

**WSR 16-16-008**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF CORRECTIONS**

[Filed July 21, 2016, 9:09 a.m.]

Subject of Possible Rule Making: WAC 137-04-020.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update the WAC to reflect the current structure of the department and provide links to monitor updates.

Process for Developing New Rule: The department invites interested parties to review and provide input on the proposed rules. Comments may be sent to Maria Puccio, rules coordinator at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Maria Puccio, Rules Coordinator, Department of Corrections, Contracts and Legal Affairs, P.O. Box 41114, Olympia, WA 98504-1114, phone (360) 725-8362, fax (360) 664-2009, e-mail maria.puccio@doc.wa.gov.

July 21, 2016  
 R. Morgan  
 Secretary

**WSR 16-16-010**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed July 21, 2016, 9:53 a.m.]

The economic services administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-14-035 on June 23, 2015 (chapter 388-406 WAC), regarding basic food applications.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 16-16-011**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed July 21, 2016, 10:50 a.m.]

Subject of Possible Rule Making: The department is proposing to create new sections and amend existing sections in chapter 388-106 WAC, Long-term care services, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing

to create new sections in chapter 388-106 WAC in order to define the benefit packages for medicaid alternative care (MAC), targeted supports for older adults (TSOA), supportive housing, and supported employment which are part of Washington's medicaid transformation waiver. The department is also proposing to amend WAC 388-106-0015 and 388-106-0120 to modify outdated language regarding changes that were made to the COPES waiver in July 2015, amend WAC 388-106-0300 and 388-106-0130 to reflect removal of home health aide services from the COPES waiver, correct an inaccurate WAC reference in WAC 388-106-0210, and amend WAC 388-106-0270, 388-106-0273, and 388-106-0274 to clarify language related to service descriptions and limits.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting 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.

July 20, 2016  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 16-16-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed July 21, 2016, 11:41 a.m.]

Subject of Possible Rule Making: The department is proposing to create new sections and amend existing sections in chapter 388-71 WAC, Home and community services and programs, specifically related to adult day health and adult day care, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to create new sections and amend existing sections to define client rights regarding restraints, including physical restraints, chemical restraints, involuntary seclusion, and the use of medical devices.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 438-8633, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

July 20, 2016  
Katherine I. Vasquez  
Rules Coordinator

### WSR 16-16-023

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 22, 2016, 2:53 p.m.]

Subject of Possible Rule Making: WAC 246-810-0298 Continuing education competency for suicide assessment training standards, the department of health (department) is considering rule language that will align with RCW 43.70.-442 regarding continuing education requirements for suicide training for certified counselors and certified advisors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.19.050 and 43.70.442.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-810-0298 Continuing education competency for suicide assessment training standards, needs to be aligned with RCW 43.70.442. In 2015, RCW 43.70.442 was amended to require certified counselors and certified advisors to take suicide prevention training listed on the department's model list beginning July 1, 2017. Updating administrative requirements for these professions would bring them into alignment with statute.

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 our listserv, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=CERTIFIEDCOUNSELOR-ADVISER>.

Please address questions and/or comments to Kim-Boi Shaddock, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-2912, fax (360) 236-2901, e-mail kimboi.shaddock@doh.wa.gov.

July 19, 2016  
John Wiesman, DrPH, MPH  
Secretary

### WSR 16-16-025

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed July 22, 2016, 3:16 p.m.]

