

WSR 13-19-001

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

(Aging and Long-Term Support Administration)

[Filed September 4, 2013, 12:32 p.m.]

Subject of Possible Rule Making: The department is proposing to add a section to chapter 388-71 WAC, Home and community services and programs. The new section will identify exceptions to the electronic timekeeping requirement for home care agencies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.325 and 3ESSB 5034 Operating budget - §205 (1)(h) and 206(8). The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intent of RCW 74.39A.-325 is to require home care agencies licensed under chapter 70.127 RCW and providing medicaid funded in-home personal care or respite services to verify agency employee hours by electronic timekeeping. The way this rule is written there is no allowance for individual consumer circumstances or a limited amount of human error. This proposed rule will allow the department to clarify how the statute is to be applied regarding exemptions to electronic timekeeping when a landline phone is not available. Other related 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.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Within DSHS, developmental disabilities administration home care services also fall under the same statute. Rule making will be closely coordinated with them.

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, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

September 4, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-19-018

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed September 9, 2013, 10:09 a.m.]

The department of health, nursing care quality assurance commission, would like to withdraw the following preproposal statement of inquiry (CR-101):

WAC Number	WSR Number	WSR Date	Subject
246-840-045	12-17-079	8/14/2012	Initial licensure for registered nurses and practical nurse[s] who graduate from an international school of nursing.
246-840-130	12-17-079	8/14/2012	Criteria for approved refresher course.

The nursing commission is withdrawing the CR-101 for WAC 246-840-045 and 246-840-130 which was filed on August 14, 2012, and published in WSR 12-17-079. The nursing commission would like to withdraw this CR-101, but plans to file another CR-101 that will include these rules with other proposed rule changes.

Individuals requiring further information should contact Mindy Schaffner, nursing education advisor for the nursing commission at (360) 236-4745.

Paula R. Meyer
Executive Director

WSR 13-19-048

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY**

[Order 13-07—Filed September 13, 2013, 2:01 p.m.]

Subject of Possible Rule Making: Dangerous waste regulations, chapter 173-303 WAC, will be amended to incorporate several federal hazardous waste regulations, including a new rule simplifying waste management at university and college laboratories, changes to import/export rules, an exclusion for refinery wastes recycled in a gasification process, incorporating corrections to United States Environmental Protection Agency (EPA) hazardous waste regulations, and a few other new, minor federal rules.

Some state-only requirements will be updated, including a number of technical and editorial corrections and clarifications. Other changes include:

- Clarifying rules for special waste, including a time limit for special wastes stored at transfer stations.
- Clearly defining which facilities are allowed to receive dangerous waste from off-site sources.
- An exclusion for water contaminated fuels generated at petroleum fuel storage tank terminals.
- Changes to financial assurance rules, including new rules for financial assurance at corrective action sites.
- Adopting a federal rule that allows use of enforceable documents in place of a post closure permit.
- Clarifying rules regarding professional engineers performing permitted facility certifications.
- Clarifications to *Chemical Test Methods* (publication #97-407).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.105 RCW, Hazardous Waste Management Act and chapter 70.105D RCW, Model Toxics Control Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to implement the federal hazardous waste program in Washington state. As EPA periodically updates their regulations, the state is required to amend the dangerous waste regulations to keep the rules current with the federal program and maintain authorization. By maintaining the authorization, the regulated community only has to follow state regulations, and not the federal hazardous waste rules. Some EPA rules are optional but benefit the regulated community. They correct, clarify, or streamline the requirements, making them easier to comply with. State-initiated rules are proposed (1) in response to business requests, (2) to streamline rule impact, and (3) in response to legal advice, and to clarify and correct minor errors.

Some anticipated affects of this rule making could be:

1. The Academic Laboratories Alternative Generator Standards rule allows simplified waste management at labs within academic institutions.
2. Exclusion for oil-bearing materials recycled at refineries adds gasification as another recycling process.
3. Changes to import/export rules aligns the hazardous waste regulations with Organization of Economic Cooperation and Development (OECD) import/export requirements; provides new notification and consent requirements for exporters of spent lead acid batteries; and new reporting requirements for importers and permitted facilities receiving foreign waste shipments.
4. Corrections to EPA hazardous waste regulations benefits generators by correcting errors and clarifying rules with the state regulations.
5. Exclusion for water contaminated fuels generated at petroleum fuel storage tank terminals will allow reclamation of the gasoline without the reporting and costs associated with dangerous waste disposal.
6. Changes to financial assurance rules will clarify how financial assurance cost estimates are made; increase dollar amounts for minimum liability coverage in order to keep pace with inflation.
7. New rules for corrective action financial assurance will codify existing guidance and practice, and give facilities

a consistent, clear, and predictable playing field and reduce staff time spent on negotiations.

