

WSR 19-01-001**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed December 5, 2018, 12:20 p.m.]

Subject of Possible Rule Making: WAC 246-840-111, 246-840-120, 246-840-125, and 246-840-200 through 246-840-260, the nursing care quality assurance commission (commission) is considering amendments to the continuing competency rules and requirements for active, inactive, expired, and retired active credential status.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission determined there is a lack of supporting evidence that current continuing competency rules adequately ensure the competency of nurses. The commission recognizes the importance of a competent nursing workforce and opening the rules would allow the commission to collaboratively work with stakeholders to develop the best mechanism for meeting the legislative intent of RCW 18.79.010 and 18.79.110. Amendments to the rules may be needed to adequately ensure the competency of nurses.

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 Amber Zawislak, P.O. Box 47864, Olympia, WA 98504, phone 360-236-4785, fax 360-236-4738, TTY 360-833-6388 or 711, email amber.zawislak@doh.wa.gov, web site <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission>.

Additional comments: Interested stakeholders may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

December 5, 2018

Paula R. Meyer, MSN, RN, FRE

Executive Director

Nursing Care Quality
Assurance Commission**WSR 19-01-002****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed December 5, 2018, 12:21 p.m.]

Subject of Possible Rule Making: WAC 246-840-300 ARNP scope of practice and WAC 246-840-700 through 246-840-710 pertaining to nursing practice standards, and other related sections in chapter 246-840 WAC, the nursing care quality assurance commission (commission) is consider-

ing amending sections of the scope of practice and practice standard rules to improve clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110, 18.79.250, 18.79.260, and 18.79-270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission received a petition on April 3, 2018, in response to its advisory opinion on medical acupuncture: Scope of practice for advanced registered nurse practitioners (NCAO 12.00), requesting the commission to allow for additional stakeholder involvement and consider adopting enforceable rules. In response to the petition, the commission voted to open the rules to discuss concerns raised regarding nursing scope of practice and practice standards. While advisory opinions offer the commission's interpretation of rule, they are not enforceable and, therefore, do not meet the definition of a rule. Opening the rule would provide the opportunity for additional stakeholder engagement, rule clarification, and possible amendments to address the identified concerns.

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 Amber Zawislak, P.O. Box 47864, Olympia, WA 98504, phone 360-236-4785, fax 360-236-4738, TTY 360-833-6388 or 711, email amber.zawislak@doh.wa.gov, web site <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission>.

Additional comments: Interested stakeholders may sign up to receive commission rule-making notices at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

December 5, 2018

Paula R. Meyer, MSN, RN, FRE

Executive Director

Nursing Care Quality
Assurance Commission**WSR 19-01-006****PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY**

[Filed December 6, 2018, 10:04 a.m.]

Subject of Possible Rule Making: Amend WAC 256-20-070 Costs of providing copies of public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.040, [42.56].120, 27.43.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) To comply with EHB 1595 and RCW 42.56.120, it is necessary to update this code; (2) it is unduly burdensome for the Eastern Washington State Historical Society (EWSHS) to calculate actual costs for copying records to fulfill public records requests; and (3) pursuant to RCW 42.56.129, these changes will allow EWSHS

to reimburse the society the costs associated with fulfilling its duties under the Public Records Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Many other state agencies are subject to the Public Records Act.

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 Kate Rau, 2316 West First Avenue, Spokane, WA 99201, phone 509-363-5336, fax 509-363-5303, email kate.rau@northwestmuseum.org, web site www.northwestmuseum.org.

Additional comments: EWSHS welcomes employees, volunteers, donors, and the public to take part in developing the rule. Anyone interested should contact the staff person identified below. At a later date, EWSHS will file with the office of the code reviser a notice of proposed rule making with the formal text. A copy of the proposal will be posted on the EWSHS internet site www.northwestmuseum.org.

December 5, 2018
Kate Rau
Executive Assistant

WSR 19-01-010

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed December 6, 2018, 10:57 a.m.]

Subject of Possible Rule Making: Chapter 246-854 WAC, Osteopathic physician assistants, the board of osteopathic medicine and surgery (board) is considering establishing two new sections of rule to: (1) Describe the process for issuing an expedited temporary practice permit to an osteopathic physician assistant (PA) applicant who is a spouse or registered domestic partner of a military service member, and (2) establish return to practice requirements for an osteopathic PA who has not been in practice for a certain period of time.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57A.020 and 18.340.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board completed the review of the osteopathic PA chapter of rules at their September 28, 2018, business meeting and determined that two new sections of rule need consideration. RCW 18.340.020 requires health profession disciplining authorities to establish procedures to expedite temporary practice permits for military spouses or a registered domestic partner of a military service member. The board is also considering creating a new section to establish re-entry to practice requirements for an osteopathic PA who has been out of practice for a period of time to ensure that the osteopathic PA is properly qualified to resume providing patient care.

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

Process for Developing New Rule: 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 Susan Gragg, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4941, fax 360-236-2901, TTY 360-833-6388 or 711, email susan.gragg@doh.wa.gov, web site www.doh.wa.gov.

December 5, 2018
Blake T. Maresh
Executive Director

WSR 19-01-035

PREPROPOSAL STATEMENT OF INQUIRY PARAEDUCATOR BOARD

[Filed December 12, 2018, 1:17 p.m.]

Subject of Possible Rule Making: Chapter 179-09 WAC, Fundamental course of study.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fundamental course of study, requirements to meet certification of paraeducators.

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 David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

December 10, 2018
David Brenna
Senior Policy Analyst

WSR 19-01-036

PREPROPOSAL STATEMENT OF INQUIRY PARAEDUCATOR BOARD

[Filed December 12, 2018, 1:17 p.m.]

