

WSR 13-23-002
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 6, 2013, 1:23 p.m.]

November 6, 2013
 Randy Dorn
 State Superintendent
 of Public Instruction

Subject of Possible Rule Making: WAC 392-121-280 Placement on LEAP salary allocation documents—Documentation required. Finance—General apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.415.024.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions expand the documentation allowed to demonstrate equivalency for college degrees and credits completed in a country other than the United States, to include documentation allowed by WAC 181-79A-260. These rule revisions also clarify that degrees and credits completed in a country other than the United States do not require documentation of equivalency if that institution of higher education is already accredited (either regionally accredited or accredited by the distance education and training council).

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

November 6, 2013
 Randy Dorn
 State Superintendent
 of Public Instruction

WSR 13-23-003
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed November 6, 2013, 1:25 p.m.]

Subject of Possible Rule Making: WAC 392-121-257 Definition—In-service credits. Finance—General apportionment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.415.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions clarify that credits and clock hours that satisfy the continuing education requirements for educational staff associates' state professional health license are not subject to the requirement of a minimum of three continuing education credit hours.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308.

WSR 13-23-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed November 7, 2013, 7:18 a.m.]

Subject of Possible Rule Making: Engineering and traffic investigation of request for transit vehicle stop zone. This proposal would be a revision to the current WAC 468-46-010, 468-46-020 and to rescind 468-46-060 to remove rules that require the development of improvements that eliminate temporary stops by transit vehicle[s] in the roadway for the purpose of receiving or discharging passengers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-46-010, 468-46-020, 468-46-060[,] filed 12/20/78. Formerly WAC 252-34-01001, 252-34-02001, and 252-34-060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state department of transportation (WSDOT) seeks more flexibility in the determination of need for a bus pullout in response to a request for a bus stop and provide consistent language in rules that determine when and where a transit vehicle may stop temporarily in a roadway for the purpose of receiving or discharging passengers.

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

Process for Developing New Rule: The revision is proposed in response to WSDOT executive and management direction to improve flexibility in the development and design of bus stop locations on state highways.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Geri Beardsley, Washington State Transit Association, (360) 786-9734 ext. 325, geri@wa.transit.com. Geri coordinate[s] a monthly conference call with transit agencies statewide.

November 7, 2013
 Kathryn W. Taylor
 Assistance Secretary

WSR 13-23-012
PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE

[Filed November 8, 2013, 1:49 p.m.]

Subject of Possible Rule Making: Nonretaliation policy.
 Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B50 [28B.50] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This will be a new umbrella policy providing a single location for the public to reference the college's policy on nonretaliation regarding multiple reporting issues.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This policy will meet federal and state laws as follows: Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, the Age Discrimination and Employment Act, Section 504 of the Rehabilitation Act of 1974, the Americans with Disabilities Act of 1990, the Violence Against Women Act, and the state law against discrimination, chapter 49.60 RCW.

Process for Developing New Rule: Review by president's cabinet, college council and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College Rules Coordinator, (360) 475-7502 or toliver@olympic.edu, to provide comments on this rule.

November 8, 2013
Thomas Oliver
Rules Coordinator

WSR 13-23-013

PREPROPOSAL STATEMENT OF INQUIRY OLYMPIC COLLEGE

[Filed November 8, 2013, 1:49 p.m.]

Subject of Possible Rule Making: Sexual assault policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B50 [28B.50] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This will be a new policy for the college to highlight the critical and specific issues and procedures regarding this sensitive issue.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This policy will meet federal and state laws as follows: Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, the Age Discrimination and Employment Act, Section 504 of the Rehabilitation Act of 1974, the Americans with Disabilities Act of 1990, the Violence Against Women Act, and the state law against discrimination, chapter 49.60 RCW.

Process for Developing New Rule: Review by president's cabinet, college council and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College Rules Coordinator, (360) 475-7502 or toliver@olympic.edu, to provide comments on this rule.

