

WSR 15-07-003**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed March 6, 2015, 11:45 a.m.]

Subject of Possible Rule Making: The department is considering amending and repealing sections in chapter 388-97 WAC, Nursing home minimum licensing requirements, including WAC 388-97-1920 Preadmission screening—Level I, 388-97-1940 Advanced categorical determinations, not subject to preadmission screening—Level II, 388-97-1960 Preadmission screening—Level II, 388-97-1980 Resident review, 388-97-2000 Preadmission screening and resident review (PASRR) determination and appeal rights, and other related rules as may be required.

The department is considering creating new sections on PASRR and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.51 and 74.42 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to assure compliance with federal standards regarding the PASRR process in accordance with 42 C.F.R. § 483.100-138.

This amendment will also provide greater clarity regarding the PASRR process for nursing facilities.

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

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 Abbott, Nursing Home Policy Program Manager, P.O. Box 45600, Olympia, WA 98513, phone (360) 725-2581, fax (360) 438-7903, e-mail beckeame@dshs.wa.gov. Draft section language will be posted on the aging and long-term support administration professional internet web page for review and comment prior to filing the CR-102. Anyone from the public can comment directly to the program manager listed above via phone, mail, e-mail, or fax.

March 6, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-07-007**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Developmental Disabilities Administration)

[Filed March 6, 2015, 3:02 p.m.]

Subject of Possible Rule Making: The department plans to adopt WAC 388-825-145 and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030 General authority of secretary—Rule adoption; 42 C.F.R. §431.232(d); RCW 74.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal regulation 42 C.F.R. §431.232(d) does not allow medicaid benefits to continue at their previous level following an evidentiary hearing decision to reduce or terminate those benefits. An emergency rule was filed to align developmental disability administration rules with federal law on this issue. This filing seeks to adopt the emergency rule as a permanent rule.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

March 6, 2015
Katherine I. Vasquez
Rules Coordinator

WSR 15-07-013**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed March 9, 2015, 2:02 p.m.]

Subject of Possible Rule Making: WAC 182-502-0060 Reapplying for participation, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would allow individual practitioners in a group practice that has been terminated by the agency to reapply for participation.

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

Process for Developing New Rule: The agency 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, the agency 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 Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Melinda.froud@hca.wa.gov.

March 9, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-014

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 15-01—Filed March 9, 2015, 2:26 p.m.]

Subject of Possible Rule Making: The department of ecology is beginning a rule making to revise chapter 173-351 WAC, Criteria for municipal solid waste landfills, by adding two hazardous organic constituents to Appendix III of WAC 173-351-990: 2,3,7,8-Tetrachlorodibenzo- *p*-dioxin - [CAS 1746-01-6] and *alpha, alpha*-Dimethylphenethylamine [CAS 122-09-8].

Reviser's note: The brackets and enclosed material in the text above occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.95.020 and 70.95.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revising chapter 173-351 WAC will clarify requirements for landfill operators, and enable ecology to obtain full approval of our municipal solid waste rules from the Environmental Protection Agency (EPA).

This revision is necessary to be consistent with federal rules in 40 C.F.R. Part 258. Operators of municipal solid waste landfills must meet federal program requirements. Revising our rule eliminates possible noncompliance for facilities that inadvertently omit the two additional constituents required by federal rules. It also clarifies monitoring requirements for local jurisdictional health authorities that have the lead for issuing and enforcing solid waste permits.

Ecology's municipal solid waste landfill program operates under partial approval from EPA. With the proposed addition of these two constituents, EPA will publish a tentative determination of full program adequacy in the Federal Register. If there are no objections, EPA will follow with an approval of the research, development and demonstration element that is part of our current state program. After this rule making is complete and the revised rules are effective, we will update our application to EPA. That will complete the process to receive full approval of the program from EPA.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States EPA specifies criteria for municipal solid waste landfills under 40 C.F.R. Part 258. The state program is currently partially approved by EPA under 40 C.F.R.