Subject of Possible Rule Making: Chapter 246-873A WAC (new) and chapter 246-873 WAC, Pharmacy hospital standards, the pharmacy quality assurance commission (commission) is considering establishing standards supporting the regulatory, inspection, and investigation of pharmacy services provided in individual practitioner offices and multi-practitioner clinics owned and operated by a hospital based on the level of risk and the type of pharmacy services provided at a particular location.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.043 as amended by SSB 6558 (chapter 118, Laws of 2016), and RCW 18.64.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, RCW 18.64.043 allows hospital pharmacy licenses to include any individual practitioner's office or multipractitioner clinics owned and operated by a hospital, and identified by the hospital on the pharmacy application or renewal, but no supporting rules providing specific information regarding the licensing process were ever implemented. SSB 6558 directs the commission to provide clear and specific standards supporting the regulatory, inspection and investigation of these associated licensed clinic locations based on the level of risk and the type of pharmacy services provided at a particular location.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Drug Enforcement Administration (DEA) enforces the controlled substances laws and regulations of the United States. The potential exists that controlled substances could be transferred and stored at these hospital pharmacy associated clinics. The commission will need to coordinate information with the DEA to keep them informed of clinic sites in possession of controlled substances for DEA registration purposes. Other regulator [regulatory] bodies that provide guidance and oversight for drug handling and compounding practices include the Center for Disease Control, the Food and Drug Administration and the United States Pharmacopeia will be valuable resources for these new rules.

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. Stakeholders will be invited to participate in rule-writing workshops and provide input throughout the rule-making process. Interested parties can sign-up to receive information, updates, or provide comments to the commission at [WSPQAC@doh.wa.gov](mailto:WSPQAC@doh.wa.gov) or by contacting Rich Cieslinski R.Ph., Rules Coordinator, Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852.

July 22, 2016  
Steven Saxe, R.Ph., FACHE  
Executive Director  
Pharmacy Quality Assurance Commission

**WSR 16-16-031**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Dental Quality Assurance Commission)  
 [Filed July 25, 2016, 9:38 a.m.]

Subject of Possible Rule Making: WAC 246-817-440 Dentist continuing education requirements, the dental quality assurance commission (commission) is considering amending the rule to update and clarify continuing education (CE) requirements when dentists renew their license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, 18.32.0357, 18.32.0365, and 18.32.180.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission routinely receives questions related to acceptable CE. Additionally, the commission received a request from Washington State Dental Association in March 2015 requesting the commission require jurisprudence and ethics hours as a required subject of CE. Amendments would clarify appropriate CE subject matter, minimum/maximum number of hours in specified subject matter, methods to obtain CE including web-based options, determine if hours in ethics will be mandatory, consider continued competency mechanisms, and standard housekeeping.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, Department of Health, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4893, fax (360) 236-2901. Interested stakeholders may sign up for the dental commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. Notices will be e-mailed through the commission's listserv to its interested parties list. Stakeholders will be invited to participate in open public commission meetings and committee meetings where rule drafting will occur.

July 25, 2016  
 Trina Castle  
 Executive Director

**WSR 16-16-032**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
 [Filed July 25, 2016, 10:04 a.m.]

The department of licensing requests the withdrawal of the preproposal rule making filed as:

WSR 13-08-039 filed on March 28, 2013, for WAC 308-20-210 Fees.

WSR 12-20-055 file[d] on October 2, 2012, for chapter 308-29 WAC collection agencies and repossession services.

WSR 12-14-072 filed on July 2, 2012, for WAC 308-100-033 Minimum training requirements.

WSR 11-15-059 filed on July 18, 2011, for WAC 308-104-075 Driver's licenses—Prohibited practices—Suspension, cancellation, or denial period.

Damon G. Monroe  
 Rules Coordinator

**WSR 16-16-035**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
 [Filed July 25, 2016, 2:22 p.m.]

The department of licensing, driver and vehicle records program requests the withdrawal of the proposed [preproposed] rule making filed as WSR 13-19-052 for chapter 308-94A WAC, Off-road and nonhighway vehicles. The CR-101 was filed September 16, 2013.

Damon G. Monroe  
 Rules Coordinator

**WSR 16-16-042**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PARKS AND RECREATION**  
**COMMISSION**  
 [Filed July 26, 2016, 2:21 p.m.]

Subject of Possible Rule Making: The agency will conduct a review of the following chapters of administrative rule for the snowmobile and nonmotorized winter recreation programs: WAC 352-48-050 Application process and 352-56-050 Application process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 46.10 and 79A.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks will conduct a review of the WAC pertaining to the snowmobile and nonmotorized winter recreation programs funding applications process and due dates. This review will be conducted to provide clarification and modifications to rules including WAC 352-48-050 and 352-56-050. The review may also result in minor changes and corrections to rules in order to bring rules up-to-date with current terminology, correction of references to statutes contained in the rules and completion of a general review for clarification, corrections and modifications.

