

WSR 18-05-022

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed February 9, 2018, 9:31 a.m.]

Subject of Possible Rule Making: The department is planning to amend chapter 388-112A WAC, Residential long-term care services training; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.341, 18.20.270, 18.88B.021, 18.88B.035, 70.128.-230, 71A.12.030, 70.97.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend WAC 388-112A-0610 Who is required to complete continuing education training each year, how many hours of continuing education are required, and when must they be completed? Amended rule language is needed to consistently indicate that continuing education is required of exempted workers in adult family homes, assisted living facilities, and enhanced services facilities for each year worked in that setting. Planned changes will also clarify when the continuing education is due when returning to work in a long-term care setting.

Technical corrections must be made in WAC 388-112A-0480 and 388-112A-0490 concerning when specialty training must be completed to be consistent with statute deadlines for long-term care workers and others in assisted living facilities in RCW 18.20.270. Also, a technical correction must be made in the specialty training instructor qualifications to correctly reference the education section in WAC 388-112A-1270 (2)(b) and 388-112A-1285 (2)(b).

Other related rule changes that arise during this rule making may be incorporated. Other related WAC chapters may need to be amended 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 Suemary Trobaugh, P.O. Box 45600, Olympia, WA 98504-5310, phone 360-725-2516, fax 360-725-2646, TTY 1-800-833-6388, email Suemary.trobaugh@dshs.wa.gov.

February 8, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-05-027

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE

[Filed February 9, 2018, 11:29 a.m.]

Subject of Possible Rule Making: Low-income home rehabilitation revolving loan program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.330.482.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.330.482 states that the Washington state department of commerce (commerce) must adopt rules for implementation of low-income home rehabilitation revolving loan program (program). Eligibility, eligible agencies, and program guidelines are expected outcomes of the rule-making process.

- The legislature in 2017 created the program to assist low-income homeowners in rural areas with home rehabilitation projects, subject to the availability of funding. The legislature appropriated \$5 million in funding in 2018, enabling commerce to adopt rules and implement the program.
- Commerce will contract with local rehabilitation agencies, which might include any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity approved by the department.
- Commerce intends to prioritize rehabilitation projects in coordination with weatherization projects.

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

Process for Developing New Rule: Stakeholder meetings will be held to allow those affected by the rule to provide input prior to the rule proposal being filed. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after rules 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 Amanda Rains, 1011 Plum Street S.E., Olympia, WA 98504, phone 360-725-2980, email Amanda.rains@commerce.wa.gov, web site commerce.wa.gov; or Emily Salzberg, 1011 Plum Street S.E., Olympia, WA 98504, phone 360-725-2962, email Emily.salzberg@commerce.wa.gov, web site commerce.wa.gov.

February 9, 2018
Jaime Rossman
Rules Coordinator

WSR 18-05-031
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 9, 2018, 3:22 p.m.]

The health care authority (HCA) requests withdrawal of the preproposal statement of inquiry filed as WSR 16-11-094, distributed in the 16-11 State Register. HCA will be refileing a new preproposal statement of inquiry to restart the rule-making process.

Wendy L. Barcus
 Rules Coordinator

WSR 18-05-035
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 12, 2018, 2:01 p.m.]

Subject of Possible Rule Making: Commercial shellfish and shellfish aquaculture rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes are intended to clarify existing rules based on negotiations with treaty tribes and the Washington department of fish and wildlife (WDFW) management policy concerning affected species.

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; and most of the changes have been negotiated with treaty tribes and are reflected in existing harvest management agreements. Other changes have been developed by WDFW staff with input from harvesters, processors, or other interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chris Eardley, Shellfish Policy Coordinator, 375 Hudson Street, Port Townsend, WA 98368, phone 360-302-3030 ext. 302, email Christopher.Eardley@dfw.wa.gov.

February 12, 2018
 Scott Bird
 Rules Coordinator

WSR 18-05-043
PREPROPOSAL STATEMENT OF INQUIRY
LOWER COLUMBIA COLLEGE

[Filed February 13, 2018, 3:55 p.m.]

Subject of Possible Rule Making: Lower Columbia College is proposing repealing chapter 132M-136 WAC and

replacing with new WAC sections to chapter 132M-140 WAC, Facility use for first amendment activities and chapter 132M-141 WAC, Facility use for other than first amendment activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Lower Columbia College is repealing and replacing new WAC to support current legal rulings and legislation.

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

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Clark, 1600 Maple Street, P.O. Box 3010, phone 360-442-2100, fax 360-442-2129, TTY 800-833-6388, email rulemaking@lowercolumbia.edu, web site <https://lowercolumbia.edu/disclosure/rulemaking.php>; or Kendra Sprague, 1600 Maple Street, P.O. Box 3010, phone 360-442-2121, fax 360-442-2129, TTY 800-833-6388, email ksprague@lowercolumbia.edu, web site <https://lowercolumbia.edu/disclosure/rulemaking.php>.