Part 239. The only identified barrier to full program approval of the state program is the lack of the two constituents identified in this preproposal for rule making. EPA has said they will move forward with full program approval if ecology shows a commitment to make the changes in state rules proposed under this rule making. We have been coordinating with EPA, and legal counsel for both agencies have been involved. Local jurisdictional health authorities issue solid waste permits subject to ecology review. Local permits must at least meet state program requirements. Ecology has a communication strategy for this rule making that includes outreach to all municipal solid waste landfill operators and health jurisdictions and impacted and interested parties.

Process for Developing New Rule: This is a standard rule-making effort following the requirements set forth in the state's Administrative Procedure Act. The agency has a communication strategy for informing potentially affected facility managers and operators. We will advertise the rule making, and invite comments, including a public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Details of this rule making, including how to participate will be published on ecology's web pages beginning at <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html>. This rule-making action is very limited in scope. It incorporates specific federal requirements, to which certain already established state requirements apply. Our communication strategy specifically calls for outreach to regulated facilities owners/operators and local jurisdictional health authorities. Ecology will invite informal comments and questions for a period of time prior to filing a formal rule proposal and holding a public hearing. Questions and inquiries should be directed to Kyle Dorsey, rules and policy specialist, by e-mail kyle.dorsey@ecy.wa.gov or phone (360) 407-6559.

March 6, 2015
Laurie G. Davies
Waste 2 Resources
Program Manager

WSR 15-07-015

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed March 9, 2015, 2:50 p.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 14-22-036 on October 28, 2014, regarding WAC 182-504-0130.

Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-017
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 9, 2015, 3:44 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 14-20-062 on September 25, 2014, regarding rules in chapter 182-526 WAC.

Jason R. P. Crabbe
 Rules Coordinator

WSR 15-07-018
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed March 9, 2015, 3:48 p.m.]

Subject of Possible Rule Making: Chapter 182-526 WAC and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, chapter 74.09 RCW, RCW 34.05.440, Title 42 C.F.R., Part 431.232, 233, 233 (b), (d) and (f), and 245.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending the rules to make the hearing process more efficient and streamlined.

Process for Developing New Rule: The agency 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, the agency 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 and Publications 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.

March 9, 2015
 Jason R. P. Crabbe
 Rules Coordinator

WSR 15-07-022
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed March 10, 2015, 10:09 a.m.]

Subject of Possible Rule Making: Revising chapter 172-64 WAC, Alcohol policy at Eastern Washington University, to update rules and associated procedures related to the use of alcohol on property owned or controlled by Eastern Washington University.

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: These revisions are needed to clarify university standards and processes concerning the use of alcohol on property owned or controlled by Eastern Washington University.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6322, fax (509) 359-7036, and e-mail tlutey@ewu.edu. A public hearing will be held to permit comment on all proposed rules and revisions.

March 10, 2015
 Trent Lutey
 University Policy Administrator

WSR 15-07-033
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)

[Filed March 11, 2015, 11:31 a.m.]

Subject of Possible Rule Making: WAC 246-919-601, the medical quality assurance commission (commission) is considering amending WAC 246-919-601(5) to propose criteria for determining which entities may accredit or certify a facility in which a physician performs a surgical procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission will consider revising WAC 246-919-601(5) to eliminate the list of entities and instead identify the criteria the commission will use to approve entities that facilities must be accredited or certified by before surgery may take place. The commission may also add an appeals process. The proposed rule will allow the commission flexibility in a rapidly changing landscape to add or delete entities from a list maintained by the commission using the criteria rather than using the rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health licenses ambulatory surgical facilities (ASF) under chapters 70.230 RCW and 246-330 WAC. The commission will keep the department's ASF program apprised of the process and provide draft rules for comment.

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 participate in the development of draft rules prior to a formal proposal by joining the commission's rules listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Daidria Pittman, Program Manager, Medical Quality Assurance Commission, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2727, fax (360) 236-2795, e-mail daidria.pittman@doh.wa.gov.

March 11, 2015
Melanie de Leon
Executive Director

WSR 15-07-045

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed March 12, 2015, 10:46 a.m.]