8. Alternative enforceable documents in lieu of a hazardous waste post closure permit will allow facilities to use enforceable documents in place of a post closure permit.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The EPA implements hazardous waste regulations in Washington until ecology adopts those regulations and begins implementing them. A formal EPA authorization process follows ecology's rule adoption. EPA will be made aware of which federal regulations ecology intends to adopt during this rule process. Ecology will provide drafts and the formal proposal to EPA for their review and will communicate and coordinate with EPA throughout the process.

Process for Developing New Rule: A major part of this rule making is to update the state regulations with newer federal rules. These rules went through the EPA rule-making process and are already in effect. The state process consists primarily of making draft and proposed rule language available to interested stakeholders for review and comment. Input will be sought during the draft rule phase, especially in cases where the state rules differ in some respect from the federal rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. For more information about the rule-making content and process contact Robert Rieck, phone (360) 407-6751, fax (360) 407-6715, e-mail Robert.Rieck@ecy.wa.gov, or write Attn: HWTR, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. To receive draft and proposed rules, hearing announcements, and opportunities of public involvement you may sign up for the dangerous waste regulations listserv at <http://listserv.wa.gov/archives/dw-rules.html>.

September 11, 2013
K. Seiler, Program Manager
Hazardous Waste and
Toxics Reduction

WSR 13-19-052

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 16, 2013, 9:29 a.m.]

Subject of Possible Rule Making: Chapter 308-94A WAC, Off-road and nonhighway vehicles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1632 passed during the 2013 session establishing wheeled all-terrain vehicles (WATV) (4-wheeled ATVs and off-road utility vehicles (ORV)). Changes are needed to differentiate the rules for WATVs and all other ORVs.

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

Process for Developing New Rule: The department of licensing (DOL) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DOL 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 request[s] a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cathie Jelvik, Administrative Assistant, Vehicle and Vessel Licensing, P.O. Box 9909, Olympia, WA 98507, e-mail (preferred) cjelvik@dol.wa.gov, phone (360) 902-3812.

September 16, 2013
Damon Monroe
Rules Coordinator

WSR 13-19-053
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed September 16, 2013, 9:46 a.m.]

Subject of Possible Rule Making: New chapter 139-33 WAC is being proposed to provide guidelines for individuals and companies seeking application to carry a firearm as a bail bond recovery agent, or seeking renewal of an existing firearms certification pursuant to chapter 18.185 RCW. The bail bond recovery agent firearms certification is an element of a bail bond recovery agent armed license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

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

- This chapter specifically addresses the firearms certification process as it pertains to bail bond recovery agents that was not currently addressed in WACs that the Washington state criminal justice training commission (WSCJTC) currently administers.
- This chapter addresses required definitions as defined in chapter 18.185 RCW.
- This chapter addresses the licensing requirement for bail bond recovery agents in RCW 18.185.250.
- This chapter addresses the application, requirements, expiration, and renewal of bail bond recovery agent firearms certifications.
- This chapter provides guidelines for those individuals with peace officer certification that has been revoked or suspended pursuant to RCW 18.185.250(6) and chapter 43.101 RCW.
- This chapter provides guidelines for those individuals with reinstated peace officer certification pursuant to RCW 18.185.250(6) and 43.101.115.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The WSCJTC regulates this process.

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 Sonja Hirsch, Rules Coordinator, WSCJTC, 19010 1st Avenue South, Burien, WA 98148, e-mail shirsch@cjtc.state.wa.us, phone (206) 835-7372. Commissioners will be advised of the proposed rule changes via e-mail. Proposed changes will also be listed on the agency web site.

September 16, 2013
Sonja Hirsch
Executive Assistant
and Rules Coordinator

WSR 13-19-059
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 16, 2013, 3:52 p.m.]

Subject of Possible Rule Making: WAC 260-70-630 Threshold levels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is considering amending substances approved for the use in race horses and the threshold levels acceptable to comply with Association of Racing Commissioners International (ARCI) and Racing Medication and Testing Consortium (RMTC) recommendations.

