

WSR 19-18-010
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed August 26, 2019, 9:04 a.m.]

Subject of Possible Rule Making: The employment security department (ESD) is seeking to implement public disclosure and privacy rules, update the existing procedures governing public records requests made to the department, and clarify the operation of the department's public records office under the Public Records Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to ESD. Section 2, chapter 81, and section 72, chapter 13, Laws of 2019, provide the department with specific rule-making authority regarding the privacy of the department's records. RCW 42.56.070 and 42.56.100 provide all agencies with the authority to establish rules regarding public access to agency records.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESD seeks to provide clear and usable guidance for the public regarding program operations including public disclosure and privacy information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: Draft rules will be shared with the public and stakeholders. The department will solicit input from all parties and consider all comments in the development of final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joshua Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email Rules@esd.wa.gov, web site <https://esd.wa.gov/newsroom/rulemaking/benefits>.

August 26, 2019
 Dan Zeitlin, Director
 Employment Security Policy

WSR 19-18-011
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed August 26, 2019, 10:08 a.m.]

The department of licensing (DOL) requests withdrawal of the preproposal statement of inquiry filed as WSR 19-07-065, chapter 196-20 WAC. The CR-101 was filed on March 19, 2019, and appeared in Issue 19-07 of the State Register.

DOL also requests withdrawal of the preproposal statement of inquiry filed as WSR 17-21-104, WAC 196-26A-040

and 196-30-030. The CR-101 was filed on October 18, 2017, and appeared in Issue 17-21 of the State Register.

This document serves as the official notification of our rule withdrawal.

Damon Monroe
 Rules Coordinator

WSR 19-18-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 27, 2019, 9:40 a.m.]

Subject of Possible Rule Making: Chapters 246-809 and 246-811 WAC, the department of health (department) is considering adding new sections to these chapters to implement the requirements of SB 5054 regarding probationary licensure and a reciprocity program between Washington and other U.S. states and territories for the following mental health licenses: Substance use disorder professional, mental health counselor, marriage and family therapist, advanced social worker, and independent clinical social worker. The department may also fix internal references in both chapters as needed to harmonize with the newly added sections. Finally, the department will open WAC 246-809-990 and 246-811-990 to discuss a fee regarding probationary licensure for each of the licenses listed as well as WAC 246-924-990 for a psychology probationary license as authorized by the statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SB 5054 (chapter 351, Laws of 2019); RCW 18.205.060, 18.225.040, 43.70.110, and 43.70.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is necessary for the department to establish the administrative requirements and fees for the reciprocity programs and probationary licensure required in statute. The statute and subsequent rule making is intended to increase the mental health professional workforce in Washington state.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela Ranes, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4987, fax 360-236-2901, TTY 360-833-6388 or 711, email pamela.ranes@doh.wa.gov.

Additional comments: Rule development will take place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices will be mailed via GovDelivery to various behavioral health professions lists. Notices for this rule making will be the same regardless of the GovDelivery list it will be sent to. To receive notices, interested persons may sign up for any or all of the lists mentioned here. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions." From there you may check the box next to one or more of the follow[ing] professions: Agency affiliated counselor, board of psychol-

ogy, certified counselors/certified advisers, licensed counselors.

August 23, 2019
John Wiesman, DrPH, MPH
Secretary

WSR 19-18-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed August 27, 2019, 10:16 a.m.]

Subject of Possible Rule Making: The department is considering modifying its existing recreational license dealer's fee table.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.240, 77.12.800, 77.32.090, and 77.32.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering adding a new line item to the dealer's fee table as it adds a new license package, also the department needs to remove a dealer fee as an existing endorsement is no longer available.

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 Jacalyn Hursey, 600 Capitol Way North, Olympia, WA 98501, phone 360-902-2861, fax 360-902-2162, email Rules.Coordinator@dfw.wa.gov, web site wdfw.wa.gov.

August 27, 2019
Jacalyn M. Hursey
Rules Coordinator

WSR 19-18-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Podiatric Medical Board)

[Filed August 27, 2019, 12:13 p.m.]

