

WSR 20-18-014**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 24, 2020, 9:54 a.m.]

Subject of Possible Rule Making: WAC 260-36-120 Denial, suspension, and revocation—Grounds.

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 clarify restrictive language that may impair the commissioner's ability to reconsider a license denial previously ordered.

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, 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.

August 24, 2020
Douglas L. Moore
Executive Secretary

WSR 20-18-015**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 24, 2020, 9:55 a.m.]

Subject of Possible Rule Making: WAC 260-40-090 Registration certificate.

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: The Washington horse racing commission is considering allowing all horses to race with the condition that the registration certificate is on file with a race office that is a recognized race meet and the horse can be properly identified.

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, 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.

August 24, 2020
Douglas L. Moore

Executive Secretary

WSR 20-18-016**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 24, 2020, 9:55 a.m.]

Subject of Possible Rule Making: WAC 260-24-550 Official veterinarian.

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 remove language that requires an official veterinarian employed by the commission's requirement to hold a Washington state veterinarian license.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of health. An RCW exists that allows [states] veterinarians employed by the state are not required to hold a Washington state veterinarian's license.

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, 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.

August 24, 2020
Douglas L. Moore
Executive Secretary

WSR 20-18-033**PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY**

[Filed August 27, 2020, 12:55 p.m.]

Subject of Possible Rule Making: Revising chapter 172-108 WAC, Adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update university processes and procedures to reflect current practices and law.

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 Joseph Fuxa, 211A Tawanka Hall,

Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, website <https://inside.ewu.edu/policies/>.

Policy and Compliance Manager

August 27, 2020
Joseph Fuxa
Policy and Compliance Manager

WSR 20-18-034
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed August 27, 2020, 12:55 p.m.]

Subject of Possible Rule Making: Revising chapter 172-121 WAC, Student conduct code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions are needed to update university processes and procedures to reflect current practices and federal rules.

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 Joseph Fuxa, 211A Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, website <https://inside.ewu.edu/policies/>.

August 27, 2020
Joseph Fuxa
Policy and Compliance Manager

WSR 20-18-035
PREPROPOSAL STATEMENT OF INQUIRY
EASTERN WASHINGTON UNIVERSITY

[Filed August 27, 2020, 12:56 p.m.]

Subject of Possible Rule Making: Revising WAC 172-191-050 Obtaining copies of records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions may be needed to update university processes and procedures to reflect current practices and law.

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 Joseph Fuxa, 211A Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-7496, fax 509-359-2874, email jfuxa@ewu.edu, website <https://inside.ewu.edu/policies/>.

August 27, 2020
Joseph Fuxa

WSR 20-18-038
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed August 27, 2020, 8:41 p.m.]

This memo serves as notice that the department of health, dental quality assurance commission (commission) is withdrawing the CR-101 for WAC 246-817-120 Examination content. The CR-101 was filed on May 19, 2020, and published as WSR 20-11-056.

The commission filed a CR-101 to consider amending the rule to add the Joint Commission on National Dental Examination's Dental Licensure Objective Structured Clinical Examination, a nonpatient based examination, to allowable practical/clinical examinations in WAC 246-817-120. On July 17, 2020, the commission determined additional amendments not included in the scope of the original CR-101 filed as WSR 20-11-056 should be considered for permanent rule making to include allowing an applicant to pass components of the practical examination using one or more testing agencies, rather than only one agency. Therefore, the commission will file a new CR-101 with an expanded scope of rule-making.

Individuals requiring information on this rule should contact Jennifer Santiago, dental quality assurance commission program manager, at 360-236-4893.

Tami M. Thompson
Regulatory Affairs Manager

WSR 20-18-039
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Osteopathic Medicine and Surgery)

[Filed August 27, 2020, 8:42 p.m.]

Subject of Possible Rule Making: Chapter 246-853 WAC, osteopathic physicians and surgeons, the board of osteopathic medicine and surgery (board) is considering creating new rule sections to regulate the use of telemedicine.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.57.005 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will consider rule making to address the practice of osteopathic physicians and surgeons engaging in telemedicine with Washington state patients. Possible subjects the board may address are: Licensure requirements; record keeping requirements; establishing a patient-practitioner relationship; prescribing issues; and standard of care. Regulating the use of telemedicine ensures the board continues to take an active patient safety role as technology evolves.

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 Tracie Drake, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, TTY 711, email tracie.drake@doh.wa.gov, website www.doh.wa.gov.

Additional comments: To join the interested parties email list, please visit https://public.govdelivery.com/accounts/WADOH/subscriber/new?topic_id=WADOH_153.

