

WSR 22-09-004

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed April 6, 2022, 4:49 p.m.]

Subject of Possible Rule Making: WAC 308-110-030 Administration of examinations, and 308-104-046 Instruction permit—Verification of enrollment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 Rule-making authority, and 46.20.119 Reasonable rules.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering rule making to better align WAC 308-110-030 and 308-104-046 with age requirements in RCW 46.20.055. Specifically, WAC restricts the age a person can obtain a permit beyond what is required by law.

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 Ellis Starrett, 1125 Washington Street N.E., phone 360-902-03846, email rulescoordinator@dol.wa.gov, website dol.wa.gov.

April 6, 2022

Ellis Starrett

Rules and Policy Manager

WSR 22-09-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed April 11, 2022, 8:49 a.m.]

Subject of Possible Rule Making: Chapter 16-240 WAC, WSDA grain inspection program—Definitions, standards, and fees. The Washington state department of agriculture (WSDA) is considering rule making to increase program fees, revise the fee structure to more accurately reflect the scope of services provided, including, but not limited to, adding fees for services that are not specifically identified, and to clarify language to ease in the understanding of the rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 22.09.020 and 22.09.790.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 22.09.790 authorizes WSDA to adjust fees to meet the expenses necessary to carry out the provisions of chapter 22.09 RCW. Based on a recent budget review, it was determined that the program is operating with a fund balance that is below the required six month operating reserve. If the program continues performing services at the current fee schedule, the fund balance will continue to decline and the program will not be able to meet the needs of stakeholders.

Increasing program fees, revising the current fee structure to more accurately reflect the scope of services provided, including, but not limited to, adding fees for services that are not specifically identified, and clarifying language to ease in the understanding of the rule will enable the program to maintain financial stability while continuing to provide services described and provided for in chapter 22.09 RCW and will provide clarity on confusing language already present in the rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSDA will consult with the United States Department of Agriculture, Agricultural Marketing Service, Federal Grain Inspection Service (USDA, AMS, FGIS) to confirm its approval of all changes to the WSDA grain inspection program's fee schedule.

Process for Developing New Rule: WSDA staff will develop the proposed amendments based upon program needs, requirements of USDA, AMS, FGIS, and will discuss any proposed amendments with affected stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Philip Garcia, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1921, TTY 800-833-6388 or 711, email pgarcia@agr.wa.gov, website agr.wa.gov.

April 7, 2022
Jessica Allenton
Assistant Director

WSR 22-09-031

**PREPROPOSAL STATEMENT OF INQUIRY
BELLINGHAM TECHNICAL COLLEGE**

[Filed April 12, 2022, 12:36 p.m.]

Subject of Possible Rule Making: Revise sections of chapter 495B-121 WAC to comply with state mandates, policy, and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide students, staff, and visitors clear direction on college policy and processes.

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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ronda Laughlin, Rules Coordinator, 3028 Lindbergh Avenue, Bellingham, WA 98225, phone 360-752-8334, fax 360-752-7134, TTY 360-752-8515, email rlaughlin@btc.edu, website www.btc.edu.

April 12, 2022

Ronda Laughlin

Executive Assistant to the President

WSR 22-09-038

PREPROPOSAL STATEMENT OF INQUIRY
WESTERN WASHINGTON UNIVERSITY

[Filed April 13, 2022, 12:07 p.m.]

Subject of Possible Rule Making: WAC 516-38-115 Career planning and placement center, 516-38-116 Career planning and placement center—Placement credentials—Fees, 516-38-117 Recruitment activities, 516-38-118 Job notification, and 516-38-119 Reciprocal services.

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: Repeal WAC 516-38-115, 516-38-116, 516-38-118, and 516-38-119. Placement services or reciprocal services are no longer provided. Amend WAC 516-38-117, minor updates to better reflect current processes, define discrimination, direct readers to career services center website.

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 Jennifer L. Sloan, 516 High Street, Mailstop 9105, Bellingham, WA 98225, phone 360-650-3117, TTY 1-800-833-6384, email sloanj2@wwu.edu, website <https://president.wwu.edu/policy-rules>; or Effie Eisses, Director, Career Services, 516 High Street, Mailstop 9002, Bellingham, WA 98225, phone 360-650-7610.