February 13, 2018
 Kendra Sprague
 Vice President of Foundation
 Human Resources and Legal Affairs

WSR 18-05-066
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed February 16, 2018, 11:09 a.m.]

Subject of Possible Rule Making: WAC 182-500-0075 Medical assistance definitions—N; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 410.05.160 [41.05.160], 42 C.F.R. Part 440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this rule as a result of federal regulations published February 2016 under 42 C.F.R. Part 440. The agency is adding a definition for "nonphysician practitioners," a term which will be used in two WAC chapters to be amended in separate rule-making actions as a result of the February 2016 federal regulations. The agency previously filed a preproposal statement of inquiry in 2016 to begin rule making on this and other sections under WSR 16-11-094. The agency subsequently withdrew the previously filed preproposal statement of inquiry under WSR 18-05-031 and is rewriting the proposed rule.

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, phone 360-725-1408, fax 360-586-9727, TTY 1-800-848-5429, email melinda.froud@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

February 16, 2018
Wendy Barcus
Rules Coordinator

WSR 18-05-067

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed February 16, 2018, 11:12 a.m.]

Subject of Possible Rule Making: Chapter 182-543 WAC, Durable medical equipment and related supplies, complex rehabilitation technology, prosthetics, orthotics, medical supplies and related services; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is reviewing and revising rules relating to durable medical equipment as a result of federal regulations published in February 2016 under 42 C.F.R. Part 440. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy. The agency previously filed a preproposal statement of inquiry under WSR 16-13-009 to make changes resulting from the federal regulations and to add occupational therapists to the list of eligible prosthetic and orthotic providers. The agency completed the final rules to add occupational therapists to the list of eligible prosthetic and orthotic providers under WSR 17-15-073. This preproposal statement of inquiry will address the remaining updates to chapter 182-543 WAC required as a result of the federal regulations.

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 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, phone 360-725-1408, fax 360-586-9727, TTY 1-800-848-5429, web site www.hca.wa.gov/about-hca/rulemaking.

February 16, 2018
Wendy Barcus
Rules Coordinator

WSR 18-05-068

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed February 16, 2018, 11:18 a.m.]

Subject of Possible Rule Making: Chapter 182-551 WAC, Subchapter II—Home health services; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 440.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending these rules as a result of federal regulations published in February 2016 under 42 C.F.R. 440, requiring that physicians document the occurrence of a face-to-face encounter (including through the use of telemedicine) within reasonable time frames when ordering home health services for medicaid eligible clients. The federal regulations also clarify that home health services are not restricted to clients who are homebound or to services furnished solely in the home. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

The agency previously filed a preproposal statement of inquiry to begin rule making on these sections in 2016 under WSR 16-11-094. The agency withdrew the previously filed preproposal statement of inquiry under WSR 18-05-031 and is rewriting the proposed rules.

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 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, phone 360-725-1408, fax 360-586-9727, TTY 1-800-848-5429, web site www.hca.wa.gov/about-hca/rulemaking.

February 16, 2018
Wendy Barcus
Rules Coordinator

WSR 18-05-070

WITHDRAWAL OF

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed February 16, 2018, 2:42 p.m.]

Pursuant to RCW 34.05.335, the department of revenue (department) files this notice of agency withdrawal of WSR 18-03-126 which proposes a new rule on the subject of: Part II of EHB 2163 - Remote Sellers, Referrers, and Marketplace Facilitators.

The department intends to file a new CR-101 providing additional information regarding the solicitation of information from marketplace facilitators as part of the rule-making process.

Erin T. Lopez
Rules Coordinator

WSR 18-05-071

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF REVENUE

[Filed February 16, 2018, 2:46 p.m.]

Subject of Possible Rule Making: Part II of EHB 2163 - Remote Sellers, Referrers, and Marketplace Facilitators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 82.01.060(2), and 82.08.0531.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of revenue intends to provide guidance to taxpayers regarding Part II of EHB 2163, which was enacted by the legislature during the 3rd sp. sess. of 2017.

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 and/or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Adam Wolfson, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1588, fax 360-534-1606, TTY 800-833-6384, email adamw@dor.wa.gov, web site dor.wa.gov.

Additional comments: The department of revenue is looking for marketplace facilitators who could assist us in developing a process to submit supplemental data as authorized under RCW 82.08.0531 (1)(b). Specifically, the department is seeking test data, file format options, and transmission methods that would work for most marketplace facilitators.

Written comments may be submitted by mail or email and should be directed to Adam Wolfson using one of the contact methods above. Written and oral comments will be accepted at the public meeting and/or public hearing, on March 29, 2018, at 10:00 a.m., at Conference Room 114A, 6400 Linderson Way S.W., Tumwater, WA 98501.