Subject of Possible Rule Making: WAC 182-502-0160 Billing a client, 182-550-2900 Payment limits—Inpatient hospital services, 182-533-0400 Maternity care and newborn delivery, 182-531-0150 Noncovered physician-related and health care professional services—General and administrative, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The American College of Obstetricians and Gynecologists has consistently advised against nonmedically indicated elective deliveries prior to thirty-nine weeks gestation. These elective deliveries can increase the risk of significant complications for both the mother and the baby. Babies born in the thirty-seven - thirty-nine week range are likely to have less fully-developed brains, lungs and livers than those born after thirty-nine weeks. Some of these babies will require care in the neonatal intensive care unit which increases the cost of these deliveries. The Bree Collaborative recommends that no deliveries before thirty-nine weeks should occur; this WAC is intended to implement that recommendation.

The agency will no longer pay for elective deliveries before thirty-nine weeks of gestation, unless medically necessary, including inductions and cesarean sections.

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

Process for Developing New Rule: The agency 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, the agency 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 Chantelle Diaz, P.O. Box 42716,

Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Chantelle.Diaz@hca.wa.gov.

March 12, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-046

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed March 12, 2015, 11:06 a.m.]

Subject of Possible Rule Making: New rule section(s) in chapter 182-550 WAC regarding potentially preventable hospital readmissions; WAC 182-550-2900 Inpatient hospital services; and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Preventable inpatient hospital readmissions is a recognized issue at the federal and state level, affecting patient health and costing taxpayers unnecessary dollars. The new rules would support the reduction of unnecessary inpatient hospital readmissions, improve the quality of care, and reduce waste.

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

Process for Developing New Rule: The agency 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, the agency 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 Melinda Froud, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Melinda.froud@hca.wa.gov.

March 12, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-047

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)
[Filed March 12, 2015, 11:30 a.m.]

Subject of Possible Rule Making: WAC 182-504-0130 Continued coverage pending an appeal, 182-504-0135 Reinstated coverage pending an appeal, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules to make them consistent with each other and to clarify that reinstated or continued coverage continues until an order is issued by the agency's office of administrative hearings.

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

Process for Developing New Rule: The agency 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, the agency 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 Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Chantelle.Diaz@hca.wa.gov.

March 12, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-048

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed March 12, 2015, 1:23 p.m.]

Subject of Possible Rule Making: WAC 182-500-0020, 182-500-0035, 182-500-0050, 182-500-0065, 182-500-0070, 182-500-0085 and 182-500-0100, medical definitions; and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendments to these rules are necessary to add terms to the list of medical definitions. The new terms are used in sections across Title 182 WAC and must be defined in the chapter for general definitions.

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

Process for Developing New Rule: The agency 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, the agency 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 Sean Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Sean.Sullivan@hca.wa.gov.

March 12, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-050

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 12, 2015, 4:19 p.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2015.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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 will be available upon request shortly before the public meeting.

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

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

Public Meeting Location: Capital Plaza Building, 2nd Floor, Large Property Tax Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 21, 2015, at 10:00 a.m. *Call-in option can be provided upon request no later than three days before the meeting date.*

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.

March 12, 2015
Dylan Waits
Rules Coordinator

WSR 15-07-061
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed March 16, 2015, 8:56 a.m.]

Randy Dorn
 Superintendent of
 Public Instruction

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 14-24-016, filed on February 3, 2015.

Douglas L. Moore
 Executive Secretary

WSR 15-07-062
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 16, 2015, 10:18 a.m.]

Subject of Possible Rule Making: Amending, repealing, and/or adding sections to chapter 392-172A WAC to address: (1) Potential legislation addressing restraint and isolation and the use of aversive interventions; (2) clarifying due process hearing procedures regarding a student's status pending a hearing; and (3) housekeeping changes to correct typographical errors or rule changes that are technical in nature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.155.090; 20 U.S.C. §1400 et seq., the Individuals with Disabilities Education Act (IDEA).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) has the authority under state statute to develop administrative rules to implement federal regulations governing special education services to students. OSPI anticipates that sections of the state special education regulations will need to be amended to add definitions addressing positive behavior plans, remove the term and regulations referencing "aversive interventions," and make other changes to address restraint and isolation to conform with any changes to state law. OSPI also is proposing to amend stay put provisions in WAC 392-172A-05125, so they are consistent with federal law and make other housekeeping and technical changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Office of Special Education Programs.

