

**WSR 20-19-009**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)

[Filed September 3, 2020, 2:33 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-97-0300 Notice of rights and services, and other related rules as may be required to identify the period of time that portions of the rule we held in suspension during the declared emergency of COVID-19 per Proclamation by the Governor 20-05.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.42.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is necessary to establish a timeframe when portions of the rule were suspended during the COVID-19 pandemic, and nursing homes were not required to comply with the suspended portions of the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal rules regarding nursing home clinical records were amended by the Centers for Medicare and Medicaid Services (CMS) through an 1135 blanket waiver in response to the COVID-19 public health emergency. The amended federal rules are effective March 1, 2020, through the end of the national emergency declaration. The department will monitor federal nursing home communication to ensure this rule making reflects the same span of time as the suspended federal rule regarding clinical records. This will help ensure federal and state rules remain similar and provide for consistent application of clinical record rules during the investigation process.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on the draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lisa Herke, Policy Program Manager, P.O. Box 45600, Olympia, WA 98504, phone 509-209-3088, fax 360-725-3224, email [lisa.herke@dshs.wa.gov](mailto:lisa.herke@dshs.wa.gov).

September 3, 2020  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 20-19-013**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed September 3, 2020, 3:16 p.m.]

Subject of Possible Rule Making: Chapter 182-546 WAC, Transportation services; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; chapter 74.70 RCW; ESSB 6534, chapter 354, Laws of 2020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are necessary to provide for a quality assurance fee for specified providers of emergency ambulance to be added to the base funding from all other sources supporting additional medicaid payments to nonpublic and nonfederal providers. Additionally, a section is being added for a dedicated fund established by the treasury as the ambulance transport fund. 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](mailto:valerie.freudenstein@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://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](mailto:Abigail.cole@hca.wa.gov), website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

September 3, 2020  
 Wendy Barcus  
 Rules Coordinator

**WSR 20-19-019**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed September 4, 2020, 8:23 a.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 20-03-179 on January 22, 2020, (WAC 388-78A-2371) regarding assisted living facilities.

Katherine I. Vasquez  
 Rules Coordinator

**WSR 20-19-020****PREPROPOSAL STATEMENT OF INQUIRY  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed September 4, 2020, 8:41 a.m.]

Subject of Possible Rule Making: In order to be eligible to receive unemployment benefits, an unemployed individual must, among other requirements, be actively seeking work. RCW 50.20.240 (1)(b) requires individuals to make contact with at least three employers per week or at least three documented in-person job search activities at the local reemployment center per week. The rule making will address additional options for claimants to meet the job search requirement. It will also clarify that an in-person job search activity can take place virtually or remotely.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010, 50.12.240, 50.20.010, 50.20.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Washington's economy has profoundly changed due to the continued COVID-19 pandemic and the emergency measures taken to prevent its spread. Washington's unemployed workers need more options and flexibility in how they search for work in order to adapt to this dynamic situation. Furthermore, as the state considers long-term pandemic response plans, requiring physical proximity between claimants and WorkSource staff unnecessarily increases safety risks for both claimants and staff, especially when claimants can receive support for their job search activities remotely or virtually.

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. The employment security department 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 Joshua Dye, P.O. Box 9046, Olympia, WA 98501, phone 360-890-3472, fax 844-652-7096, email rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking>.

September 4, 2020  
Daniel Zeitlin  
Policy Director

**WSR 20-19-021****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Aging and Long-Term Support Administration)**

[Filed September 4, 2020, 8:49 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-78A-2360 Adult day services, 388-78A-2371 Investigations, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 388-78A-2371 was adopted on December 31, 2019. However, public review after the comment period noted a concern in the language that must be corrected. Without correction, the section in question may have moderate negative impact to stakeholders and the department. WAC 388-78A-2360 must also be amended to correct a cross-reference to WAC 388-78A-2371.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate this subject.

Process for Developing New Rule: The department will use a collaborative rule-making process to develop and receive comments on draft rules. Draft material and information about how to participate in the rule-making process may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Debbie Hoeman, P.O. Box 45600 Olympia, WA 98504, phone 360-725-3210, email Debra.Hoeman@dshs.wa.gov.