November 8, 2013
Thomas Oliver
Rules Coordinator

WSR 13-23-017

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed November 12, 2013, 3:52 p.m.]

Subject of Possible Rule Making: Chapter 308-15 WAC, Geologist licensing services.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.220.040, 18.220.050, and 43.24.086.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rule change continues suspended fee amounts, at rates that were effective through July 1, 2014. This program is required to be self-supporting and operates out of a dedicated fund. Revenue currently being generated to cover the cost of the program is sufficient with the fee suspension in place. This trend is expected to continue over the next couple of years. The suspended fees would have a positive impact on new applicants and existing licensees.

The proposed rule change also simplifies and clarifies existing rules in ways that do not change the scope of practice. They will remove unnecessary definitions already defined in statute, simplify the language, and allow for flexibility on scheduling board meetings. These proposed rule amendments are supported by industry.

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

Process for Developing New Rule: Direct notice will be made to stakeholders and all active licensees under chapter 18.220 RCW. Details will be posted on our web site and distributed through the geologist board listserv.

To receive information by e-mail, please sign up on the geologist board listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=GEOLOGIST-LICENSING-BOARD>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending comments by mail, phone, fax or e-mail to Autumn Dryden, Washington State Geologist Licensing Board, Department of Licensing, P.O. Box 9045, Olympia, WA 98507-9045, phone (360) 664-1497, fax (360) 570-7098, e-mail geologist@dol.wa.gov. Additional information will be posted on the geologist board web site as it becomes available at <http://www.dol.wa.gov/business/geologist/>.

November 12, 2013
Damon Monroe
Rules Coordinator

WSR 13-23-047

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed November 15, 2013, 9:43 a.m.]

Subject of Possible Rule Making: Enhanced reimbursement for independent advanced registered nurse practitioners (ARNPs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021; 3ESSB 5034, section 213(26), chapter 4, Laws of 2013 2nd sp. sess., 63rd legislature.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To comply with the legislature's directive to increase reimbursement rates to medicare's levels for independent ARNPs who provide qualified evaluation and management services and vaccine administration services to eligible clients for dates of service July 1, 2013, through December 31, 2014.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services.

Process for Developing New Rule: The health care authority (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 Wendy Barcus, Rules Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.barcus@hca.wa.gov.

November 15, 2013
Kevin M. Sullivan
Rules Coordinator

WSR 13-23-077

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed November 19, 2013, 11:04 a.m.]

Subject of Possible Rule Making: Penalties owed by the self-insured employer resulting from delay or failure to authorize and pay benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.48.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adopting rules regarding penalties, to define what information is required to constitute a request for penalty and what response is required from the self-insured employer.

Process for Developing New Rule: A new rule will be adopted in response to recent board of industrial insurance appeals and superior court decisions, chapter 296-15 WAC.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Natalee Fillinger, Self Insurance Program Manager, P.O. Box 44890, Olympia, WA 98504-48901 [98504-4890], phone (360) 902-6907, fax (360) 902-6977.

November 19, 2013
Joel Sacks
Director

WSR 13-23-085

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed November 19, 2013, 2:29 p.m.]

Subject of Possible Rule Making: Chapter 308-14 WAC, Court Reporting Practice Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.145 RCW, RCW 43.24.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will be reviewing the WAC for effectiveness, clarity, intent, and statutory authority.

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

Process for Developing New Rule: Details will be distributed through the court reporter listserv and through direct mailings to licensees and interested parties.

To receive information by e-mail, please sign up on the court reporter listserv at <http://www.dol.wa.gov/business/courtreporters/crmailinglist.html>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cameron Dalmas, Business and Professions Division, Court Reporters Program, Department of Licensing, P.O. Box 9026, Olympia, WA 98507, phone (360) 664-6643, e-mail plssunit@dol.wa.gov, fax (360) 664-2550. Interested parties may send in their comments by mail, phone, facsimile, or e-mail. Additional information will be posted on court reporters web site as it becomes available at <http://www.dol.wa.gov/business/courtreporters/>.