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 Pamela A. McConkey, Manager, Winter Recreation Program, Washington State Parks and Recreation Commission, P.O. Box 42650, Olympia, WA 98504-

2650, phone (360) 902-8595, fax (360) 586-6651, e-mail  
pamela.mcconkey@parks.wa.gov.

July 16, 2016  
Valeria Evans  
Management Analyst

**WSR 16-16-043**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed July 26, 2016, 2:36 p.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements—Certification requirements for continuing education and renewal.

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: Amending rules for teachers, administrator, education staff associates certification related to maintaining licensure.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

July 26, 2016  
David Brenna  
Senior Policy Analyst

**WSR 16-16-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed July 27, 2016, 11:56 a.m.]

Subject of Possible Rule Making: Chapter 314-02 WAC, Requirements for retail liquor licenses; chapter 314-07 WAC, How to apply for a liquor license; chapter 314-11 WAC, General requirements for licensees; and chapter 314-12 WAC, General—Applicable to all licensees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.010, 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor and cannabis board's ongoing rules review process the rules are being reviewed for relevance, clarity, and accuracy.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, (360) 664-1631, (360) 664-9689, [Karen.mccall@lcb.wa.gov](mailto:Karen.mccall@lcb.wa.gov).

July 27, 2016  
Jane Rushford  
Chairman

**WSR 16-16-063**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 28, 2016, 9:03 a.m.]

The department of health (department) is withdrawing the CR-101 for WAC 246-919-601, which was filed March 11, 2015, and published in WSR 15-07-033.

The department would like to withdraw this CR-101 as the medical quality assurance commission has decided to take a different approach to revise the existing rule. The petitioner has been notified of the withdrawal.

Individuals requiring information on this rule should contact Daidria Underwood, medical quality assurance commission program manager, at (360) 236-2727.

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 16-16-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed July 28, 2016, 9:53 a.m.]

Subject of Possible Rule Making: Chapter 246-470 WAC, Prescription monitoring program (PMP), the department is revising existing rules to permit licensed medical test sites access to data in the PMP data base as prescribed in SSB 5027 (chapter 104 [259], Laws of 2015); and to prescribers of legend drugs, health care facilities licensed by the department, and provider groups of five or more to access data in the data base as prescribed in SHB 2730 (chapter 64, Laws of 2016).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.225.025 and 70.225.040 as amended by chapter 104 [259], Laws of 2015 and chapter 64, Laws of 2016.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5027 and SHB 2730 grant authority to access data on the PMP data base to groups

and entities not previously authorized to do so. Revising the existing rules would provide standards for access to data and enforcement mechanisms for these new groups now allowed to access the PMP under the new statutes.

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

Process for Developing New Rule: 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 prescription monitoring program listserv which can be accessed from the PMP web page at <http://www.doh.wa.gov/ForPublicHealthandHealthcareProviders/HealthcareProfessionalsandFacilities/PrescriptionMonitoringProgramPMP>. Interested parties can receive information on how to participate by contacting Gary Garrety, PMP Operations Manager, P.O. Box 7852, Olympia, WA 98504-7852, phone (360) 236-4802, e-mail [gary.garrety@doh.wa.gov](mailto:gary.garrety@doh.wa.gov).

July 28, 2016

John Wiesman, DrPH, MPH  
Secretary

#### WSR 16-16-080

##### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 29, 2016, 10:07 a.m.]

Subject of Possible Rule Making: Chapter 392-141 WAC, Transportation—State allocation for operations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions need to be made to this chapter to include language for the transportation of students in foster care as required in the ESEA section 1112 (c)(5)(B).

Process for Developing New Rule: Early solicitation of public comments and recommendations regarding new or amended 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 Glenn Gorton, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6121, or e-mail [glenn.gorton@k12.wa.us](mailto:glenn.gorton@k12.wa.us).