September 3, 2020  
Katherine I. Vasquez  
Rules Coordinator

**WSR 20-19-047****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed September 10, 2020, 11:36 a.m.]

Subject of Possible Rule Making: Chapter 246-358 WAC, Temporary worker housing, the department of health (DOH) in conjunction with the department of labor and industries (L&I) regarding chapter amendments to further protect occupants in temporary worker housing and cherry harvest camps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 70.114A and 43.70 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February 2020 Governor Inslee proclaimed a State of Emergency in Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States. The virus was confirmed to spread person-to-person. Under the initial March 23, 2020, proclamation 20-25, Stay Home, Stay Healthy, among other things,

the governor enacted various forms of social and physical distancing requirements. This was followed by proclamation amendments adjusting the Stay Home, Stay Healthy order transitioning to a phased-in approach to reopening Washington state, referred to as "Safe Start Washington."

DOH (department) in conjunction with L&I have responded to the novel coronavirus disease 2019 (COVID-19) pandemic by adopting emergency rules to protect occupants from COVID-19 hazards in licensed temporary worker housing (TWH). The governor has also issued Proclamation 20-57 and 20-57.1 addressing workplace and transportation requirements for COVID-19 specific to the agriculture industry.

Stakeholder feedback and peer reviewed research indicate that the pandemic will continue into 2021 and possibly longer and that existing permanent rules for temporary worker housing jointly adopted by the department and L&I may need revision to address hazards from COVID-19 or other outbreaks of airborne infectious diseases.

The department and L&I will consider such topics as: (1) Housing ventilation requirements; (2) isolation requirements during outbreaks; (3) requirements for group shelters; and (4) overall clarification throughout the chapter as necessary. Some amendments made as part of the emergency rules will be considered for permanent rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: L&I and the United States Department of Labor. Coordination with these agencies will occur as these agencies also regulate TWH conditions.

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 David Gifford, P.O. Box 47824, Olympia, WA 98504-7824, phone 360-236-3074, TTY 711, email [dave.gifford@doh.wa.gov](mailto:dave.gifford@doh.wa.gov).

Additional comments: The department will notify stakeholders and interested parties via GovDelivery notices, website postings, and other forms of communication typically used within the industry of stakeholder meetings, proposed changes, the public hearing and open public comments periods. Coordination with [will] be done with L&I. For more information or to be included on an interested parties list contact Dave Gifford.

September 10, 2020  
Jessica Todorovich  
Chief of Staff  
for John Wiesman, DrPH, MPH  
Secretary

**WSR 20-19-050**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed September 10, 2020, 11:48 a.m.]

Subject of Possible Rule Making: Chapter 296-307  
WAC, Temporary worker housing, the department of labor

and industries (L&I) in conjunction with the department of health (DOH) regarding chapter amendments to further protect occupants in temporary worker housing (TWH) and cherry harvest camps.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In February 2020, Governor Inslee proclaimed a State of Emergency in Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States. The virus was confirmed to spread person-to-person. Under the initial March 23, 2020, Proclamation 20-25, Stay Home, Stay Healthy, among other things, the governor enacted various forms of social and physical distancing requirements. This was followed by proclamation amendments adjusting the Stay Home, Stay Healthy order and transitioning to a phased-in approach to reopening Washington state, referred to as "Safe Start Washington."

DOH in conjunction with L&I have responded to the COVID-19 pandemic by adopting emergency rules to protect occupants from COVID-19 hazards in licensed TWH. The governor has also issued Proclamation 20-57 and 20-57.1 addressing workplace and transportation requirements for COVID-19 specific to the agriculture industry.

Stakeholder feedback and peer reviewed research indicate that the pandemic will continue into 2021 and possibly longer and that existing permanent rules for TWH jointly adopted by DOH and L&I may need revision to address hazards from COVID-19 or other outbreaks of airborne infectious diseases.

DOH and L&I will consider such topics as: (1) Housing ventilation requirements; (2) isolation requirements during outbreaks; (3) requirements for group shelters; and (4) overall clarification throughout the chapter as necessary. Some amendments made as part of the emergency rules will be considered for permanent rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOH and the United States Department of Labor. Coordination with these agencies will occur as these agencies also regulate TWH conditions.