April 13, 2022
Jennifer L. Sloan
Rules Coordinator

WSR 22-09-051
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 15, 2022, 9:20 a.m.]

Subject of Possible Rule Making: Dental-related services; WAC 182-535-1082 Covered—Preventive services; 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 this rule to add language back in that was inadvertently struck in the final CR-103P rule text in WSR 21-14-055, effective August 2, 2021. The agency held a public hearing and agreed to a request to not strike subsection (5) regarding tobacco/nicotine cessation counseling for the control and prevention of oral disease. The agency covers tobacco/nicotine cessation counseling for pregnant women only. See WAC 182-531-1720. The agency agreed; however, the final rule text filed under WSR 21-14-055, effective August 2, 2021, inadvertently struck out subsection (5) anyway. During the course of this review, the health care authority 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 Pixie Needham, Program Questions, P.O. Box 45079, Olympia, WA 98504-5079, phone 360-725-9967, fax 360-586-9727, TRS 711, email pixie.needham@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 15, 2022
Wendy Barcus
Rules Coordinator

WSR 22-09-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed April 15, 2022, 9:45 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-310-1450 Pregnancy to employment; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08A.270, 74.04.050, 74.04.055, 74.04.057, 74.08.090; and chapter 74.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will expand referral access to home visiting and parental support for WorkFirst participants and their young children.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will notify its WorkFirst partner agencies who assist with providing these services to temporary assistance for needy families WorkFirst families to ensure they are informed of this policy change and any impacts it may have on cross-agency processes.

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 Jake Deskins, P.O. Box 45440, Olympia, WA 98504-5440, phone 360-480-3411, email deskij@dshs.wa.gov; or Melissa Kenney, P.O. Box 45440, Olympia, WA 98504-5440, phone 360-764-3272, email Melissa.kenney@dshs.wa.gov.

April 13, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-09-053
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed April 15, 2022, 4:27 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families will be repealing chapter 110-720 WAC as a result of SHB 2050 which repeals parent pay in Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Parent pay requires families to pay a percentage of their income to support their child's incarceration. Parent pay is a barrier to young people's successful transition out of the juvenile system and toward a second chance. The practice has inequitable racial outcomes, creates debt for families already struggling financially, and is an inefficient source of revenue for the state.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Rosen, 1115 Washington Street S.E., P.O. Box 45720, Olympia, WA 98504, phone 360-764-3732, email mark.rosen@dcyf.wa.gov, website <https://dcyf.wa.gov>, <https://www.dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate>.

April 15, 2022
Brenda Villarreal
Rules Coordinator

WSR 22-09-054
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES
[Filed April 18, 2022, 10:02 a.m.]

Subject of Possible Rule Making: Working connections child care program, licensing—Foster care, and child care.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.030, 43.216.055, 43.216.065, and 43.216.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules will expand viability of dual licensure for foster family homes and family home child cares. Rules will authorize payment of foster care reimbursement and child care subsidy benefits for a particular child to the dual license holder who is the child's foster care and child care provider.

The rules are needed to create more child care options within communities, increase placement options for children needing foster care, and provide a more stable experience for the child through continuity of care.

The department of children, youth, and families (DCYF) expects the rules will remove significant barriers for individuals who are willing to license their homes for foster care and child care while maintaining appropriate oversight regarding the safety and health of children. These expectations are supported by the results of an ongoing pilot that DCYF began on January 2, 2021. Out of 35 total pilot participants, 13 have become dually licensed so far. Those dual licenses have created 28 new child care slots and 16 new child care placement options.

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 Michelle D. Giard, phone 509-312-1302, email michelle.giard@dcyf.wa.gov, website <https://dcyf.wa.gov>, <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

April 18, 2022
Brenda Villarreal
Rules Coordinator

WSR 22-09-064
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 19, 2022, 10:02 a.m.]

Subject of Possible Rule Making: WAC 182-515-1509 Home and community-based (HCB) waiver services authorized by home and community services (HCS)—Financial eligibility using SSI-related institutional rules; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; SSB 5745 (67th legislature, 2022 regular session).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending this rule to increase the personal needs allowance for clients eligible to receive home and community services waiver services, in alignment with SSB 5745. During the course of this review, the health care authority 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: Department of social and health services.