Process for Developing New Rule: OSPI will hold a public hearing for comment and seek written input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Douglas H. Gill, Assistant Superintendent, Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6075, TTY (360) 586-0126, fax (360) 586-0247, e-mail speced@k12.wa.us. Please put the words "2015 Rulemaking" in the subject line.

March 16, 2015

WSR 15-07-063

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed March 16, 2015, 11:33 a.m.]

Subject of Possible Rule Making: Amend WAC 458-20-240 Manufacturer's new employee tax credits—Applications filed after June 30, 2010.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.36.865 Rules and regulations.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 458-20-240 provides administrative guidance regarding criteria of eligibility for businesses applying for a B&O tax credit under chapter 82.62 RCW. Amending WAC 458-20-240 will update language in the rule due to statutory language. The proposed amendments to the rule clarify several areas of the program, including but not limited to: The application and procedures requirements, hiring requirements, criteria for qualifying, reporting requirements, and how to claim approved credits.

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 Joseph Vidal, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail JosephV@dor.wa.gov.

Written and oral comments will be accepted at the public meeting and are due by close of business, April 30, 2015.

Public Meeting Location: Capital Plaza Building, 4th Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on April 30, 2015, at 10:00 a.m. *Call-in option can be provided upon request no later than three days before the meeting date.*

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.

March 16, 2015
 Dylan Waits
 Rules Coordinator

WSR 15-07-066
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed March 16, 2015, 2:51 p.m.]

Subject of Possible Rule Making: WAC 246-922-600 Sexual misconduct, the podiatric medical board (board) is considering revising the rule to clarify what forcible or non-consensual acts are within the definition of sexual misconduct by a podiatric physician.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is considering updating the sexual misconduct rule to establish clearer standards of conduct for podiatric physicians. The board's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by podiatric physicians under the board's authority. Updating the sexual misconduct rule will establish clearer standards of conduct and will help the board be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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 may participate in the development of draft rules prior to a formal proposal by joining the board's listserv, attending workshops, and providing input on draft and proposed materials. Interested parties can receive information on how to participate by contacting Brett Cain, Program Manager, Podiatric Medical Board, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4766, fax (360) 236-2901, e-mail brett.cain@doh.wa.gov.

March 16, 2015
Blake T. Maresh
Executive Director

WSR 15-07-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
(Securities Division)
[Filed March 17, 2015, 8:16 a.m.]

Subject of Possible Rule Making: The securities division is considering revising WAC 460-80-140 to correct a reference to the Federal Trade Commission's (FTC) franchise disclosure rule concerning financial statements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.100.250, 19.100.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 460-80-140 contains an incorrect citation to the financial statement requirements in the FTC franchise rule. The citation to 16 C.F.R. § 465.5(u) should be changed to 16 C.F.R. § 436.5.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The amendments under consideration by the securities division affect the regulation of franchise offerings. Franchise offerings are also subject to regulation by the FTC under federal law, and subject to regulation by other jurisdictions that have adopted the FTC rules. As the amendments considered by the division would correct a reference to FTC rules, the amendments under consideration would better coordinate the securities division's rules with other federal and state agencies.

Process for Developing New Rule: The division is soliciting comments from interested persons and will adopt rules only 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 Michelle Webster, Esq., Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, phone (360) 902-8736, fax (360) 704-6491, e-mail michelle.webster@dfi.wa.gov.

March 17, 2015
William M. Beatty
Securities Administrator

WSR 15-07-076
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed March 17, 2015, 10:04 a.m.]

Subject of Possible Rule Making: eRules; chapter 296-24 WAC, General safety and health standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When the agency updated its web site, template division of occupational safety and health (DOSH) rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules. This rule making will accomplish the following:

- No requirements are changing because of this rule making.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and tablet users.
- Bookmarks in the rules allow easy navigation in PDF files.

- Bullets and dashes are removed and replaced with numbers and letters for easier referencing.
- Enhances rule update efficiency for customers by allowing for faster updates through electronic postings.

