

WSR 20-11-023**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed May 13, 2020, 8:23 a.m.]

Subject of Possible Rule Making: WAC 260-49-070
Distribution of source market fees.

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 review and amend the
percentage splits from source market fees received. This may
be necessary to ensure the agency revenue is adequate to reg-
ulate live racing due to the COVID-19 shutdown of simulcast
wagering.

Process for Developing New Rule: Negotiated rule mak-
ing.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication 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, website 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, website
www.whrc.wa.gov.

May 13, 2020
Douglas L. Moore
Executive Secretary

WSR 20-11-040**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed May 14, 2020, 4:20 p.m.]

Subject of Possible Rule Making: New section within
chapter 182-530 WAC, Prescription drugs (outpatient), and
other related rules, as appropriate, to establish rules for pro-
vider use of the qualified prescription drug monitoring pro-
gram.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 41.05.021, 41.05.160, and P.L. 115-271.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The agency intends to estab-
lish rules regarding provider use of the qualified prescription
drug monitoring program, as required by Section 5042 of the
SUPPORT for Patients and Communities Act (P.L. 115-271),
prior to prescribing or dispensing scheduled drugs. During
the course of this review, the agency may identify additional
related changes in order to improve clarity of update policy.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: Department of health.

Process for Developing New Rule: The agency wel-
comes the public to take part in developing this rule. If inter-
ested, contact the person identified below to receive an early
rule draft to review. After the early review, the agency will

send a notice of proposed rule making (CR-102) to everyone
receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication by contacting Melinda Froud (Rulemaking Ques-
tions), P.O. Box 42716, Olympia, WA 98504-2716, phone
360-725-1408, fax 360-586-9727, telecommunication[s]
relay services (TRS) 711, email Melinda.froud@hca.wa.gov,
website www.hca.wa.gov/about-hca/rulemaking; or Charles
Agte (Program Questions), P.O. Box 45502, Olympia, WA
98504-5502, phone 360-725-1301, fax 360-725-2141, TRS
711, email Charles.agte@hca.wa.gov, website www.hca.wa.
gov/about-hca/rulemaking.

May 14, 2020
Wendy Barcus
Rules Coordinator

WSR 20-11-044**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed May 18, 2020, 9:24 a.m.]

Subject of Possible Rule Making: WAC 246-840-010,
246-840-840, 246-840-850, 246-840-860, and 246-840-905,
nursing technicians, the nursing care quality assurance com-
mission (NCQAC) is considering amendments to nursing
technician rules to provide practice opportunities to licensed
practical nurse (LPN) students.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 18.79.110 and 18.79.340.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: The NCQAC's legislative
panel recently completed a review of the benefits of appren-
ticeship programs and opportunities to improve transition
into the workforce for LPN students. After the review, the
panel reported to the NCQAC its suggestion to open the rules
to grant LPN students the same opportunity as registered
nurse (RN) students to obtain a nursing technician credential.
The NCQAC felt that granting the same opportunity to LPN
students could provide a positive impact on the students and
allow for a better transition into the workforce by creating
opportunities for valuable judgment and knowledge gains
through expanded work opportunities. The NCQAC is also
considering making amendments to WAC 246-840-860 to
eliminate the requirement for nursing technician applicants to
complete seven clock hours of AIDS education. This training
is no longer required per ESHB 1551 (chapter 76, Laws of
2020). Amendments may also address staffing shortages
resulting from the coronavirus disease 2019 (COVID-19) and
other public health emergencies.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 pub-

lication by contacting Brandon Williams, P.O. Box 47864, Olympia, WA 98504, phone 360-236-4239, fax 360-236-4738, TTY 711, email brandon.williams@doh.wa.gov, website <https://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission>.

Additional comments: By joining the NCQAC's GovDelivery distribution system, interested parties can stay up to date with news, alerts and rule-making activities from the NCQAC, <https://public.govdelivery.com/accounts/WA/DOH/subscriber/new>.

May 18, 2020
Paula R. Meyer, MSN, RN, FRE
Executive Director

WSR 20-11-056

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed May 19, 2020, 9:58 a.m.]

Subject of Possible Rule Making: WAC 246-817-120 Examination content, the dental quality assurance commission (commission) is considering permanent rule making to add the Joint Commission on National Dental Examination's (JCNDE) Dental Licensure Objective Structured Clinical Examination (DLOSCE), a nonpatient-based examination, to allowable practical/clinical examinations in WAC 246-817-120.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002, [18.]32.0365, and 18.32.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to the coronavirus disease (COVID-19) pandemic, all regional, patient-based clinical dentist examinations are cancelled for 2020 in the United States. Graduating dentist students from the University of Washington and Oregon Health and Science University will be unable to obtain Washington state dentist licensure unless they take a practical/clinical examination.

The JCNDE has been creating the DLOSCE since 2017 with a planned release in spring of 2021. The DLOSCE is a practical/clinical examination that is computer-based and does not use live patients. In response to COVID-19, JCNDE announced an early release of the examination in June 2020. In anticipation of the release of the DLOSCE in June 2020, the commission is beginning the rule-making process. Adding DLOSCE to the list of allowable practical/clinical examinations permanently will reduce licensure barriers for graduates to choose a patient-based or a nonpatient-based examination to obtain Washington state dentist licensure.

Once the JCNDE releases the new DLOSCE the commission plans to adopt an emergency rule to immediately allow for the use of the computer-based examination. The commission intends for the emergency rule to be in place until the permanent rule is adopted.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 711, email jennifer.santiago@doh.wa.gov, website www.doh.wa.gov/dental, dental@doh.wa.gov.

Additional comments: Stakeholders may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

May 18, 2020
Trina Crawford
Executive Director

WSR 20-11-057

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF CORRECTIONS

[Filed May 19, 2020, 11:06 a.m.]