Subject of Possible Rule Making: Chapter 179-05 WAC, Methods to attain paraeducator certificates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provides information on how paraeducators can earn certain certifications.

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 David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

December 10, 2018
David Brenna
Senior Policy Analyst

WSR 19-01-041

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed December 13, 2018, 9:29 a.m.]

Subject of Possible Rule Making: Chapter 392-139 WAC, Finance—Maintenance and operation levies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.52.0531, 28A.150.290.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The passage of EHB 2242 in the summer of 2017 drastically changes the office of superintendent of public instruction's (OSPI) process and calculations in determining maximum school district levies in 2019 and going forward. OSPI is considering rule changes that will create alignment with the revised statutes.

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 T. J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6301, fax 360-664-3683, TTY 360-664-3631, email thomas.kelly@k12.wa.us, web site www.k12.wa.us.

December 12, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 19-01-079

PREPROPOSAL STATEMENT OF INQUIRY BATES TECHNICAL COLLEGE

[Filed December 17, 2018, 1:05 p.m.]

Subject of Possible Rule Making: Amending WAC 495A-134-010 to update current designated rules coordinator.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.30.075, chapter 34.05 RCW and chapter 238, Laws of 1991.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Clarifies who is the rules coordinator for Bates Technical College and whom to contact

if needed by both internal and external individuals or organizations.

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

Process for Developing New Rule: Change in staffing and designated by the college president.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Jean Hernandez, 1101 South Yakima Avenue, Room 332, phone 253-680-7163, fax 253-680-7101, email jehernandez@bates.ctc.edu, web site <https://batestech.edu>.

December 17, 2018
Dr. Jean Hernandez
Special Assistant
to the President

WSR 19-01-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed December 18, 2018, 10:09 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules, medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of the department of labor and industries (L&I) and maintain consistency with the health care authority and medicaid purchasing administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

Process for Developing New Rule: The department notifies external stakeholders through the GovDelivery system on updates to conversion factors and to the physical and

occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medicaid purchasing administration and the Centers for Medicare and Medicaid Services to insure [ensure] consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups, published via the GovDelivery system and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Emily Stinson, L&I, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone 360-902-5974, fax 360-902-4249, email Emily.Stinson@Lni.wa.gov.

December 18, 2018
Joel Sacks
Director

WSR 19-01-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 18, 2018, 10:12 a.m.]

Subject of Possible Rule Making: Chapter 296-127 WAC, Prevailing wage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is to review prevailing wage rules for housekeeping changes in order to further clarify the language without changing their effect of any rule except where necessary to align with statute or case law. No substantive changes will be considered in this rule.

Possible changes under consideration include:

- Update references to correct current statutes [statutes] and addresses;
- Change to gender neutral language; and
- Replace archaic terminology.

Process for Developing New Rule: The department will develop the rule language with input from the prevailing wage advisory committee and other interested parties. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate, after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit the department of labor and industries' (L&I) laws and rules web site at <http://www.lni.wa.gov/LawRule/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Beverly Clark, L&I, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia,

WA 98504-4400, phone 360-902-6272, fax 360-902-5292, email Beverly.Clark@Lni.wa.gov.

December 18, 2018
Joel Sacks
Director

WSR 19-01-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed December 18, 2018, 3:18 p.m.]

Subject of Possible Rule Making: This rule making relates to a nonbinary gender option on driver's licenses and identification cards (chapter 308-104 WAC, Drivers' licenses).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will allow Washington state residents to have an additional gender option on their licenses to reflect the lived realities of gender diverse, nonbinary, and gender nonconforming residents.

Process for Developing New Rule: Internal review and stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Greg Mukai, P.O. Box 9020, Olympia, WA 98507-9020, phone 360-902-3851, email gmukai@dol.wa.gov.

December 18, 2018
Damon Monroe
Rules Coordinator

WSR 19-01-109
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed December 18, 2018, 4:12 p.m.]

Subject of Possible Rule Making: WAC 308-91-040 General provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.87.010(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule change will allow drivers to keep a photocopy, electronic image, or the original cab card in their vehicle. The international registration updated its requirements for acceptance of credentials in vehicles.

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 these rules may contact the individual 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 Wesley Marks, P.O. Box 9228, Olympia, WA 98507-9228, phone 360-664-1850, fax 360-570-7829, TTY 711, email wmarks@dol.wa.gov, web site <https://www.dol.wa.gov/vehicleregistration/irplaws.html>.

December 18, 2018
Damon Monroe
Rules Coordinator

WSR 19-01-112
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed December 19, 2018, 8:29 a.m.]

Subject of Possible Rule Making: WAC 392-172A-05085 Due process hearing request filing and response, 392-137-190 through 392-137-200, student transfers appeals; and chapter 392-101 WAC, Superintendent of public instruction—Administrative practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 28A.225.230, 28A.155.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Certain appeals submitted to the office of superintendent of public instruction (OSPI), including special education due process hearing requests and nonresident student transfer appeals, are assigned to the office of administrative hearings (OAH) for adjudication. Currently, these appeals are filed with OSPI and transmitted to OAH. OSPI is considering rule making that would simplify the filing and transmittal process by allowing these appeals to be submitted directly to OAH from the filing party. The proposed change would simplify the filing process and reduce staff time and resource use for both OSPI and OAH staff. The impact on filing parties would be the initial change of filing address and email.

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 Evan Gaffey, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6372, fax 360-753-4201, TTY 360-664-3631, email evan.gaffey@k12.wa.us, web site www.k12.wa.us.

December 19, 2018
Chris P. S. Reykdal
State Superintendent
of Public Instruction