January 19, 2018
Erin T. Lopez
Rules Coordinator

WSR 18-05-077

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 20, 2018, 11:11 a.m.]

Subject of Possible Rule Making: The department may propose to amend WAC 388-492-0070 How are my WASH-CAP food benefits calculated?; and other related rules as may be required to ensure that the Washington combined application project (WASHCAP) remains cost neutral with Supplemental Nutrition Assistance Program (SNAP) benefits provided under the Washington basic food program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, and 7 C.F.R. 282.1.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As required by the demonstration project waiver with the United States Department of Agriculture Food and Nutrition Service (FNS), the department will review the cost neutrality between WASHCAP and basic food. Based on the findings of this evaluation, the department may amend WAC 388-492-0070 and other related rules to ensure that WASHCAP benefits are cost neutral to SNAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, FNS enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the C.F.R. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver while ensuring cost neutrality of the program.

Process for Developing New Rule: The department of social and health services (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 Holly St. John, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4895, fax 360-725-4905, email Holly.St.John@dshs.wa.gov.

February 20, 2018
Katherine I. Vasquez
Rules Coordinator

WSR 18-05-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed February 20, 2018, 11:20 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0015 General information about your food assistance allotments, 388-450-0185 What income deductions does the department allow when determining if I am eligible for food benefits and the amount of my monthly benefits?, 388-450-0190 How does the department figure my shelter cost income deduction for basic food?, 388-450-0195 Does the department use my utility costs when calculating my basic food or WASHCAP benefits?, 388-478-0060 What are the income limits and maximum benefit amounts for basic food?; and other related rules as may be required in order to implement annual adjustments to standards for the Washington basic food program and Washington combined application project (WASHCAP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These standards adjustments are required by federal regulations and approved department waivers. Under federal regulations, these standards must be adjusted annually in order to determine a client's eligibility and benefit level for the Washington basic food program or WASHCAP.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) annually adjusts income and payment standards, the standard deduction, and maximum shelter deductions for the upcoming federal fiscal year. FNS also requires that the department adjust the SNAP utility allowance and WASHCAP standards on an annual basis. The department of social and health services (DSHS) adopts the new FNS standards into administrative rule. The department adjusts WASHCAP standards as required under the department's approved waiver based on changes to the consumer price index.

The department will update the current standard utility allowance (SUA) for basic food, adjusting for inflation for the various utilities included in the SUA deduction and submitting proposed standards to FNS for approval. The standards approved by FNS will be adopted by the department for use in determining monthly benefits for basic food and WASHCAP.

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 Holly St. John, Program Manager,

Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4895, fax 360-725-4905, email Holly.St.John@dshs.wa.gov.

February 20, 2018

Katherine I. Vasquez
 Rules Coordinator

WSR 18-05-079
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)

[Filed February 20, 2018, 11:28 a.m.]

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

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 planning to amend sections in chapter 388-71 WAC and other related rules as may be required to define person-centered care. Updates include person-centered language, equal access to care and services, client choice in activities and staff, and maintaining dignity, respect, and privacy while attending adult day programs.

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

Process for Developing New Rule: The department of social and health services (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, email angel.sullivan@dshs.wa.gov.

February 20, 2018

Katherine I. Vasquez
 Rules Coordinator

WSR 18-05-082
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Developmental Disabilities Administration)

[Filed February 20, 2018, 12:20 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-829-0005 Who do the training requirements in this chapter apply to?; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120, 74.39A.009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending this rule to add community crisis stabilization services providers and children's state-operated living alternative providers to the scope of chapter 388-829 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: The department of social and health services (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 Chantelle Diaz, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

February 20, 2018
 Katherine I. Vasquez
 Rules Coordinator

WSR 18-05-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Board of Optometry)

[Filed February 20, 2018, 2:14 p.m.]

Subject of Possible Rule Making: WAC 246-851-580 and 246-851-590, drug list and guidelines, the board of optometry (board) is considering revising the rules to clarify the use of adjuvant analgesics for the practice of optometry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2), 18.53.010(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An optometrist asked the board whether the drugs gabapentin and pregabalin would be considered under the existing category of analgesics in WAC 246-851-580 (1)(j). These drugs were originally developed as antiepileptic drugs, but are now used to help treat pain and are commonly referred to as adjuvant analgesics. The board

approached the pharmacy quality assurance commission (commission) to determine whether these drugs would fit under the drug category of analgesics. The commission supported the concept, but requested for the sake of transparency and public process, that the board initiate rule making to clarify these drugs in rule. This rule would allow optometrists to provide better treatment options for patients who have pain associated with post-herpetic neuralgia.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Pharmacy quality assurance commission.

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 Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 360-833-6388 or 711, email lorelei.walker@doh.wa.gov.