Process for Developing New Rule: The rule will be developed in conjunction with DOH. Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Ireland, Administrative Regulations Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-902-5522, fax 360-902-5619, email [cynthia.ireland@lni.wa.gov](mailto:cynthia.ireland@lni.wa.gov), website <https://www.lni.wa.gov/rulemaking-activity/>.

September 10, 2020  
Joel Sacks  
Director

**WSR 20-19-063**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed September 11, 2020, 11:25 a.m.]

Subject of Possible Rule Making: WAC 260-70-570 All horses subject to inspection.

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 staff is proposing restricting the practicing of "icing" on horses entered to race until the prerace inspection has been completed.

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.

September 11, 2020  
 Douglas L. Moore  
 Executive Secretary

**WSR 20-19-064**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed September 11, 2020, 12:30 p.m.]

Subject of Possible Rule Making: WAC 260-40-130 Horses must be on the ground prior to racing.

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 staff is proposing [to] amend the arrival time of horses shipping in to race to accommodate prerace inspections.

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.

September 11, 2020  
 Douglas L. Moore

Executive Secretary

**WSR 20-19-065**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed September 11, 2020, 12:34 p.m.]

Subject of Possible Rule Making: WAC 260-70-640 Permitted medication.

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 staff is proposing [to] amend the threshold level for phenylbutazone to 0.3 micrograms per milliliter and prohibit administration within forty-eight hours or post time to reflect current model 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 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.

September 11, 2020  
 Douglas L. Moore  
 Executive Secretary

**WSR 20-19-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**

[Filed September 11, 2020, 12:43 p.m.]

Subject of Possible Rule Making: New WAC 260-70-625 Interarticular injections—Period for when a horse may not race.

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 staff is proposing to add a new section that would prohibit any horse that receives an interarticular injection from racing for fourteen days.

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.

September 11, 2020  
Douglas L. Moore  
Executive Secretary

**WSR 20-19-074**

**PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed September 14, 2020, 2:29 p.m.]

Subject of Possible Rule Making: Chapter 212-10 WAC, Smoke detection devices in dwelling units.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.48.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed changes will provide clean up and clarification to the existing language to ensure the rules reference and comply with current laws in the state of Washington and national[ly] recognized standards.

Process for Developing New Rule: The Washington state patrol (WSP) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, WSP will file a Proposed rule making (CR-102) with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent 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 Kimberly Mathis, Agency Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email wsprules@wsp.wa.gov, website www.wsp.wa.gov/rules-development.

September 14, 2020  
John R. Batiste  
Chief

**WSR 20-19-085**

**PREPROPOSAL STATEMENT OF INQUIRY  
HORSE RACING COMMISSION**

[Filed September 16, 2020, 11:37 a.m.]

Subject of Possible Rule Making: WAC 260-36-085 License and fingerprint 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 add a "stable manager" license to allowing multiple ownership groups to race under a single stable's name that would require a individual designated as the responsible party for the stable's actions.

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.

September 16, 2020  
Douglas L. Moore  
Executive Secretary

**WSR 20-19-089**

**PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed September 16, 2020, 4:27 p.m.]

Subject of Possible Rule Making: WAC 392-700-015 definition of "attendance period requirement" for open doors high school reengagement programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.175.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current permanent rule governing high school reengagement programs, WAC 392-700-015, requires a minimum two hours a month of "face-to-face" program staff interaction with each student. A rule amendment is necessary to provide clarification regarding acceptable "face-to-face" engagements when a reengagement program is being administered in remote learning environments made necessary by the global COVID-19 pandemic. Since in-person interaction is not feasible for all students participating in remote learning, the proposed amendment is needed to ensure students will be able to access services through different means of contact in the 2020-21 school year.

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

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended 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 Katherine Mahoney, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6033, TTY 360-664-3631, email Katherine.mahoney@k12.wa.us, website k12.wa.us.

September 16, 2020  
Chris P.S. Reykdal  
State Superintendent of  
Public Instruction

**WSR 20-19-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Long-Term Support Administration)  
 [Filed September 18, 2020, 8:50 a.m.]

Subject of Possible Rule Making: The elimination of shared benefit as currently defined in WAC 388-106-0010, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may entail the elimination of shared benefit as a part of the assessment of client benefits. Rule making may be needed to reduce difficulty of the assessment process, and reduce confusion around assessment for shared benefit.