Subject of Possible Rule Making: WAC 246-922-700 Acute perioperative pain, 246-922-780 Coprescribing of opioids for patients receiving medication assistant treatment and 246-922-790 Prescription monitoring program—Required registration, queries, and documentation, the podiatric medical board (board) is considering amendments regarding requirements for checking the prescription monitoring program (PMP) when prescribing opioids, as well as correcting other typographical errors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.22.015 and 18.22.800.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In 2017, the legislature

passed ESHB 1427 (chapter 297, Laws of 2017) directing the board, along with four other health profession boards and commissions, to adopt rules establishing requirements for prescribing opioid drugs for seven health professions.

The board participated in a workgroup task force with those boards and commissions to develop model rules that each board and commission would then customize to align with the specific practice areas to which they would be applied. With an effective date of November 1, 2018, the board held one of the first rule adoption hearings and adopted rule language that closely mirrored the task force model rules. The other boards and commissions subsequently modified the model rule language with more restrictive PMP query requirements.

The board is considering amendments to more closely align their PMP query requirement with the other board[s] and commissions. In addition, after the effective date, it was discovered there were typographical errors in three section[s] of the adopted rules. The board will consider correcting these errors, as well as consider changes to the PMP query requirement.

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 Susan Gragg, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, TTY 360-833-6388 or 711, email podiatric@doh.wa.gov, web site www.doh.wa.gov, https://public.govdelivery.com/accounts/WADOH/subscriber/new.

Additional comments: Individuals may join the rule-making interested parties list by subscribing at https://public.govdelivery.com/accounts/WADOH/subscriber/new.

August 27, 2019
Renee Fullerton, MPH
Executive Director

WSR 19-18-019
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Board of Psychology)

[Filed August 27, 2019, 5:28 p.m.]

Subject of Possible Rule Making: Chapter 246-924 WAC, the examining board of psychology (board) is considering adding new sections to the chapter to implement the requirements of SB 5054 regarding probationary licensure and a reciprocity program between Washington and other U.S. states or territories. The board will also consider amending WAC 246-924-043, 246-924-059, and 246-924-495 to address the reduction of supervised experience requirements for certain applicants already licensed as a substance use disorder specialist under chapter 18.205 RCW as required by ESHB 1768. The board will consult with the department of health to determine training standards for a co-occurring dis-

order specialist enhancement as required by ESHB 1768. The board is also considering clarifying terms and conditions in WAC 246-924-010, 246-924-049, 246-924-095, and 246-924-480 regarding telemedicine, and licensure requirements for practicum, exams, and temporary permits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SB 5054 (chapter 351, Laws of 2019), ESSB [ESHB] 1768 (chapter 444, Laws of 2019), RCW 18.83.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be needed to establish the administrative requirements necessary to implement recently passed statutes. The statutes and subsequent rule making is intended to increase the mental health professional workforce in Washington state through a reciprocity program, by establishing a process to transition from a probationary license into a permanent or full license, and reduction of supervised experience hours for certain psychology applicants with prior work experience as a licensed substance use disorder professional. The board is also looking to clarify several rule sections for consistency, clarity, and precision.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Stacey Saunders, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2813, fax 360-236-2901, TTY 360-833-6388 or 711, email stacey.saunders@doh.wa.gov, web site www.doh.wa.gov.

Additional comments: Rule development will take place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices will be mailed via GovDelivery to various behavioral health professions lists. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next click open the box labeled "Health Professions," then check the box next to "Board of Psychology."

August 27, 2019
U. James Chaney
Executive Director

WSR 19-18-021

PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 28, 2019, 8:06 a.m.]