Process for Developing New Rule: Pilot rule making; and 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 Melinda Froud, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 19, 2022
Wendy Barcus
Rules Coordinator

WSR 22-09-065

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed April 19, 2022, 10:27 a.m.]

Subject of Possible Rule Making: Chapter 246-945 WAC, Prescription drug label accessibility standards. The pharmacy quality assurance commission (commission) is opening WAC 246-945-016 and 246-945-417 to consider including prescription label accessibility standards, and is also considering new sections to chapter 246-945 WAC on the subject of prescription drug label accessibility.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005 and 69.41.240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On September 8, 2021, the commission received a petition requesting pharmacies provide accessible medication label options for patients. On October 22, 2021, the commission voted to approve the petition and consider rule making. Minimum requirements for outpatient prescription labeling are described in WAC 246-945-016, but does not reference accommodations for patients who are visually impaired, blind, or have other disabilities requiring additional prescription label options provided by their pharmacy. Clear comprehension of prescription drug label information is a matter of public health and safety for all persons, regardless of ability, and opening chapter 246-945 WAC would help align state regulatory standards with patient needs.

The commission also received a petition on January 13, 2022, requesting that translations of prescription directions on prescription labels be made available in multiple languages for ambulatory (community-based) patients. The petition included an additional request to amend WAC 246-945-417 in order to establish a deadline by which pharmacy outpatient dispensing systems must comply with a requirement to translate prescription medication directions. The commission voted to approve the petition and consider rule making pertaining to the provision of translated prescription information by pharmacies on January 28, 2022. Improving prescription information comprehension for individuals for whom English is not their primary language is also a matter of public health.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Food and Drug Administration Safety and Innovation Act of 2012 (FDASIA) expanded the FDA's authorities and strengthened the agency's ability to advance public health. Section 904 of the FDASIA established a working group to develop best practices regarding prescription drug label standards to better accommodate visually impaired or blind individuals. This led to a 2016 United States Government Accountability Office report recommending the provision of accessible prescription drug labels, including the use of large print, Braille, and audible labels. The commission does not require coordination with the federal agencies responsible for the implementation or enforcement of prescription drug label accessibility guidelines.

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 Joshua Munroe, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2987, TTY 711, email PharmacyRules@doh.wa.gov.

Additional comments: Rule development takes place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices are sent via GovDelivery. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the boxes next to either "Pharmacy Commission Meeting and Agenda" and/or "Pharmacy Commission Newsletter."

April 18, 2022
Teri Ferreira, RPh
Pharmacy Quality Assurance Chair

**WSR 22-09-066
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed April 19, 2022, 10:43 a.m.]

The health care authority requests withdrawal of the Preproposal statement of inquiry filed as WSR 21-07-023 on March 8, 2021, proposing to add new sections to chapters 182-513 and 182-515 WAC. The agency is revising the reason why the rules on this subject may be needed and plans to refile the CR-101 under Register issue 22-09.

Wendy Barcus
Rules Coordinator

WSR 22-09-067
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 19, 2022, 10:46 a.m.]

Subject of Possible Rule Making: Adding new section to chapter 182-513 WAC, Client not in own home—Institutional medical; adding new section to chapter 182-515 WAC, Alternate living—Institutional medical; 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 creating new sections in chapters 182-513 and 182-515 WAC to create presumptive eligibility for long-term services and supports authorized by home and community services in home and alternate living facilities. During this review, the agency may identify additional related changes that are required to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of social and health services; United States Department of Health and Human Services, 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 Paige Lewis, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 19, 2022
Wendy Barcus
Rules Coordinator

WSR 22-09-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed April 19, 2022, 2:14 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-436-0050 Determining financial need and benefit amount for CEAP, 388-478-0005 Cash assistance need and payment standards and grant maximum, 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, 74.04.660, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, and 74.62.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will implement a maximum household payment increase for temporary assistance for needy families and related updates to consolidated emergency assistance program standards as provided in the 2021-2023 supplemental operating budget (ESSB 5693).

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 Sarah Garcia, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-522-2214, email roddisl@dshs.wa.gov.

