-
ments 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 pub-