August 27, 2020
Renee Fullerton
Executive Director

WSR 20-18-040

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed August 27, 2020, 8:50 p.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. The commission is also considering amendments to allow an applicant to pass components of the practical examination using one or more testing agencies, rather than only one agency.

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, as 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 expressed concerns that they will be unable to obtain Washington state dentist licensure unless they take a practical/clinical examination.

The DLOSCE is a practical/clinical examination that is computer-based and does not use live patients. Instead the exam uses 3D models, or manikins, to demonstrate practical skills to fulfill exam requirements for Washington state licensure. The JCNDE has been creating the DLOSCE since 2017 with a planned release in spring of 2021. In response to COVID-19, JCNDE announced an early release of the examination in June 2020. The commission adopted an emergency rule effective on June 15, 2020 (WSR 20-13-059) to immediately allow for the use of the computer-based examination.

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.

On June 5, 2020, the commission approved an updated emergency rule for WAC 246-817-120 allowing graduates to obtain manikin-based clinical examination from more than one testing agency. Regional examination testing agencies have developed manikin-based clinical dentist examinations to replace patient-based. However, one or more of the testing agencies are unable to offer all required sections through manikin-based examination. Removing the requirement for all examination content sections to be passed with a single testing agency will provide additional options for new graduates to obtain clinical examinations for Washington state dentist licensure. Permanent rule making to adopt these changes was approved on July 17, 2020.

The updated emergency rule accepting DLOSCE and examinations from one or more testing agencies was filed on August 10, 2020, as WSR 20-17-038. 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.

August 27, 2020
Trina Crawford
Executive Director

WSR 20-18-052

PREPROPOSAL STATEMENT OF INQUIRY BATES TECHNICAL COLLEGE

[Filed August 28, 2020, 3:01 p.m.]

Subject of Possible Rule Making: Creating new chapter 495A-115 WAC, Title IX student conduct procedure to be in compliance with state and federal laws regarding Title IX violations as they apply to students of Bates Technical College.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13), 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Creating new chapter 495A-280 WAC to align with supplemental model Title IX regulations and to align with current policies and practices for Bates Technical College.

Process for Developing New Rule: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575). The new regulations address Title IX student conduct procedure and formal complaints of sexual harassment. This requires the creation of chapter 495A-115 WAC Title IX student conduct procedure to be in compliance with federal regulations.

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, email jehernandez@bates-tech.edu, website <https://batestech.edu>.

Additional comments: Due to COVID-19, the college has limited on-site activities. Please send an email to Dr. Hernandez because she is working remotely at this time.

August 28, 2020
Dr. Jean Hernandez
Special Assistant to the President

WSR 20-18-053

PREPROPOSAL STATEMENT OF INQUIRY BATES TECHNICAL COLLEGE

[Filed August 28, 2020, 3:02 p.m.]

Subject of Possible Rule Making: Amending chapter 495A-300 WAC, Title IX grievance procedures, to be in compliance with state and federal laws regarding Title IX violations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13), 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending chapter 495A-300 WAC, Title IX grievance procedures.

Process for Developing New Rule: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85 F.R. 30575). The college is amending chapter 495A-300 WAC to align with the model Title IX grievance procedures and comply with federal and state regulations regarding formal complaints of sexual harassment.

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, email jehernandez@bates-tech.edu, website <https://batestech.edu>.

Additional comments: Due to COVID-19, the college has limited on-site activities. Please send an email to Dr. Hernandez because she is working remotely at this time.

August 28, 2020
Dr. Jean Hernandez
Special Assistant to the President

WSR 20-18-062

PREPROPOSAL STATEMENT OF INQUIRY LOWER COLUMBIA COLLEGE

[Filed August 31, 2020, 1:23 p.m.]

Subject of Possible Rule Making: Chapter 132M-125 WAC, Code of student conduct, repeal and replace with new sections to comply with new federal regulations for Title IX of the Education Amendments of 1972 (Title IX); and chapter 132M-300 WAC, Discrimination and harassment, rules repeal and replace with college policy and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Lower Columbia College must amend their chapter 132M-125 WAC to meet new federal regulations for Title IX of the Education Amendments of 1972 (Title IX) that specify how recipients of federal financial assistance covered by Title IX, including post-secondary institutions, must respond to allegations of sexual harassment consistent with Title IX's prohibition against sex discrimination. In addition, other revision[s] to the code of student conduct are necessary to align with the new processes. Chapter 132M-300 WAC, Discrimination and harassment, sections need to be repealed and replaced as college policies and procedures.