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 the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by Kevin Walder, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5401, e-mail kevin.walder@lni.wa.gov.

March 17, 2015
Joel Sacks
Director

WSR 15-07-078
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 17, 2015, 11:27 a.m.]

Subject of Possible Rule Making: Amending WAC 392-101-010 to assign the Washington state office of administrative hearings (OAH) the authority to hear appeals of office of superintendent of public instruction (OSPI) enforcement actions withholding or recovering federal funds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A federal regulation, 34 C.F.R. § 80.43(b), requires state education agencies that award federal funds to subgrantees to provide subgrantees an opportunity for a hearing, appeal, or other administrative proceeding to which the subgrantee is entitled under the law. OSPI is considering amending WAC 392-101-010 to assign the OAH the authority to hear cases and issue final decisions on behalf of OSPI related to the withholding or recovering of federal funds as a result of school consolidated program reviews of school district programs conducted in accordance with 34 C.F.R. § 80.40. Assigning these appeals to OAH will protect school districts' right to challenge OSPI's determinations, and will help ensure school district and OSPI compliance with federal law.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education; OAH.

Process for Developing New Rule: OSPI will hold a public hearing for comment and seek written input from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may provide proposed language or written comments to Dierk Meierbachtol, Special Assistant for Legal Affairs, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6004, TTY (360) 664-3631, fax (360) 753-6712, e-mail dierk.meierbachtol@k12.wa.us. Please put the words "2015 Rulemaking" in the subject line.

March 17, 2015
Randy Dorn
Superintendent of
Public Instruction

WSR 15-07-080
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed March 17, 2015, 12:48 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 14-17-042 on August 14, 2014, regarding sections in chapter 182-550 WAC.

Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-081
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed March 17, 2015, 1:00 p.m.]

Subject of Possible Rule Making: WAC 182-531-0950 Office and other outpatient physician-related services; 182-531-1500 Sleep studies; and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to these sections are necessary to:

(1) Strike the last sentence in WAC 182-531-0950(7) regarding immunizations given in a health department. This change aligns with national correct coding initiative edits.

(2) Add coverage for unattended sleep studies in WAC 182-531-1500.

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

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 agency welcomes the public to take part in developing this rule. If inter-

ested, contact the person identified below to receive an early rule draft to review. After the early review, the agency 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 and Publications Program Manager, Health Care Authority, Division of Legal Services, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.barcus@hca.wa.gov.

March 17, 2015
Jason R. P. Crabbe
Rules Coordinator

WSR 15-07-105
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 18, 2015, 9:57 a.m.]

Subject of Possible Rule Making: The department is considering amendments to recreational fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.15.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must amend recreational fishing rules to meet conservation objectives and provide fishing opportunities within those conservation objectives. The department is considering changes to the freshwater areas of the Puget Sound and coast, as well as for warm water fisheries in the Columbia River mainstem waters contiguous with Oregon. The department may consider additional recreational fishing rule changes if necessary.

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

Process for Developing New Rule: 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 Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov. Contact by September 4, 2015. Expected preproposal filing on or after September 23, 2015.

March 18, 2015
Joanna M. Eide
Rules Coordinator

WSR 15-07-106
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed March 18, 2015, 10:21 a.m.]

Subject of Possible Rule Making: Chapter 181-82 WAC, Certificate endorsements and assignments, educator certification and the assignment of school staff by subject area expertise.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and assignment of certificated educators. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 WAC.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site, www.PESB.wa.gov.

March 18, 2015
David Brenna
Senior Policy Analyst

WSR 15-07-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed March 18, 2015, 10:29 a.m.]

Subject of Possible Rule Making: Amendments to wildlife interaction, depredation and hazing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.320, 77.12.150, 77.15.245, and chapter 77.36 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending rules regarding wildlife interaction, depredation, hazing, and wildlife control operators to adjust for organizational changes within the agency and to update rules to address current operational needs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of fish and wildlife will keep USDA Wildlife Services informed of this rule making. The department will coordinate with USDA Wildlife Services as needed.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by April 24, 2015. Expected preproposal filing on or after May 1, 2015.

March 18, 2015
Joanna M. Eide
Rules Coordinator