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 Douglas L. Moore, Deputy Executive Secretary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

September 16, 2012 [2013]
Douglas L. Moore
Executive Secretary

WSR 13-19-060
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed September 16, 2013, 4:12 p.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 13-15-037, filed on July 11, 2013.

Douglas L. Moore
Executive Secretary

WSR 13-19-067

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

(Economic Services Administration)

[Filed September 17, 2013, 9:34 a.m.]

Subject of Possible Rule Making: The department is proposing to remove language related to the Alcohol and Drug Addiction Treatment and Support Act (ADATSA) in WAC 388-406-0035 How long does the department have to process my application?, 388-418-0005 How will I know what changes to report?, 388-424-0010 Citizenship and alien status—Eligibility for TANF, medicaid and CHIP, 388-472-0005 What are my rights and responsibilities?, 388-424-0015 Immigrant eligibility restrictions for the state family assistance, ABD cash, PWA, and ADATSA programs, and any other related WACs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 74.04.050, 74.08.090, 74.09.035, 74.09.530; Patient Protection and Affordable Care Act established under Public Law 111-148; 42 C.F.R. §431, 435, and 457, and at 45 C.F.R. §155 and the 2013 biennial budget.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature did not appropriate any funds for ADATSA in the new biennium budget. ADATSA-related medical care services recipients will be medicaid eligible under the Affordable Care Act starting January 1, 2014. References to ADATSA need to be removed from the WACs listed above.

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 Amy Johnson, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4884, fax (360) 725-4904, e-mail Amy.Johnson@dshs.wa.gov.

September 16, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-19-068

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

(Aging and Long-Term Support Administration)

[Filed September 17, 2013, 9:36 a.m.]

Subject of Possible Rule Making: Amending chapter 388-71 WAC, Home and community services and programs.

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 388-71 WAC, specifically adult day services, in order to differentiate adult day care from adult day health by separating the rules and to update the rule to meet the provider practice changes. Other related 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, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

September 16, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-19-069

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

(Economic Services Administration)

[Filed September 17, 2013, 9:46 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-410-0020 What happens if I receive more Basic Food or WASHCAP benefits than I am supposed to receive? and any other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.120, 74.08A.903, 74.04.500, 74.04.515 and 7 C.F.R. 273.18(e).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The community services division is proposing to amend rules under WAC 388-410-0020 to make changes that are consistent with federal requirements and regulations concerning establishment and collection of Basic Food benefit errors. The department must

establish overpayments for the supplemental nutrition assistance program (SNAP) even if the department does not meet federal timeliness standards for establishing claims.

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 SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop rules that are consistent with the act, federal regulations, FNS administrative notices, and interim guidance.

The state legislature authorizes the department to administer the SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.-120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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 Bob Thibodeau, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4634, fax (360) 725-4905, e-mail thiborl@dshs.wa.gov.

September 16, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-19-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 17, 2013, 9:48 a.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC, implementing the Patient Protection and Affordable Care Act (ACA, PL 111-148), 42 U.S.C. 18001ff.

Along with the adoption of these rules, the division of child support (DCS) will be amending its state plan under Title IV-D of the federal Social Security Act (42 U.S.C. 654).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.120, 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310, and 2E2SHB 1738, chapter 15, Laws of 2011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS is adopting these rules to change DCS policy and procedure to bring our practices into accord with changes made by the community services division and the health care authority as they implement the ACA in the state of Washington.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, DCS, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail nkoptur@dshs.wa.gov or nancy.koptur@dshs.wa.gov, phone (360) 664-5065, toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD 360-664-5011.

September 16, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-19-073
PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION
[Filed September 17, 2013, 10:35 a.m.]

Subject of Possible Rule Making: Punch board/pull-tab prizes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0273, 9.46.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule change would allow punch board and pull-tab prizes of \$20 or less to be awarded on a gift card or gift certificate.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Visit www.wsgc.wa.gov about ten days before each meeting to confirm meeting location, date and start time. [Meetings on] October 8 or 9, 2013, at the Spokane Davenport Hotel, 10 South Post Street, Spokane, WA 99201;

and on November 14 or 15, 2013, at the Comfort Inn Conference Center, 1620 74th Avenue S.W., Tumwater, WA 98501.

September 17, 2013
Susan Newer
Rules Coordinator

September 17, 2013
Randy Dorn
Superintendent of
Public Instruction

WSR 13-19-074

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 17, 2013, 10:37 a.m.]