Process for Developing New Rule: Normal rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bryanna Smith, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone 360-442-2100, fax 360-442-2129, TTY 800-833-6388, email rulemaking@lowercolumbia.edu, website <https://lowercolumbia.edu/disclosure/rulemaking.php>; or Kendra Sprague, 1600 Maple Street, P.O. Box 3010, Longview, WA 98632, phone 360-442-2121, fax 360-442-2129, TTY 800-833-6388, email ksprague@lowercolumbia.edu, website <https://lowercolumbia.edu/disclosure/rulemaking.php>.

August 31, 2020
Kendra Sprague
Vice President of Foundation
HR and Legal Affairs

WSR 20-18-067

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed August 31, 2020, 4:16 p.m.]

Subject of Possible Rule Making: Chapter 246-805 WAC, Applied behavior analysis, the department of health (department) is considering updating this chapter to: Clarify licensure requirements; update supervision, examinations, educational programs, training, and continuing education; establish temporary licenses; and update fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.380.050, 18.380.110, 18.122.050, 43.70.-110, and 43.70.250; ESHB 1551 (chapter 76, Laws of 2020).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Since chapter 246-805 WAC became effective in 2017, the department has acquired several years of experience regulating these professions. After consultation with the applied behavioral analysis advisory committee, the department is taking the opportunity to consider updates for a variety of issues. Updates may be needed to clarify requirements as well as possible alignment with current best practices and national standards. Rules may be needed to create a temporary license as allowed by RCW 18.380.080, as well as consider establishing a corresponding temporary license fee. Fees for duplicate licenses or license verification may need to be reduced to align with similar department fees for other professions. The department may update terms, references, and citations as needed, and will consider repealing requirements for AIDS training per recently passed legislation (ESHB 1551; chapter 76, Laws of 2020).

This rule making will also consider a petition from the Washington state psychological association (WSPA) specific to the supervision of a licensed assistant behavior analyst and certified behavior technician by a qualifying licensed professional other than a licensed behavioral analyst. The department's granting of the WSPA petition relates to the department's interpretive statement filed under WSR 17-20-067.

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 Kendra Pitzler, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4723, fax 360-236-2901, TTY 711, email kendra.pitzler@doh.wa.gov, website www.doh.wa.gov.

Additional comments: All notices will be sent to the public through the department of health's applied behavior analyst distribution list. Interested parties can join the distribution list at <https://public.govdelivery.com/accounts/WA/DOH/subscriber/new>.

August 27, 2020
Jessica Todorovich
Chief of Staff
for John Wiesman
Secretary

WSR 20-18-071
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed September 1, 2020, 9:27 a.m.]

On November 6, 2019, the Washington utilities and transportation commission (commission) filed a Preproposal statement of inquiry (CR-101) with the Washington state office of the code reviser, initiating an inquiry to review the

effects of adopted rule amendments to chapter 480-30 WAC in 2013 relating to flexible fares to allow flexibility in settling rates and promote competition in the auto transportation industry. It was published at WSR 19-22-092.

On August 27, 2020, the commission issued a report in Commission Docket TC-190898 evaluating the effect of the 2013 rule amendments to chapter 480-30 WAC.

The commission is providing notice that there will be no additional rule-making action under this CR-101 and that it is closing Docket TC-190898.

If you have questions, you may contact Mark Vasconi, Director of Regulatory Services, P.O. Box 47250, Olympia, WA 98504-7250, by email mark.vasconi@utc.wa.gov, or by calling 360-664-1308.

WSR 20-18-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed September 1, 2020, 3:10 p.m.]

Subject of Possible Rule Making: WAC 458-40-540 Forest land values—2020, and 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.140 requires that forest land values be adjusted annually by a statutory formula contained in RCW 84.33.140(3). The department anticipates amending the forest land values rule (WAC 458-40-540) to adjust the table of forest land values in Washington as required by statute. County assessors will use these published land values for property tax purposes in 2021.

RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the first half of 2021.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Washington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but it is not necessary to involve them in the valuation revisions provided in this rule.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Arnold, 6400 Linderson Way S.W., P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1574, fax 360-534-1606, TTY 800-833-6384, email JenniferA@dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting. Written comments may be submitted by mail or email and should be directed to Jennifer Arnold using one of the contact methods above.

Written and oral comments will be accepted at the public meeting on October 20, 2020, at 10:00 a.m.

Public meeting location: Telephonic meeting only (contact above for call-in information).