July 28, 2016

Randy Dorn  
State Superintendent  
of Public Instruction

#### WSR 16-16-081

##### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 29, 2016, 10:08 a.m.]

Subject of Possible Rule Making: WAC 392-140-973 Finance—Special allocations—Salary bonus for teachers and other certificated staff who hold current certification by the national board—Eligibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.405.415.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions provide updates regarding which new schools operating during their first year may qualify as challenging, high poverty schools for purposes of the national board bonus.

Process for Developing New Rule: Early solicitation of public comments and recommendations regarding 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, School Apportionment and Financial Services, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6308.

July 28, 2016

Randy Dorn  
State Superintendent  
of Public Instruction

#### WSR 16-16-091

##### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2016-21—Filed July 29, 2016, 4:20 p.m.]

Subject of Possible Rule Making: Special enrollment rules: Expanded health benefit exchange request.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.18.120(2), 48.20.450, 48.44.-050, and 48.46.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In May 2016, the office of the insurance commissioner (OIC) filed Rule 2016-13 announcing its intent to change the deadline for consumers to apply through special enrollment for health plans sold on the Washington health benefit exchange (exchange). The exchange asked OIC to make this change, because although 45 C.F.R. 155.420 allows a special enrollment deadline as early as the fifteenth, the existing state regulation (WAC 284-43-1140) says that the special enrollment deadline can't be earlier than the twentieth.

After learning that the exchange hopes to change the enrollment deadline to the fifteenth, some issuers asked OIC to expand the scope of the rule making to give issuers the right to make the same change. This CR-101 is in response to that request.

Under this CR-101, OIC will pursue a rule change to give both the exchange and issuers the option of using a special enrollment deadline as early as the fifteenth for coverage that starts the first day of the next month.

In addition to changing the deadline for special enrollment, the exchange also intends to move the deadline for open enrollment from the twenty-third to the fifteenth, and it's possible that issuers might follow in the exchange's lead. Under existing laws and regulations, the exchange and issuers already have the right to make this change now, if they want; this does not require an OIC rule change.

Process for Developing New Rule: Submit written comments by September 16, 2016, to [rulescoordinator@oic.wa.gov](mailto: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 Bianca Stoner, P.O. Box 40258, Olympia, WA 98504-0260 [98504-0258], [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov).

July 29, 2016  
Mike Kreidler  
Insurance Commissioner

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 45 C.F.R. §155.122(c) sets forward specific processes that health plans must follow in order to provide enrollees with sufficient access to prescription drugs that are not covered by the plan. Rules are necessary to ensure that state law is consistent with federal requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HHS released the 2017 Notice of Benefit and Payment Parameters setting forth new parameters for a health plan's substitution process. The proposed rules would follow the new parameters.

Process for Developing New Rule: Submit written comments by September 15, 2016, to Jim Freeburg, rules coordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Freeburg, P.O. Box 40258, Olympia, WA 98504, (360) 725-7170, [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov).

July 29, 2016  
Mike Kreidler  
Insurance Commissioner

**WSR 16-16-092**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed July 29, 2016, 4:25 p.m.]

I am withdrawing the CR-101 preproposal statement of intent for R 2016-13, *Special enrollment rules: Health benefit exchange request*, published by the code reviser in WSR 16-11-063. This is being done because some issuers asked the office of insurance commissioner to expand the scope of the rule making to give issuers the right to make the same change proposed in R 2016-03. As a result our office is filing a new CR-101 preproposal statement of intent entitled, *Special enrollment rules: Expanded health benefit exchange request*.

We will contact individuals that provided comments during the CR-101 comment period and make them aware that rules will not be pursued.

Mike Kreidler  
Insurance Commissioner

**WSR 16-16-093**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2016-22—Filed July 29, 2016, 4:31 p.m.]

Subject of Possible Rule Making: Drug substitution request process.