Subject of Possible Rule Making: Adjusting the hours unemployment claimants must be available for work in order to be eligible for unemployment benefits and updating factors used to determine suitable work. This preproposal statement of inquiry replaces WSR 19-11-095.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.12.040 provide general rule-making authority to the employment security department (ESD). RCW 50.12.042 provides specific rule-making authority regarding the requirement that unemployment claimants be able to work, available for work, and actively

seek work. RCW 50.20.100 provides rule-making authority to determine what factors are used to determine suitable work.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under current rules, unemployment claimants must be available for work during all the usual hours and days of the week customary for their occupation. This requirement can be unobtainable for some claimants who work in 24/7 professions, especially those claimants who have family caregiving responsibilities. Rule making is necessary to set a more obtainable standard. Additionally, rule making is necessary to include shifts of employment as a factor used to determine suitable work, consistent with Unemployment Insurance Program Letter No. 41-98.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of the unemployment insurance laws so long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rule will be shared with stakeholders as identified through the standard rule-making process. ESD will solicit input and consider all comments in the development of the final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Dye, P.O. Box 9046, phone 360-890-3472, fax 844-652-7096, TTY relay 711, email rules@esd.wa.gov, web site <https://esd.wa.gov/newsroom/rulemaking/benefits>.

August 28, 2019
Daniel Zeitlin
Employment System
Policy Director

WSR 19-18-022

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY EMPLOYMENT SECURITY DEPARTMENT

[Filed August 28, 2019, 8:20 a.m.]

The employment security department is withdrawing a preproposal statement of inquiry filed as WSR 19-11-095. This preproposal was filed on May 20, 2019, and related to adjusting the hours unemployment claimants must be available for work in order to be eligible for unemployment benefits. After receiving feedback, the rule making will be expanded to include topics that were not included in the preproposal.

For this reason, WSR 19-11-095 is being withdrawn pursuant to WAC 1-21-060 and RCW 34.05.335.

Please email rules@esd.wa.gov, attention Joshua Dye, if you have questions.

Dan Zeitlin, Director
Employment System Policy

Policy, Data, and
Performance Integrity Division

filed as WSR 18-17-098 on August 15, 2018 (chapter 388-107 WAC), regarding tuberculosis screening.

Katherine I. Vasquez
Rules Coordinator

WSR 19-18-029

**PREPROPOSAL STATEMENT OF INQUIRY
ATTORNEY GENERAL'S OFFICE**

[Filed August 28, 2019, 12:49 p.m.]

Subject of Possible Rule Making: The purpose of this possible rule making is to update chapter 44-06 WAC, the rules governing access to records of the office of the attorney general pursuant to requests made under the Public Records Act (PRA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.100, 42.56.040, 42.56.070(1), 43.10.-110, and 34.05.310 - [34.05].395.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PRA is at chapter 42.56 RCW. The office's rules implementing PRA are in chapter 44-06 WAC. Many sections of chapter 44-06 WAC need updating to reflect PRA recodifications and other PRA amendments, and to describe updated office procedures relating to PRA requests.

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 office anticipates proposing amendments to and repeals of rules. The office will provide public notice of this rule making through filings in the *Washington State Register* and through posting information on the office web site at www.atg.wa.gov. During a public comment period, the office will also seek comment: (1) As to be described in the anticipated rule-making proposal form (CR-102); (2) from persons who have requested notice of office rule making; and (3) from persons who attend 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 Christina Beusch, 1125 Washington Street S.E., P.O. Box 40100, Olympia, WA 98504, phone 360-664-3801, fax 360-664-0228, email Christina.Beusch@atg.wa.gov, web site www.atg.wa.gov.

August 28, 2019
Bob Ferguson
Attorney General

WSR 19-18-032

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 29, 2019, 10:05 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice

WSR 19-18-033

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 29, 2019, 10:24 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-17-099 on August 15, 2018 (chapter 388-97 WAC), regarding tuberculosis screening.

Katherine I. Vasquez
Rules Coordinator

WSR 19-18-034

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 29, 2019, 10:39 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-17-087 on August 14, 2018 (chapter 388-78A WAC), regarding tuberculosis screening.

Katherine I. Vasquez
Rules Coordinator

WSR 19-18-036

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed August 29, 2019, 11:33 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 18-17-088 on August 14, 2018 (chapter 388-76 WAC), regarding tuberculosis screening.