September 1, 2020
Atif Aziz
Rules Coordinator

WSR 20-18-085
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed September 1, 2020, 4:56 p.m.]

Subject of Possible Rule Making: Chapter 352-28 WAC, Protection and conservation of state park natural resources.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff is opening chapter 352-28 WAC for review to:

1. Clarify and align rules for resource sales to the other planning and permitting processes needed to conduct a timber sale on state park lands.
2. Establish new measures and thresholds for commission approval and delegated authority for natural resource sales that accurately represent the scale and significance of tree removals for forest health treatments.
3. Better align conservation planning, scientific research, and resource sales with other natural resource agencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: State parks intends to coordinate the development of these proposed rule changes in consultation with the Washington departments of natural resources and fish and wildlife.

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 Lisa Lantz, 1111 Israel Road S.W., phone 360-902-8641, fax 360-586-4272, TTY 800-833-6388, email Lisa.Lantz@parks.wa.gov, website <https://parks.state.wa.us>.

September 2, 2020
Valeria Veasley
Management Analyst

WSR 20-18-086
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed September 1, 2020, 5:33 p.m.]

Subject of Possible Rule Making: Corrections officer certification, decertification and reinstatement of certification, and training requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.101.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To create rules to implement the requirements of session law chapter 119, Laws of 2020, or HB 2499 of 2020. This rule making specifically is to create the process for certification, decertification and reinstatement of certification, and training requirements for certified corrections officers.

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: 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 206-793-6332, email Dzable@cjtc.wa.gov, website www.cjtc.wa.gov.

September 1, 2020
Derek Zable
Human Resource and
Government Affairs Manager

WSR 20-18-089
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)

[Filed September 2, 2020, 8:33 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-71-0100 What are the statutory references for WAC 388-71-0100 through 388-71-01281? through 388-71-01281 To whom does the department report a final substantiated finding against a nursing assistant employed in a nursing facility or skilled nursing facility?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.34.068, 74.34.165; 42 U.S.C. Sec. 1396r(g)(1)(D), 42 U.S.C. Sec. 1395i-3 (g)(1)(D).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Because adult protective services (APS) is now a separate division within the aging and long-term support administration, rules will be recodified to a new rule chapter; in response to *Crosswhite v. DSHS*, 389 P.3d 731, 197 Wn. App. 539 (2017), a definition of "willful" will be added; to memorialize the process, rules will be updated to include the petition process for nursing assistants;

and other changes in grammar, structure, and consistency may be made.

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 Will Reeves, P.O. Box 45600, Olympia, WA 98504, phone 360-485-3715, fax 360-438-8633, TTY 800-833-6388, email william.p.reeves@dshs.wa.gov.

September 1, 2020
Katherine I. Vasquez
Rules Coordinator

WSR 20-18-090

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed September 2, 2020, 8:55 a.m.]

Subject of Possible Rule Making: Chapter 16-470 WAC, Quarantine—Agricultural pests, the department is considering adding all species in the genus *Vespa* (hornet) to the list of quarantined pests.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.24.011, 17.24.021, and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has determined that hornets pose a direct and indirect risk to agricultural crops in Washington state. Hornets have been known to feed on fruit such as pears, peaches, plums, grapes, berries, and apples making the fruit unfit for human consumption. Hornets attack honey bees and other native insect populations. Managed honey bees and other native insects are important pollinators that are vital to the production of agriculture. Many crops within the state, such as fruits, vegetables, and crops for livestock feed, depend on these insects for reproduction. Pollination also contributes to higher crop yields, making these insects economically valuable to Washington's agricultural industry. If hornets were to become established within the state, there could be dire economic and ecological impacts.

Hornets can pose a risk to human health. The venom in their sting can be toxic and unlike bees, they can sting repeatedly. A sting from a hornet can cause substantial pain, as well as tissue damage. In some extremely rare cases, death can also occur. Although they generally do not target people, they can attack when threatened. Hornets eat ripe fruit, which could put fruit harvesters at a higher risk of getting stung.

International and interstate shipping has led to a greater potential for the distribution of hornets into the state. Mated queens often seek sheltered locations in which to undergo diapause (a dormant period). These locations are sometimes on items which are transported, making it easier for the species to spread to new areas. In the past few years, multiple detections have occurred, with Oriental hornet (*Vespa orientalis*) being found in Washington and *Vespa soror* found in neighboring Vancouver, B.C. In 2019 and 2020, there were multiple detections of Asian giant hornet (*Vespa mandarinia*) in Washington and Vancouver, B.C. Certain hornet species have a greater likelihood of becoming established once introduced into the state. This is due to Washington's climate and other environmental factors which result in a suitable habitat. For some hornet species, there is a lack of scientific information available. However, there are characteristic traits that all hornets possess, which makes it prudent to quarantine all species. No species of hornet are native to Washington state and managing an invasive population once it is established is challenging and costly. Any hornet introduction could upset the state's ecosystem in a number of ways, including spreading new pathogens and parasites to native wasps, bees, and yellow jackets.