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 these rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

September 17, 2020  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 20-19-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
 [Filed September 18, 2020, 3:44 p.m.]

Subject of Possible Rule Making: WAC 182-505-0215 Children's Washington apple health with premiums; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-505-0215 to expand the children's health insurance program to include coverage for eligible children of public employees. 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: Federal 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 Brian Jensen (Rulemaking Questions), P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Shaunie McLeod (Program Questions), P.O. Box 45505, Olympia, WA 98504-5505, phone 360-725-1423, fax 360-586-9727, TRS 711, email Shaunie.mcleod@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

September 18, 2020  
 Wendy Barcus  
 Rules Coordinator

**WSR 20-19-111**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**  
 [Filed September 21, 2020, 10:23 a.m.]

Subject of Possible Rule Making: Driver license suspension for prohibited practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.20.0921 Violations—Penalty, 46.20.291 Authority to suspend—Grounds, 46.20.311 Duration of license sanctions—Reissuance or renewal, 46.01.110 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, the department of licensing (DOL) suspends a driver license when a person is found to have committed a prohibited practice under RCW 46.20.0921. This rule outlines that the length of the suspension shall be determined by the department in accordance with statute (up to three hundred sixty-four days) and based on the resulting risk to safety on the public highways.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOL is the agency responsible for levying a suspension for a prohibited practice under RCW 46.20.0921.

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 Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email rulescoordinator@dol.wa.gov, website www.dol.wa.gov; or Schuyler Rue, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3678, email Srue@dol.wa.gov, website www.dol.wa.gov.

September 21, 2020  
Damon Monroe  
Rules Coordinator

### WSR 20-19-112

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed September 21, 2020, 10:29 a.m.]

Subject of Possible Rule Making: Mother's maiden name, WAC 308-104-014 Application for driver's license or identicaid.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.20.119.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of licensing, as part of its ongoing evaluation of data collection practices, is proposing that WAC 308-104-014 be amended to remove the requirement that applicants provide: "(5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time." This information is no longer necessary for the department's purposes.

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 department reviewed internal processes and determined that there is no longer a purpose to collect this information.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3846, email [estarrett@dol.wa.gov](mailto:estarrett@dol.wa.gov); or Greg Mukai, 1125 Washington Street S.E., Olympia, WA 98504, phone 360-902-3766, email [GMukai@dol.wa.gov](mailto:GMukai@dol.wa.gov).

September 21, 2020  
Damon Monroe  
Rules Coordinator

- Streamlining of process and timelines for authorizer reports and for school districts to apply to SBE for approval to become charter school authorizers;
- Changing the title of chapter 180-19 WAC from "Charter schools" to "Charter school authorizers";
- Clarifying how SBE counts the number of available slots for charter schools to be authorized; and
- Other issues as identified during review.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.710.090, 28A.710.130, 28A.710.140, and 28A.710.150; chapter 28A.710 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of its routine review of SBE rules, SBE is reviewing chapter 180-19 WAC to make changes as necessary to align rule to current policy or practice, correct references to law, improve readability of the rule, align rule to SBE's recommendations in the annual charter school report, or make other changes identified during the review of the WAC chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state charter school commission and Spokane public schools. SBE staff will engage the Washington state charter school commission and Spokane public schools staff regarding these rule changes.

Process for Developing New Rule: SBE will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-742-4037, fax 360-753-6712, email [rulescoordinatorSBE@k12.wa.us](mailto:rulescoordinatorSBE@k12.wa.us), website [www.sbe.wa.gov](http://www.sbe.wa.gov); or J. Lee Schultz, 600 Washington Street S.E., Olympia, WA 98504, fax 360-753-6712, email [rulescoordinatorSBE@k12.wa.us](mailto:rulescoordinatorSBE@k12.wa.us), website [www.sbe.wa.gov](http://www.sbe.wa.gov).

September 21, 2020  
Randy Spaulding  
Executive Director

### WSR 20-19-120

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed September 21, 2020, 3:26 p.m.]