Katherine I. Vasquez
Rules Coordinator

WSR 19-18-043
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 29, 2019, 3:35 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 19-17-058 on August 19, 2019, and distributed in the 19-17 State Register regarding WAC 182-512-0880 and 182-517-0100.

Wendy L. Barcus
 Rules Coordinator

WSR 19-18-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)

[Filed August 30, 2019, 11:18 a.m.]

Subject of Possible Rule Making: The department is proposing to add new, repeal, and amend sections in chapter 388-97 WAC, Nursing Homes, related to tuberculosis screening including WAC 388-97-1360, 388-97-1380, 388-97-1400, 388-97-1440, 388-97-1460, 388-97-1480, 388-97-1500, 388-97-1520, 388-97-1540, 388-97-1560, 388-97-1580, 388-97-1600, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.51, 74.39A, 74.42 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in several years. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-97 WAC, Nursing homes.

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 Jeanette K. Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email childjk@dshs.wa.gov.

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email, or fax.

August 29, 2019
 Katherine I. Vasquez
 Rules Coordinator

WSR 19-18-053
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed August 30, 2019, 12:02 p.m.]

Subject of Possible Rule Making: WAC 182-503-0010 Washington apple health—Who may apply, 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. 435.4.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this section to correct a WAC cross-reference and remove age restrictions on tax dependent individuals. This change reflects agency policy that the agency supports applications of individuals who are tax dependent regardless of age. During the course of this review, the agency may identify additional related 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 Michael Williams (Rule Writer), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication relay services (TRS) 711, email michael.williams@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or James Brackett (Program Questions), P.O. Box 45534, Olympia, WA 98504-2716 [98507-5534], phone 360-725-1513, fax 360-664-2186, TRS 711, email james.brackett@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

August 30, 2019
 Wendy Barcus
 Rules Coordinator

WSR 19-18-059
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Long-Term Support Administration)

[Filed September 3, 2019, 9:06 a.m.]

Subject of Possible Rule Making: The department is planning to add new, repeal, and amend sections in chapter 388-107 WAC, Licensing requirements for enhanced services facilities related to tuberculosis screening, including WAC 388-107-0440, 388-107-0450, 388-107-0460, 388-

107-0465, 388-107-0470, 388-107-0480, 388-107-0490, 388-107-0500, 388-107-0510, 388-107-0520, 388-107-0530, 388-107-0540, 388-107-0542, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.97, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in several years. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-107 WAC, Licensing requirements for enhanced services facilities.

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 Jeanette K. Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email childjk@dshs.wa.gov.

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email, or fax.

August 29, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-18-060

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed September 3, 2019, 9:07 a.m.]

Subject of Possible Rule Making: WAC 260-36-250 Industrial insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To amend the language regarding the rounding of premiums.

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 Douglas L. Moore, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax

360-450-6461, TTY 360-450-6462, email doug.moore@whrc.state.wa.us, web site www.whrc.wa.gov; or Amanda Benton, 6326 Martin Way, Suite 209, Olympia, WA 98516, phone 360-450-6462, fax 360-450-6461, TTY 360-450-6462, email amanda.benton@whrc.state.wa.us, web site www.whrc.wa.gov.

September 3, 2019
Douglas L. Moore
Executive Secretary

WSR 19-18-061

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed September 3, 2019, 9:28 a.m.]

Subject of Possible Rule Making: The department is planning to add new, repeal, and amend sections in chapter 388-76 WAC, Adult family home minimum licensing requirements, related to tuberculosis screening, including WAC 388-76-10198, 388-76-10265, 388-76-10270, 388-76-10275, 388-76-10280, 388-76-10285, 388-76-10290, 388-76-10295, 388-76-10300, 388-76-10305, 388-76-10310, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.128, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in several years. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-76 WAC, Adult family home minimum licensing requirements.

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 Jeanette K. Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email childjk@dshs.wa.gov.

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email, or fax.

August 29, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-18-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed September 3, 2019, 9:30 a.m.]