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

**WSR 16-16-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed August 1, 2016, 11:26 a.m.]

Subject of Possible Rule Making: To allow no cash value chips to be used in poker games provided the house exchanges them for cash value chips when they are used for betting in a live poker game.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: According to the petitioner, the reason why rules on this subject may be needed is because it is often difficult to get a live poker game started after a tournament, and this will help the licensee do so. The petitioner would like clarification to the rule to include the ability to award "no cash value" chips as house added prizes to a poker tournament in which people pay a fee to participate. This will enable the licensee an additional way to generate a live game from tournament play.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a study session/workshop with commission staff, by attending a commission meeting, or contacting the agency staff at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments can be directed to Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, e-mail [rules.coordinator@wsgc.wa.gov](mailto:rules.coordinator@wsgc.wa.gov), fax (360) 486-3625, phone (360) 486-3447.

To discuss these rule proposals in person with commission staff, please attend the August 11, 2016, study session/workshop at South Puget Sound Community College, Lacey Campus, 4220 6th Avenue S.E., Lacey, WA 98503. Check our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for the agenda and start time.

The commissioners will discuss these rule proposals at their September 8 commission meeting. Check our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for agendas, meeting dates, locations and start times.

August 1, 2016  
Michelle Rancour  
Acting Rules Coordinator

**WSR 16-16-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed August 2, 2016, 9:22 a.m.]

Subject of Possible Rule Making: Chapter 296-27 WAC, Recordkeeping and reporting.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We are proposing to update certain sections of chapter 296-27 WAC, Recordkeeping and reporting, to make sure we are at-least-as-effective-as the Occupational Safety and Health Administration (OSHA). They recently published changes to section 29 C.F.R. 1904.35, Employee Involvement, leaving some of our rules not as effective. This is the second time in two years that OSHA has made updates to their recordkeeping and reporting rules in 29 C.F.R. 1904.35. Other housekeeping amendments may also be proposed in this chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OSHA.

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 contacting Tari Enos, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504, (360) 902-5541, [tari.enos@lni.wa.gov](mailto:tari.enos@lni.wa.gov).

August 2, 2016  
Joel Sacks  
Director

**WSR 16-16-107**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)

[Filed August 2, 2016, 9:32 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-15-069 on July 13, 2015 (chapter 388-96 WAC), regarding nursing home staffing levels.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-16-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed August 2, 2016, 10:01 a.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? and other related rules as may be required.

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.210, 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend WAC 388-432-0005 and other rules as may be required to clarify program eligibility for applicants who have been closed from temporary assistance for needy families (TANF) in WorkFirst sanction or terminated from TANF for noncompliance sanction. The proposed amendment is necessary to clarify the eligibility criteria for diversion cash assistance to ensure uniformity in the interpretation of the rule guided by RCW 74.08A.210.

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

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angela Aikins, Community Services Division, Economic Services Administration, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4784, fax (360) 725-4905, e-mail [angela.aikins@dshs.wa.gov](mailto:angela.aikins@dshs.wa.gov).

August 1, 2016  
Katherine I. Vasquez  
Rules Coordinator

**WSR 16-16-110**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed August 2, 2016, 11:20 a.m.]

The department of labor and industries is withdrawing the preproposal statement of inquiry for eRules phase, WSR 15-17-103, which was filed on August 18, 2015.

If you have any questions, please contact Maggie Leland, rules coordinator at (360) 902-4504.

Maggie A. Leland  
 Rules Coordinator  
 Policy Director

**WSR 16-16-111**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**  
 [Filed August 2, 2016, 2:44 p.m.]

Subject of Possible Rule Making: Authorize licensees to allow patrons to make wagers up to \$500 on house-banked games offered in licensed, house-banked card rooms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070 and 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: According to the petitioner, they will need a mechanism to increase gambling receipts as they are unable to pass along these anticipated increases:

- Proposed restructure and increase of WSGC license fees;
- Passage of initiative 1433 raising the minimum wage in January 2017.
- Mandated benefits: Healthcare, paid sick/vacation leave, and predictive scheduling initiatives.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a study session/workshop with commission staff, by attending a commission meeting, or contacting the agency staff at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments can be directed to Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, fax (360) 486-3625, phone (360) 486-3447, or e-mail rules.coordinator@wsgc.wa.gov.