Adding quarantine regulations for hornets will make it unlawful to intentionally bring or move their live life stages into or through the state without a special permit; this restriction is necessary for the department to properly regulate and eradicate introductions of this pest.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1907, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Pest Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

September 2, 2020
Brad White
Assistant Director

WSR 20-18-097
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed September 2, 2020, 9:59 a.m.]

Subject of Possible Rule Making: WAC 182-550-3800 Rebasing; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; ESSB 6168, section 215 (24)(b), chapter 357, Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being amended to increase psychiatric per diem rates for community hospitals that serve patients in long-term inpatient psychiatric care. 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.

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 Freudenstein (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Abigail Cole (Program Questions), P.O. Box 45510, Olympia, WA 98504-5510, phone 360-725-1835, fax 360-586-9727, TRS 711, email Abigail.cole@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 2, 2020
 Wendy Barcus
 Rules Coordinator

WSR 20-18-102
PREPROPOSAL STATEMENT OF INQUIRY
CLARK COLLEGE

[Filed September 2, 2020, 11:03 a.m.]

Subject of Possible Rule Making: Code of student conduct, chapter 132N-125 WAC, repeal and replace to comply with new federal regulations for Title IX of the Education Amendments of 1972 (Title IX); and repeal chapter 132N-300 WAC, Discrimination and harassment, rules and replace with college policy and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW; and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On May 19, 2020, the Federal Register printed amendments to Title IX regulations (85

F.R. 30575). The new regulations address the grievance process for formal complaints of sexual harassment, which took effect on August 14, 2020. This requires updates to the college's code of student conduct, chapter 132N-125 WAC, to be compliant with federal regulations. In addition, other revisions to the code of student conduct are necessary to align with the new processes. Chapter 132N-300 WAC, Discrimination and harassment, rules need to be repealed and replaced as college policies and procedures.

Process for Developing New Rule: Standard rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bob Williamson, Vice President of Administrative Services, Clark College, 1933 Fort Vancouver Way, BRD 159, Vancouver, WA 98663, phone 360-992-2123, fax 360-992-2873, TTY 360-992-2835, email bwilliamson@clark.edu, website www.clark.edu, <http://www.clark.edu/about/governance/public-disclosure-and-records/adminProcedures/200/200001/index.php>; or Christina Longo, Director of Compliance, Clark College, 1933 Fort Vancouver Way, BRD 012, Vancouver, WA 98663, phone 360-992-2317, fax 360-992-2873, TTY 360-992-2835, email clongo@clark.edu, website www.clark.edu, <http://www.clark.edu/about/governance/public-disclosure-and-records/adminProcedures/200/200001/index.php>.

September 2, 2020
 Bob Williamson
 Vice President of
 Administrative Services

WSR 20-18-102A
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed September 2, 2020, 11:49 p.m.]

Subject of Possible Rule Making: Ocean beaches, chapter 352-37 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 79A.05.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Staff is opening chapter 352-37 WAC to review and update sections within this chapter that relate to management of the ocean beaches.

ESHB 1261 (chapter 10, Laws of 2020) made changes to the laws regulating motorized or gravity siphoning mining, and current rules under WAC 352-37-340 will need to be updated to align with new legal requirements. Additionally, the WAC regarding the ocean beaches will be reviewed to determine whether rules governing the management of the seashore conservation area need to be updated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state parks and recreation commission will coordinate with the department of ecology and the department of fish and wildlife on rule changes related to small-scale beach prospecting and placer mining in WAC 352-37-340, no other

agency coordination is anticipated under the remainder of the chapter.

Process for Developing New Rule: Agency study; WAC 352-37-340 will be amended to incorporate requirements in ESHB 1261 (chapter 10, Laws of 2020) regulating motorized or gravity siphoning mining.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Matt Niles, SW Region Manager, 1111 Israel Road S.W., phone 360-725-9761, TTY 800-833-6388, email Matt.Niles@parks.wa.gov, website <https://parks.state.wa.us/>.

September 2, 2020
Valeria Veasley
Management Analyst