Subject of Possible Rule Making: The department is planning to add new, repeal, and amend sections in chapter 388-78A WAC, Assisted living facility licensing rules, related to tuberculosis screening, including WAC 388-78A-2480, 388-78A-2481, 388-78A-2482, 388-78A-2483, 388-78A-2484, 388-78A-2485, 388-78A-2486, 388-78A-2487, 388-78A-2488, 388-78A-2489, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.20, 74.39A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules have not been updated in several years. The rules need to be updated in consideration of the Centers for Disease Control and Prevention recommendations. These rule changes will create consistent regulations across the residential care services programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health collaborates and coordinates closely with the department of social and health services (DSHS), residential care services to develop regulations of the requirements associated with tuberculosis in chapter 388-78A WAC, Assisted living facility licensing rules.

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 Jeanette K. Childress, Long-Term Care Policy Program Manager, Residential Care Services, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2591, fax 360-438-7903, email childjk@dshs.wa.gov.

Additional comments: Anyone from the public can comment directly to the program manager listed above via phone, email, or fax.

August 29, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-18-065
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Developmental Disabilities Administration)
[Filed September 3, 2019, 10:33 a.m.]

Subject of Possible Rule Making: The department is amending sections in chapter 388-845 WAC, 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.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is amending sections in chapter 388-845 WAC as part of the administration's waiver renewal process and filed a CR-103E Rule-making order as WSR 19-18-048 on August 30, 2019. The emergency rules reflect changes approved by the Centers for Medicare and Medicaid Services on July 30, 2019, that went into effect on September 1, 2019. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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 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, DDA, 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.

September 3, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-18-071
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed September 3, 2019, 1:49 p.m.]

Subject of Possible Rule Making: WAC 182-535-1066 Dental-related services—Medical care services clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESHB 1109, section 211(30), chapter 415, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Effective January 1, 2020, a medical care services (MCS) client may receive the same dental coverage in chapter 182-535 WAC as other eligible

clients. The agency is repealing WAC 182-535-1066 which contains limited dental coverage for MCS clients. This section will no longer apply. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Centers for Medicare and Medicaid Services and the department of social and health 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 Valerie Smith, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.smith@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking; or Pixie Needham, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9967, fax 360-586-9727, TRS 711, email pixie.needham@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

September 3, 2019
Wendy Barcus
Rules Coordinator

NBCT certificated instructional staff who work in challenging schools are eligible for a salary bonus. Challenging schools are defined as schools that meet a minimum threshold based on prior year headcount enrollment of students eligible for free of [or] reduced price meals [lunch] (FRPL). Because Provision 2 schools are not required to collect household applications, OSPI has not been able to consistently determine under the current rule whether high-poverty schools that were historically classified as challenging schools meet the FRPL headcount enrollment threshold for purposes of NBCT bonus eligibility. Requiring the use of prior year data to determine FRPL headcount enrollment eligibility will cause individual teachers in some historically challenging Provision 2 schools to lose the challenging schools.

OSPI is also considering making technical and house-keeping revisions to chapter 392-140 WAC.

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 Steven Mueller, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6119, fax 360-753-4201, TTY 360-664-3631, email steven.mueller@k12.wa.us, web site www.k12.wa.us.

September 3, 2019
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 19-18-076

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 3, 2019, 2:26 p.m.]

Subject of Possible Rule Making: WAC 392-140-973 Salary bonus for teachers and other certificated instructional 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: The office of superintendent of public instruction (OSPI) is considering rule making to allow schools that participate in the National School Breakfast and Lunch Program's Provision 2 meal service option and have historically been challenging high-poverty schools (challenging schools) for purposes of the National Board Certified Teachers [Teachers] (NBCT) bonus to continue to qualify as challenging schools for the duration of their Provision 2 eligibility. Provision 2 is a federal nonpricing meal service option for schools in low-income areas that allows high poverty schools to serve breakfast and lunch at no cost to all of their enrolled students. Provision 2 schools do not need to collect household applications to determine students' school meal program eligibility. Instead, it allows schools to establish claiming percentages and to serve all meals at no charge for a four year period. WAC 392-140-973 provides that

WSR 19-18-077

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed September 3, 2019, 2:27 p.m.]