Subject of Possible Rule Making: The state board of education (SBE) is reviewing chapter 180-19 WAC, Charter schools, to make changes as necessary to align rule to current policy or practice, correct references to law, improve readability of the rule, align rule to SBE's recommendations in the annual charter school report, or make other changes identified during the review.

Possible changes may include the following:

- Modifying how the fee from a charter school to charter school authorizer is calculated;

### WSR 20-19-121

#### PREPROPOSAL STATEMENT OF INQUIRY STATE BOARD OF EDUCATION

[Filed September 21, 2020, 3:26 p.m.]

Subject of Possible Rule Making: The purpose of this rule making on chapter 180-90 WAC is to review and improve the private school application process for state approval, including process and requirements as identified during the review. This rule making may also include changes as necessary to establish procedure for annual private school enrollment reporting, align rule to current policy or practice, correct references to law, implement recently passed legislation, improve readability of the rule, or make other changes identified during the review. This rule making is part of the state board of education's (SBE) routine review of rules under its authority.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.195.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is part of SBE's routine review of rules under its authority. SBE staff and private school representatives have identified potential improvements to the private school application process for state approval. These rules will improve quality, efficiency, and clarity of expectations for submission and review of private school applications.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of children, youth, and families approved of licensed childcare providers and residential programs that may also be private schools. The office of superintendent of public instruction has statutory duties to support private schools, particularly federal in support of private school participation in federal programs, teacher certification, services accessed by private schools at public schools, school safety including fingerprinting, and other responsibilities as identified by the legislature. SBE staff will engage with the governmental relations staff of these partner agencies to seek feedback on these rules.

Process for Developing New Rule: SBE will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-742-4037, fax 360-753-6712, email [parker.teed@k12.wa.us](mailto:parker.teed@k12.wa.us), website [www.sbe.wa.gov](http://www.sbe.wa.gov); or J. Lee Schultz, 600 Washington Street S.E., Olympia, WA 98504, fax 360-753-6712, email [J.Lee.Schultz@k12.wa.us](mailto:J.Lee.Schultz@k12.wa.us), website [www.sbe.wa.gov](http://www.sbe.wa.gov).

September 21, 2020  
Randy Spaulding  
Executive Director

### WSR 20-19-140

#### PREPROPOSAL STATEMENT OF INQUIRY WENATCHEE VALLEY COLLEGE

[Filed September 23, 2020, 9:07 a.m.]

Subject of Possible Rule Making: On May 22, 2020, the United States Department of Education formally issued a final rule regarding amendments to Title IX of the Education Amendments of 1972. The new regulations address the grievance process for formal complaints of sexual harassment and are scheduled to take effect on August 14, 2020. Wenatchee Valley College has engaged in emergency rule making to meet the August 14, 2020, deadline and now intends to adopt permanent rules to bring its procedure into compliance with the amendments.

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: Supplemental Title IX Student Conduct Procedures, WAC 132W-115-110, 132W-115-080, 132W-115-110, and 132W-112-060.

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 Reagan Bellamy, 1300 Fifth Street, phone 509-682-6445.

September 23, 2020  
Jim Richardson  
President

### WSR 20-19-141

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed September 23, 2020, 9:09 a.m.]

Subject of Possible Rule Making: Chapter 16-483 WAC, Grape pest quarantine, as a result of a multi-year federally funded stakeholder driven pilot project and a petition from the Washington winegrowers association, the department is considering amendments to this chapter that include:

- Amending quarantine regulations to better align and harmonize with other Pacific Northwest states;
- Clarifying and reorganizing the language, as well as adding new definitions;
- Adding to and clarifying the list of pests under quarantine;
- Clarifying that the quarantine regulates sites found infested within Washington state, as well as externally;
- Establishing mitigation requirements for the movement of grape planting stock and equipment from a site found infested with a quarantine pest;
- Adding cultivation and harvesting equipment to the list of items regulated under the quarantine and establishing mitigation requirements;
- Clarifying and providing requirements for importing grape planting stock from outside of the state; and
- Adding an exception allowing the director to issue compliance agreements for activities prohibited under this chapter and permitting the movement of G1 plants under certain situations.