Subject of Possible Rule Making: Challenged schools in need of improvement criteria and process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5329, <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5329>.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As established in section 3 of E2SSB 5329, beginning in 2010 and each year thereafter, the office of superintendent of public instruction (OSPI) shall annually identify challenged schools in need of improvement and a subset of such schools that are the persistently lowest-achieving schools in the state, with this criteria being identified in rule.

The rule making for challenged schools in need of improvement criteria and process will create a unified federal and state accountability system for the lowest achieving schools in Washington. It will apply equally to Title I, Title I eligible and nonTitle I schools in the state.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state board of education (SBE) is required under E2SSB 5329 to collaborate with OSPI on rule development, as well as the accountability framework. The SBE and OSPI have convened a E2SSB 5329 implementation team and has been meeting semi-monthly since the law went into effect (July 28, 2013).

Additionally, OSPI and the SBE have engaged in several phone conferences with the United States Department of Education regarding the revised Washington achievement index, which if approved by the United States Department of Education, will be used to identify the challenged schools in need of improvement list.

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. Prior to the public hearing on the proposed rules, a web site with a feedback form will be developed and disseminated through the attached list of stakeholder groups membership lists. [No further information supplied by agency.] Feedback results will be compiled [compiled], with suggestions for changes to the proposed rules addressed in a stakeholder feedback document and concise explanatory statement after the public hearing.

WSR 13-19-075

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed September 17, 2013, 10:50 a.m.]

Subject of Possible Rule Making: WAC 458-20-178 (Rule 178) Use tax.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule 178 explains who is responsible for remitting use tax, and when and how to remit it. It also explains the imposition of use tax as it applies to the use of tangible personal property within Washington when the property was not subject to retail sales tax at the time of acquisition.

The department is considering an amendment to Rule 178 to:

- Update and clarify information to conform with existing law;
- Reformat the rule to provide the information in a more useful manner.

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

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A preliminary draft of possible rule changes is available via the department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to Gayle Carlson, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail GayleC@dor.wa.gov.

Written and oral comments will be accepted at the public meeting.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on October 23, 2013, at 10:30 a.m. *Call in option can be provided upon request.*

Assistance For Persons With Disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-7514 no later than ten days before the meeting date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

September 17, 2013
Alan R. Lynn
Assistant Director

WSR 13-19-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed September 17, 2013, 2:44 p.m.]

Subject of Possible Rule Making: WAC 246-10-701
 Administrative review of initial orders, the department is considering making the emergency rule of WAC 246-10-701 a permanent rule to specify that if no request for an administrative review of an initial order is received within twenty-one days, the initial order becomes final.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.050, 18.130.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 109, Laws of 2013, allows an additional administrative review of an initial order in an adjudicative proceeding. Reviewing an order absent a specific request for review by either party or the secretary would cause undue delay in the effectiveness of an order that a health law judge has issued to preserve the public health and safety.

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. To receive information on rule-making activities interested parties and stakeholders are encouraged to join the department's listserv <http://listserv.wa.gov/> (WA-DOH RULES246). Please address questions and/or comments to Tami Thompson, Regulatory Affairs Manager, Office of the Secretary Policy, Legislative, and Constituent Relations Office, P.O. Box 47890, Olympia, WA 98504, phone (360) 236-4044, fax (360) 586-7424, e-mail tami.thompson@doh.wa.gov.

September 17, 2013
 John Wiesman, DrPH, MPH
 Secretary

WSR 13-19-083
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)

[Filed September 17, 2013, 3:16 p.m.]

Subject of Possible Rule Making: Chapter 246-853 WAC, Osteopathic medicine and surgery. Amendment or repeal of rules relating to: (1) The examination for licensure as an osteopathic physician; (2) delegation of the use of laser, light, radiofrequency, and plasma devices as applied to the skin; and (3) housekeeping purposes. Adoption of rules establishing a retired active status credential and imposing reentry requirements for licensed osteopathic physicians who have been out of practice for a certain period of time.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board of osteopathic

medicine and surgery (board) is considering updating its rules to meet the current standard of practice and make them more equivalent to allopathic physicians. The board also is considering updating the list of examinations available; reducing barriers for delegation of laser, light, radio frequency and plasma devices; establishing requirements for a retired active status credential and requirements for reentry to practice; and general housekeeping 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: 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 participate in the rule process through meetings and by submitting written comments, and are encouraged to join the board of osteopathic medicine and surgery listserv at <http://listserv.wa.gov/>. Please address questions and/or comments to Brett Cain, Program Manager, Board of Osteopathic Medicine and Surgery, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail brett.cain@doh.wa.gov.