Additional comments: Interested stakeholders may sign up for the board of optometry interested parties list GovDelivery at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed to the board of optometry interested parties list, GovDelivery, Optometric Physicians of Washington, and the Washington Academy of Eye Physicians and Surgeons.

February 20, 2018
 Kathy Schmitt, Deputy Director
 Office of Health Professions
 and Facilities

WSR 18-05-093
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed February 21, 2018, 10:19 a.m.]

Subject of Possible Rule Making: Chapter 314-20 WAC, Beer—Brewers, holders, importers, etc.; and chapter 314-24 WAC, Domestic wineries and domestic wine distributors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.24.185, 66.24.240, 66.24.244.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are being reviewed to address and review items not included in rules adopted in December 2017.

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 Karen McCall, P.O. Box 43098, Olympia, WA 98504, phone 360-664-1631, fax 360-664-9689, email rules@lcb.wa.gov, web site lcb.wa.gov.

February 21, 2018
 Jane Rushford
 Chair

WSR 18-05-094**PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD**

[Filed February 21, 2018, 10:20 a.m.]

Subject of Possible Rule Making: WAC 314-02-035
What are the food service requirements for a spirits, beer, and wine restaurant license?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.410.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The food service requirements for a spirits, beer, and wine restaurant need to be revised to accommodate cultural diversity as well as changing business models.

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 Karen McCall, P.O. Box 43098, Olympia, WA 98504, phone 360-664-1631, fax 360-664-9689, email rules@lcb.wa.gov, web site lcb.wa.gov.

February 21, 2018
Jane Rushford
Chair

WSR 18-05-095**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed February 21, 2018, 10:56 a.m.]

Subject of Possible Rule Making: WAC 392-140-915 High poverty funding—Process and definition of eligible schools, 392-140-916 K-3 class size funding, 392-140-923 K-3 class size—Enrollment, 392-140-932 K-3 class size—Teacher, 392-140-934 K-3 class size—Supplemental FTE teachers, 392-140-936 K-3 demonstrated class size—High poverty schools, 392-140-939 K-3 demonstrated class size—Nonhigh poverty schools, 392-140-942 Weighted average class size—High poverty schools, 392-140-945 Weighted average class size—Nonhigh poverty schools, and 392-122-605 Apportionment of state moneys for the state learning assistance program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.165.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering updating agency rules governing the learning assistance program to address the elimination of K-3 high poverty school enhanced funding and clarify the process to determine K-3 class size compliance.

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 Becky McLean, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, phone 360-725-6306, fax 360-664-3683, TTY 360-664-3631, email becky.mclean@k12.wa.us, web site k12.wa.us.

February 21, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 18-05-100**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed February 21, 2018, 11:53 a.m.]

Subject of Possible Rule Making: Chapter 16-305 WAC, Industrial hemp research program, as provided under RCW 15.120.035, the department proposes to adopt rules to impose monetary penalties, license suspension or forfeiture, or other sanctions for violations of chapter 15.120 RCW and the industrial hemp rules at chapters 16-302, 16-303, and 16-305 WAC.

The department is also considering adding rule language to clarify and define industrial hemp program regulations applicable to industrial hemp after processing as a publicly marketable hemp product.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.120.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adding in rule monetary penalties with a penalty matrix to address violations of chapter 15.120 RCW, and the rules adopted for the industrial hemp research program. For licensees, in addition to any technical assistance provided, monetary penalties may be necessary to deter violations. Additionally the department proposes to adopt in rule the interpretation and application of the distinctions between unprocessed industrial hemp and "publicly marketable hemp product" as provided under the department's recently filed "Interpretive Statement" (Number CI-18-0001).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will provide notice of the proposed rules to federal agencies involved with regulating industrial hemp, such as United States Department of Agriculture and Drug Enforcement Agency, and to the state liquor and cannabis board and will consider timely comments for those agencies in the development of the proposed rules.

Process for Developing New Rule: The department will make available through its industrial hemp listserv (<https://listserv.wa.gov/cgi-bin/wa?SUBED1=AGR-INDUSTRIAL-HEMP&A=1>) and on its web site (<https://agr.wa.gov/Laws/Rules/Rulemaking/default.aspx>) opportunities for interested parties to provide input on the subject of this rule making. Affected stakeholders will also have an opportunity to submit

written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessica Allenton, 1111 Washington Street S.E., Olympia, WA 98504-2560, phone 360-902-1828 [360-902-1828], fax 360-902-2085, TTY 711, email jallenton@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Victor Shaul, 21 North 1st Avenue, Suite 203, Yakima, WA 98902-2663, phone 509-249-6950, fax 509-454-4395, TTY 711, email vshaul@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>.

February 21, 2018
Jason Ferrante
Assistant Director