The department may also consider revising the current rule language to make it more clear and readable.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The revisions under consideration in this rule are the result of a three year, stakeholder driven grant project, conducted in collaboration with Oregon department of agriculture, Idaho department of agriculture, industry groups and researchers, to create a regional approach to grapevine virus certification and to harmonize state quarantines for grapevine nursery stock and their pests. The project actively engaged stakeholders and agencies in comparing existing grapevine pest quarantines, developing a common



pest list, and identifying universally acceptable cultural mitigations for common pests. These changes are being made as a result of the working groups' suggestions and a petition for rule making from the Washington winegrowers association.

The grape pest quarantine has protected the grape industries of Washington from the establishment of harmful pests that could endanger production, quality, and yield. The revisions under consideration serve to further strengthen the quarantine, thus safeguarding Washington nurseries, vineyards, and wineries.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Oregon department of agriculture, Idaho state department of agriculture.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders, including the Northwest Foundation Block Advisory Group, Washington wine and grape grower associations, and nurseries. 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](mailto:bwhite@agr.wa.gov), website <https://agr.wa.gov/LawsRules/Rulemaking/wac-16-483-grape-pest-quarantine-032019>; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2062, fax 360-902-2094, TTY 800-833-6388 or 711, email [Ccooper@agr.wa.gov](mailto:Ccooper@agr.wa.gov), website <https://agr.wa.gov/LawsRules/Rulemaking/wac-16-483-grape-pest-quarantine-032019>.

September 23, 2020  
Brad White  
Assistant Director

### WSR 20-19-142

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Physical Therapy)

[Filed September 23, 2020, 10:38 a.m.]

Subject of Possible Rule Making: WAC 246-915-085 Continuing competency, physical therapists and physical therapist assistants. The board of physical therapy (board) is considering general updates, revisions, and housekeeping amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.74.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board received corre-

spondence from licensees requesting clarity to some of the listed continuing education activities. Also, some of the activities listed in these rules are no longer available to licensees. The board would like the rules updated to list activities that are currently available to physical therapists and physical therapist assistants.

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 Kris Waidley, P.O. Box 47877, Olympia, WA 98501-7877, phone 360-236-4847, fax 360-236-7901, TTY 711, email [kris.waidley@doh.wa.gov](mailto:kris.waidley@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: Notices will be emailed through GovDelivery (<https://public.govdelivery.com/accounts/WA/DOH/subscriber/new>) to the board's interested parties list. At the formal proposal stage of rule making, proposed rule language will be posted on the department's rules comments website for public comment up to the date of the public hearing. All members of the public are invited to participate in the rule-making rules workshops and attend the rules public hearing to provide comments and testimony.

September 23, 2020  
Renee Fullerton  
Executive Director

### WSR 20-19-143

#### PREPROPOSAL STATEMENT OF INQUIRY SOUTH PUGET SOUND COMMUNITY COLLEGE

[Filed September 23, 2020, 10:48 a.m.]

Subject of Possible Rule Making: Chapter 132X-60 WAC, Student conduct, with possible limited related changes to other sections of Title 132X WAC in relation to chapter 132X-60 WAC changes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title IX of Education Amendments of 1972; RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The United States Department of Education (DOE) issued updated rules governing compliance with and enforcement of Title IX of the Education Amendments of 1972 on May 22, 2020, with an effective date of August 14, 2020. South Puget Sound Community College is updating chapter 132X-60 WAC, Code of student rights and responsibilities (the student conduct code) and other related rules to bring the college into compliance with the newly issued DOE requirements. The college is also making other changes to the student conduct rules to update them for compliance with current best practices. In making changes to the student conduct code, some portions of the existing chapter 132X-60 WAC may be moved to other sections of Title 132X WAC, and additional limited changes to

other portions of Title 132X WAC may be needed for compliance with best practices related to the changes in the updated student conduct code.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DOE regulates institutions of higher education for compliance with Title IX and the proposed rules are being developed in response to newly issued DOE rules on these topics. The state board for community and technical colleges has general supervision and control over the community and technical college system but does not regulate each college's rule-making activity.

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 Dr. David Pelkey, 2011 Mottman Road S.W., Olympia, WA 98512, phone 360-596-5231, fax 360-596-5709, email [dpelkey@spscc.edu](mailto:dpelkey@spscc.edu), website [spscc.edu](http://spscc.edu).

September 23, 2020  
Dr. Timothy Stokes  
President