Subject of Possible Rule Making: Chapter 392-320 WAC, School personnel—Administrator internship program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.415.300.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 1139 (2019) made changes to the administrator internship program. Among the changes, administration of the program, which was previously assigned to educational service districts, was changed to the office of superintendent of public instruction (OSPI). Therefore, OSPI is considering rule making to address this and any additional changes that may be needed.

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 Timothy York, Professional Certification Office, OSPI, P.O. Box 47200, Olympia, WA 98504-

7200, phone 360-725-6400, fax 360-753-4201, TTY 360-664-3631, email timothy.york@k12.wa.us, web site k12.wa.us.

September 3, 2019
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 19-18-083
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed September 4, 2019, 6:32 a.m.]

Subject of Possible Rule Making: Criteria of what qualifies as an independent investigation in police involved shootings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 10.114.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Required by initiative and SHB 1064 (2019). The rules are needed for police involved shooting investigation processes to be consistent in the state and to require certain criteria in order to be a completely independent investigation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None. Any federal agencies that have regulations are exempted in RCW 10.114.010.

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 Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7356, email Dzable@cjtc.wa.gov, web site www.cjtc.wa.gov; or Dan Christman, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7369, email dchristman@cjtc.wa.gov, web site www.cjtc.wa.gov.

September 3, 2019
Derek Zable
Human Resources and
Government Affairs Manager

WSR 19-18-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 4, 2019, 8:28 a.m.]

Subject of Possible Rule Making: SB [ESSB] 5998, 2019 legislative session, chapter 424, Laws of Washington. Pursuant to section 5 of SB 5998, the department of revenue is developing guidance to implement new real estate excise tax (REET) provisions authorizing the department to disregard the form of a real estate transaction structured in a way

that serves no meaningful purpose other than to avoid or reduce tax.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SB [ESSB] 5998, 2019 legislative session, chapter 424, Laws of Washington. RCW 82.01.060, 82.32.300, and 82.45.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature has encouraged the department of revenue to provide guidance in this new area of REET law. Rules on this subject would assist taxpayers in avoiding situations where the form of a transaction is disregarded, while also assisting county and state officials in collecting the correct amount of REET.

Process for Developing New Rule: The department of revenue will host a public meeting in late 2019 to gather public input on the tax avoidance REET issues. Thereafter, the department will draft a new rule in chapter 458-61A WAC addressing this issue. That draft rule will go through the standard rule-making process described in the Administrative Procedures [Procedure] Act in chapter 34.05 RCW, including a CR-102 public hearing for additional public input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rex Munger, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1554, fax 360-534-1606, TTY 800-833-6384, email RexM@dor.wa.gov, web site dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Rex Munger using one of the contact methods above.

Written and oral comments will be accepted at the public meeting on October 16, 2019, at 10:00 a.m., at Conference Room 252, 6400 Linderson Way S.W., Tumwater, WA 98501.

September 4, 2019
Atif Aziz
Rules Coordinator

WSR 19-18-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed September 4, 2019, 8:45 a.m.]

Subject of Possible Rule Making: Adding a new chapter to Title 308 WAC, Licensing, department of; chapter 308-109 WAC, motorcycle permit and endorsement requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.81A.020, 46.01.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To outline the department's administration of the new requirements for motorcycle permits and endorsements due to the passage of SHB 1116 (2019).

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 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 Bryan Jackson, P.O. Box 9030, Olympia, WA 98501-2283, phone 360-902-3664, fax 360-586-8351, email Motorcycle@dol.wa.gov.

September 4, 2019
Damon Monroe
Rules Coordinator

WSR 19-18-088

PREPROPOSAL STATEMENT OF INQUIRY

CRIMINAL JUSTICE

TRAINING COMMISSION

[Filed September 4, 2019, 9:35 a.m.]