September 17, 2013
 Blake T. Maresh
 Executive Director

WSR 13-19-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Dental Quality Assurance Commission)

[Filed September 17, 2013, 3:18 p.m.]

Subject of Possible Rule Making: WAC 246-817-550
 Acts that may be performed by licensed dental hygienists under general supervision, adding applying topical anesthetics to the list of acts that a licensed dental hygienist may perform under the general supervision of a dentist or without supervision in identified practice settings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: HB 1330 (chapter 87, Laws of 2013) and RCW 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2013 legislature enacted HB 1330, which amends RCW 18.29.050 and authorizes dental hygienists to apply topical anesthetics under the general supervision of a dentist. WAC 246-817-550 lists the acts a dentist may allow a dental hygienist to perform under the dentist's general supervision. Amending WAC 246-817-550 to include the application of topical anesthetics will provide a single reference source for both dentists and dental hygienists about these authorized acts.

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 Department of Health, Dental Quality Assurance Commission, Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, (360) 236-4893, jennifer.santiago@doh.wa.gov. Interested stakeholders may sign up for the commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will be e-mailed to the commission's interested parties list (listserv) and appropriate state associations. Rule drafting will take place in open public meetings where comments will be accepted verbally and in writing.

September 17, 2013
Blake T. Maresh
Executive Director

WSR 13-19-092
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2013-22—Filed September 18, 2013, 8:33 a.m.]

Subject of Possible Rule Making: Health coverage issuer provider network formation, adequacy, and filing and approval standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.43.505, 48.43.510, 48.43.515, 48.43.525, 48.43.530, 48.43.535, 48.44.020, 48.44.050, 48.44.080, 48.46.030, 48.46.200, 45 C.F.R. 156.230, 45 C.F.R. 156.235, 45 C.F.R. 156.245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current network adequacy and related provider contracting regulations were adopted prior to the passage of the Affordable Care Act. Based on the significant changes in health care delivery and access to care that will occur after January 1, 2014, due to health care reform, the commissioner determines that updating these regulations is reasonable and necessary. Both qualified health plans, and health plans offered off the exchange, must have adequate networks that at a minimum do the following: (a) Support delivery of and access to services covered by the plans without unreasonable delay, (b) address the specific needs of the populations served, (c) reflect the service area's needs based on the service area's utilization data and referral patterns, and (d) can accommodate new or increased enrollment in the service area of previously uninsured individuals. Clarification of state network adequacy criteria in these areas is needed to support issuer filings. In addition, under the Affordable Care Act's new requirements, the cultural and language needs, or hearing, visual, physical and other limitations must be taken into account in network formation; this is not addressed sufficiently in current regulations. Issuer[s] will benefit from written guidance regarding the commissioner's review standards for inclusion in provider networks of the new category of essential community providers for qualified

health plans, and the network adequacy standards that are unique to or overlap with these provider types.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Health and Human Services (HHS) issues regulations implementing the Affordable Care Act. These proposed regulations will be consistent with any federal regulations issued on this topic. In addition, the commissioner's staff will confer with federal counterparts during the rule-making process.

The state health benefit exchange, while not a state agency, certifies qualified health plans to HHS for offering on the exchange. Network adequacy is a certification standard, and the commissioner will include the exchange in the rule-development process.

Process for Developing New Rule: Submit written comments by October 20, 2013, to 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 Meg L. Jones, P.O. Box 40258, Olympia, WA 98504, rulescoordinator@oic.wa.gov, phone (360) 725-7170, fax (360) 586-3109. Stakeholder meetings to discuss the proposed rules will be held beginning in October 2013. Please notify Ms. Jones if you would like to receive notice of these meetings.

September 18, 2013
Mike Kreidler
Insurance Commissioner

WSR 13-19-096
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed September 18, 2013, 9:00 a.m.]

Subject of Possible Rule Making: WAC 182-550-5380 Sole community hospital disproportionate share hospital (SCHDSH) (new), 182-550-4900 Disproportionate share hospital (DSH) payments—General provisions (amend), and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with 3ESSB 5034, chapter 4, Laws of 2013, operating budget, section 213(9) line 17, page 80, the health care authority (HCA) will establish a new disproportionate share hospital payment program for sole community hospitals.

During the course of this review, HCA may identify additional changes that are required in order to improve clarity or update policy.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

September 18, 2013
Kevin M. Sullivan
Rules Coordinator