November 19, 2013
Damon Monroe
Rules Coordinator

WSR 13-23-091

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed November 20, 2013, 8:49 a.m.]

Subject of Possible Rule Making: Administrative factors used for purchasing service credit past the deadline date and for members in the teachers retirement system Plans 2 and 3 to purchase service credit for out-of-state teaching.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Factors are being updated and the formula for calculating the cost for the purchased service credit will change. The changes incorporate recommendations by the office of the state actuary and reflect current demographic and economic assumptions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The law enforcement officers' and fire fighters' (LEOFF) retirement system Plan 2 board adopts the factors for LEOFF Plan 2 members. The LEOFF [Plan] 2 board will

adopt the factors at a future board meeting, but will consider public comment received through this rule-making activity.

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 Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

November 14, 2013
Jilene Siegel
Rules and Contracts Manager

WSR 13-23-092
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed November 20, 2013, 8:49 a.m.]

Subject of Possible Rule Making: Distribution of defined benefits after the death of a Plan 3 member in the public employees' retirement system (PERS), school employees' retirement system (SERS) or teachers' retirement system (TRS) who has not yet retired, and removing the witness signature requirement on the beneficiary designation form.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule-making activity will clarify when a member's eligible surviving spouse and minor children will be entitled to receive the defined benefit portion of Plan 3. Additionally, this rule-making activity will update the rules to reflect current agency policy no longer requiring a witness signature on the beneficiary designation form.

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 Jilene Siegel, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Rules@drs.wa.gov, phone (360) 664-7291.

November 14, 2013
Jilene Siegel
Rules and Contracts Manager

WSR 13-23-103
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)

[Filed November 20, 2013, 10:16 a.m.]

Subject of Possible Rule Making: Amending chapter 388-106 WAC, Long-term care services, and chapter 388-440 WAC, Exception to rule.

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 WAC 388-440-0001 to include an individual's serious risk of institutionalization as a consideration in determining whether DSHS staff are authorized to request an exception to rule, and is amending WAC 388-106-1305 to place into rule the exception to rule process for in-home personal care described in DSHS Home and Community Services Management Bulletin H13-001. 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.

November 20, 2013
Katherine I. Vasquez
Rules Coordinator

WSR 13-23-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 20, 2013, 10:37 a.m.]

Subject of Possible Rule Making: WAC 220-52-042 Commercial crab fishery—Buoy tag, pot tag, and buoy requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 220-52-042 are needed to ensure that only current, department-issued buoy tags are used in the commercial crab fishery.

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 Joanna Eide, Administrative Regulations Analyst, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2403, fax (360) 902-2155, e-mail Joanna.Eide@dfw.wa.gov. Contact by January 15, 2014. Expected proposal filing on or after January 22, 2014.

November 20, 2013
Joanna M. Eide
Administrative Regulations Analyst
Acting Rules Coordinator

WSR 13-23-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 20, 2013, 10:39 a.m.]

Subject of Possible Rule Making: WAC 220-56-390 Squid, octopus; locations coordinate changes and other technical changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The fish and wildlife commission directed the department of fish and wildlife to update WAC 220-56-390 Squid, octopus, to accurately reflect the location coordinates of the seven protected areas for octopus. The department will consider making other technical changes to the rule where appropriate as part of this proposed rule-making project.

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 Joanna Eide, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Joanna.eide@dfw.wa.gov. Contact by January 17, 2014. Expected filing date on or after January 22, 2014. Information is posted on the department's web site at <http://wdfw.wa.gov/about/regulations>. The fish and wildlife commission also posts information on public meeting dates and locations at <http://wdfw.wa.gov/commission/minutes.html>.

November 20, 2013

Joanna M. Eide

Administrative Regulations Analyst

Acting Rules Coordinator