Subject of Possible Rule Making: First aid guidelines for law enforcement officers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.28A.445.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Required by initiative and SHB 1064 (2019). The guidelines must: (a) Adopt first aid training requirements; (b) address best practices for securing a scene to facilitate the safe, swift, and effective provision of first aid to anyone injured in a scene controlled by law enforcement or as a result of law enforcement action; and (c) assist agencies and law enforcement officers in balancing the many essential duties of officers with the solemn duty to preserve the life of persons with whom officers come into direct contact.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Derek Zable, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7356, email Dzable@cjtc.wa.gov, web site www.cjtc.wa.gov; or Dan Christman, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7369, email dchristman@cjtc.wa.gov, web site www.cjtc.wa.gov.

September 3, 2019
Derek Zable
Human Resources and
Government Affairs Manager

WSR 19-18-089

PREPROPOSAL STATEMENT OF INQUIRY

OFFICE OF THE

INSURANCE COMMISSIONER

[Insurance Commissioner Matter R 2019-11—Filed September 4, 2019, 10:08 a.m.]

Subject of Possible Rule Making: Prescription drug utilization management (ESHB 1879).

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 1879 (chapter 427, Laws of 2019 - effective date January 1, 2021), RCW 48.02.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature passed ESHB 1879 during the 2019 session. The bill requires health carriers and prescription drug utilization management companies which restrict prescription drug coverage through use of utilization management protocols to provide both the patient and the prescribing practitioner access to a clear, readily accessible, and a timely exception process. Furthermore, it requires utilization management protocols to be evidence-based and creates requirements and timelines for step therapy exception requests. The office of the insurance commissioner needs to develop rules to establish how the notice to participating providers would be given the standard process requirements and external review options.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Submit written comments by December 31, 2019.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Bird, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-77169 [360-725-7169], fax 360-586-3109, TTY 360-586-0241, email rules_coordinator@oic.wa.gov, web site www.insurance.wa.gov.

September 3, 2019
Mike Kreidler
Insurance Commissioner

WSR 19-18-094

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF

PUBLIC INSTRUCTION

[Filed September 4, 2019, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 392-157 WAC, Child nutrition—Practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.235.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction is considering revising chapter 392-157 WAC to (1) better align the rules with state audit or performance audit results, leading research, and national best practices to improve health and learning outcomes for students by requiring a minimum-seated lunchtime of twenty minutes in

K-12 public schools and recess before lunch in elementary schools; and (2) technical changes to streamline the chapter.

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 Leanne Eko, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6200, TTY 360-664-3631, email Leanne.eko@k12.wa.us, web site k12.wa.us; or Mikhail Cherniske, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6056, TTY 360-664-3631, email Mikhail.cherniske@k12.wa.us, web site k12.wa.us.

September 4, 2019
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 19-18-096
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed September 4, 2019, 11:46 a.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws the preproposal statement of inquiry (CR-101) WSR 19-12-116, filed June 5, 2019, consent requirement for survivorship benefit options.

Comments, questions or concerns may be directed to Jilene Siegel at 360-664-7291 or Rules@drs.wa.gov.

Jilene Siegel
Rules and Contracts Manager

WSR 19-18-097
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed September 4, 2019, 11:46 a.m.]

Subject of Possible Rule Making: Optional life annuity benefit for certain public retirement system members.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementing chapter 189, Laws of 2019 (SB 5350), allowing members to purchase a lifetime annuity benefit via the Washington state investment board.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380,

phone 360-664-7291, TTY 711, email Rules@drs.wa.gov, web site www.drs.wa.gov/rules/.

September 4, 2019
Jilene Siegel
Rules Coordinator

WSR 19-18-098
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed September 4, 2019, 11:46 a.m.]

Subject of Possible Rule Making: Survivorship benefit options.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Implementing chapter 102, Laws of 2019 (HB 1408), revising the written consent requirement for survivor benefit options; and clarifying the impact to the benefit if a survivor predeceases the retiree.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jilene Siegel, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, web site www.drs.wa.gov/rules/.

September 4, 2019
Jilene Siegel
Rules Coordinator