To discuss these rule proposals in person with commission staff, please attend the August 11, 2016, study session/workshop at South Puget Sound Community College, Lacey Campus, 4220 6th Avenue S.E., Lacey, WA 98503. Check our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for the agenda and start time.

The commissioners will discuss these rule proposals at their September 8 commission meeting. Check our web site at [www.wsgc.wa.gov](http://www.wsgc.wa.gov) under "Public Meetings" for agendas, meeting dates, locations and start times.

August 2, 2016

Michelle Rancour  
 Acting Rules Coordinator

**WSR 16-16-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed August 2, 2016, 4:39 p.m.]

Subject of Possible Rule Making: Establishing logbook requirements for freshwater game fish guides, food fish guides and combination game fish and food fish guides.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047, 77.12.045, 77.04.055, 77.04.020, and 77.04.012.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To collect fishing effort, catch and harvest data from all freshwater fishing guides and their clients to understand the seasonal and geographic utilization of fishery resources by the guide industry statewide.

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 John Easterbrooks, Regional Fish Program Manager, 1701 South 24th Avenue, Yakima, WA 98902, phone (509) 457-9330. Contact by September 14, 2016. Expected proposal filing on or after September 16, 2016.

August 1, 2016  
 Scott Bird  
 Rules Coordinator

**WSR 16-16-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 (Washington Apple Health)  
 [Filed August 3, 2016, 8:19 a.m.]

Subject of Possible Rule Making: WAC 182-550-2531 Requirements for becoming an acute PM&R provider, 182-550-2551 How a client qualifies for acute PM&R 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: The agency is amending WAC 182-550-2531 to strike the requirement of an agency facility site visit in subsection (4)(b) in order to qualify as an agency-approved acute physical medicine and rehabilitation (PM&R) hospital. The agency is amending WAC 182-550-2551 to add acute inflammatory demyelinating polyneuropathy to the list of conditions that qualifies clients for acute PM&R services. 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 Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail [katherine.pounds@hca.wa.gov](mailto:katherine.pounds@hca.wa.gov).

August 3, 2016  
Wendy Barcus  
Rules Coordinator

### WSR 16-16-117

#### PREPROPOSAL STATEMENT OF INQUIRY UNIVERSITY OF WASHINGTON

[Filed August 3, 2016, 9:42 a.m.]

Subject of Possible Rule Making: WAC 478-160-163 Waivers of tuition and fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.15 RCW and RCW 28B.20.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To update WAC 478-160-163 Waivers of tuition and fees, with waivers recently enacted through state legislation, and to make other amendments that update obsolete information sources or otherwise streamline administrative procedures.

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. Written comments or inquiries may be directed to Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Rules Coordination Office, [P.O.] Box 351210, Seattle, WA 98195-1210, e-mail [rules@uw.edu](mailto:rules@uw.edu).

August 3, 2016  
Rebecca Goodwin Deardorff  
Director of Rules Coordination

### WSR 16-16-125

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed August 3, 2016, 11:46 a.m.]

Subject of Possible Rule Making: Chapter 308-109 WAC, Motorcycle skills education schools.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.81A.020(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Gaps exist in the current statutes and policies that guide the motorcycle safety program. For example, they do not provide the authority to ensure instructors and other personnel involved in license endorsement training and testing meet the professional standards deemed essential to the integrity of the program and public safety. Following an NHTSA review in 2002, the state was advised to adopt rules that formalize the operation of the program and establish the relationship between chapters of RCW that impact the program. The proposed rules will address public safety concerns as well as formalize operation of the program.

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

Process for Developing New Rule: Internal review, stakeholder input and a minimum of three stakeholder workgroup meetings in mid-2016, from which draft documents will be available for public review and comment later in the year. A public hearing to be conducted toward year end following notification to all stakeholders and persons requesting notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Andrea Nygard, Program Manager, Department of Licensing, Motorcycle Safety Program, P.O. Box 9030, Olympia, WA 98507-9030, phone (360) 902-3674, fax (360) 570-4914, e-mail [motorcycle@dol.wa.gov](mailto:motorcycle@dol.wa.gov).

August 3, 2016  
Damon Monroe  
Rules Coordinator