Subject of Possible Rule Making: Chapter 137-78 WAC, Employee assault benefits.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make administrative changes as necessary to comply with current department 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 invites interested parties to review and provide input on the proposed rules. Comments may be sent to Jennifer D. Williams, rules coordinator, at the address shown below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer D. Williams, P.O. Box 41114, Olympia, WA 98504-1114, phone 360-725-8364, email jennifer.williams1@doc.wa.gov, website www.doc.wa.gov; or Sonja Dordal, Occupational Health and Wellness Manager, P.O. Box 41102, Olympia, WA 98504-1102, phone 360-407-5764, email Sonja.dordal@doc.wa.gov, website www.doc.wa.gov.

May 19, 2020
Stephen Sinclair
Secretary

WSR 20-11-059
PREPROPOSAL STATEMENT OF INQUIRY
NOXIOUS WEED
CONTROL BOARD

[Filed May 19, 2020, 11:26 a.m.]

Subject of Possible Rule Making: Chapter 16-750 WAC. Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.010, 17.10.070, 17.10.080, 17.10.350.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington state noxious weed control board (WSNWCB) is charged with updating the state noxious weed list on an annual basis to ensure it accurately reflects the noxious weed control priorities and noxious weed distribution as well as updating its bylaws that are codified in chapter 16-750 WAC. WSNWCB may also consider other updates to chapter 16.750 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state agency regulates this subject. Federal agencies are subject to federal noxious weed laws that require them to coordinate with state regulations. Federal agencies in Washington are invited to participate in all stages of noxious weed rule making.

Process for Developing New Rule: WSNWCB annually solicits proposed changes to the noxious weed list from county weed boards, weed districts, state agencies, federal agencies, interest groups, and the general public. The noxious weed committee of the board (which includes representation from the Washington native plant society, county weed boards, the nursery industry and several scientific advisors) meets at least twice to review and research these suggestions. A public hearing is scheduled, and a press release and information regarding the proposed changes are widely distributed to newspapers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Fee, 1111 Washington Street S.E., phone 360-902-2053, fax 360-902-2094, TTY 800-833-6388, email mfee@agr.wa.gov, website www.nwcb.wa.gov.

May 19, 2020
 Mary Fee
 Executive Secretary

WSR 20-11-064
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed May 19, 2020, 4:07 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-412-0046 What is the purpose of DSHS cash and food assistance benefits and how can I use my benefits?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 7 C.F.R. §§ 271.2, 7 C.F.R. §§ 273.16.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments planned under this filing will align rule language with changes in state law, under SB 6136 (chapter 64, Laws of 2020), regarding restrictions on electronic benefit transfer (EBT) cards.

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) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

The state legislature authorizes the department to administer SNAP and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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 Christina M. Barras, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504, phone 360-725-4640, fax 360-725-4905, email BarraCM@dshs.wa.gov.

May 19, 2020
 Katherine I. Vasquez
 Rules Coordinator

WSR 20-11-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed May 20, 2020, 8:33 a.m.]

Subject of Possible Rule Making: The department plans to repeal WAC 388-478-0010 Households with obligations to pay shelter costs; and amend WAC 388-478-0005 Cash assistance need and payment standards and grant maximum, 388-478-0006 The clothing, personal maintenance, and necessary incidentals (CPI) payment standard for cash assistance, 388-478-0015 Need standards for cash assistance, 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0027 What are the payment standards for pregnant women assistance (PWA)?, 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance?,

388-478-0090 What are the monthly income limits for the aged, blind, and disabled (ABD) cash assistance and housing and essential needs (HEN) referral program?, 388-418-0020 How does the department determine the date a change affects my cash and basic food benefits?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments planned under this filing will remove references to separate cash assistance standards for households with shelter provided at no cost per the 2020 supplemental operating budget (ESSB 6168, chapter 357, Laws of 2020).

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 Jennie Fitzpatrick, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4648, fax 360-725-4905, email jennie.fitzpatrick@dshs.wa.gov; or Kathryn Gussett, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4658, fax 360-725-4905, email kat.gussett@dshs.wa.gov.

May 19, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-11-072
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 20, 2020, 9:00 a.m.]

Subject of Possible Rule Making: WAC 182-526-0005 Purpose and scope, other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 43.71C.110, and ESSHB [E2SHB] 1224, chapter 334, Laws of 2019.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is revising this section to include chapter 182-70 WAC, All payer health care claims database; and new chapter 182-51 WAC, Washington prescription drug pricing transparency program, as chapters that this section applies to.

New rules for the Washington prescription drug pricing transparency program are being promulgated under WSR 20-03-078. HCA also intends to clarify in this section that rules in chapter 182-526 WAC do not apply to the school benefits board found in chapter 182-32 WAC. 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: Not applicable.

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 Jason Crabbe (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Kerry Breen (Program Questions), P.O. Box 42700, Olympia, WA 98504-2700, phone 360-725-9970, fax 360-586-9727, TRS 711, email kerry.breen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 20, 2020
Wendy Barcus
Rules Coordinator

WSR 20-11-075
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 20, 2020, 9:13 a.m.]

Subject of Possible Rule Making: WAC 182-543-0500, medical equipment, supplies, and appliances—General, and 182-551-2040, home health services—Face-to-face encounter requirements, other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 18.79.256.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-543-0500 and 182-551-2040 to allow ordering of home health services, including medical supplies, by certain nonphysician practitioners. 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: Not applicable.

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 Jason Crabbe (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Cynde Rivers (Program Questions), P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-5282, fax 360-586-9727, TRS 711, email cynde.rivers@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

May 20, 2020
Wendy Barcus
Rules Coordinator