April 19, 2022
Katherine I. Vasquez
Rules Coordinator

WSR 22-09-074
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 19, 2022, 3:51 p.m.]

Subject of Possible Rule Making: The agency is developing new rules in Title 182 WAC regarding the community behavioral health support services (CBHSS) program; 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 intends to establish rules regarding eligibility determinations for the CBHSS program, which helps certain people with supervision and skills restoration services. During the course of this review, the health care authority 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: Department of social and health services.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Melinda Froud, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Rebecca Carrell, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-5707, fax 360-586-9727, TRS 711, email Rebecca.carrell@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

April 19, 2022
Wendy Barcus
Rules Coordinator

WSR 22-09-078

PREPROPOSAL STATEMENT OF INQUIRY

WASHINGTON STATE UNIVERSITY

[Filed April 20, 2022, 8:17 a.m.]

Subject of Possible Rule Making: Campus parking and traffic regulations, chapter 504-15 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.30.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The university is updating the campus parking and traffic regulations.

Process for Developing New Rule: Reviewed internally at many levels before proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah L. Bartlett, Director, Office of Procedures, Records, and Forms, and University Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, email prf.forms@wsu.edu, website policies.wsu.edu/prf/index/wac/.

Additional comments: A public hearing will be held to permit comments to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

April 20, 2022

Deborah L. Bartlett

Director, Procedures, Records, and Forms
and University Rules Coordinator

WSR 22-09-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 20, 2022, 11:48 a.m.]

Subject of Possible Rule Making: Retrospective rating insurance tables update. Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance; and chapter 296-17B WAC, Retrospective Rating for workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.18.005 and 51.16.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When WAC 296-17B-010 was updated in 2017, the department of labor and industries (L&I) made a commitment to "repeat the studies that resulted in the hazard group assignments and changes to retrospective plan tables that are shown in WAC 296-17-901, 296-17B-300, 296-17B-560, 296-17B-830, and 296-17B-910 through 296-17B-990. The repeated studies will determine whether the results are consistent with the expectation of improved fairness in the distribution of the retrospective rating refunds among participants. These repeated studies will be done by April 1, 2020. The department will evaluate and if necessary update the tables beginning at WAC 296-17B-910 every five (5) years." (WSR 17-12-020)

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state, local, or federal agency regulate this issue.

Process for Developing New Rule: L&I will solicit public input by way of direct mailings, the retro web page, GovDelivery, formal and informal meetings, including the retro and workers' compensation advisory committee meetings. L&I will use this input to formulate proposed changes to the existing rules. We will advise customers of future rule making by direct mailing, meetings, and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jessica Nau, L&I, Retrospective Rating Program, 7273 Linderson Way S.W., Tumwater, WA 98501, phone 360-902-5694, fax 360-902-4258, email Jessica.Nau@lni.wa.gov, website <https://lni.wa.gov/retro>; or Leslie Qunell, L&I, Retrospective Rating Program, 7273 Linderson Way S.W., Tumwater, WA 98501, phone 360-902-5703, fax 360-902-4258, email Leslie.Qunell@lni.wa.gov, website <https://lni.wa.gov/retro>.

April 20, 2022
Joel Sacks
Director

WSR 22-09-086
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 20, 2022, 11:51 a.m.]

Subject of Possible Rule Making: Fee increase and updates under consideration for the following factory assembled structures (FAS) rules: WAC 296-150C-3000 Commercial coach fees, 296-150F-3000 Factory-built housing and commercial structure fees, 296-150I-3000 Penalties, fees, and refunds, 296-150M-3000 Manufactured/mobile home fees, 296-150P-3000 Recreational park trailer fees, 296-150T-3000 Factory-built temporary worker housing fees, and 296-150V-3000 Conversion vendor units and medical units—Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.22 RCW, Department of labor and industries; and chapter 43.22A RCW, Mobile and manufactured home installation.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to consider an increase to the FAS fees to support funding of a new technology solution and cover operating expenses for the FAS program. This rule making also considers other changes to the rules for updates.

The fee increase is needed to fund the FAS program's use in a new conveyance management system (CMS). The new CMS is an enterprise solution used to provide permitting, inspection, and other information for customers and program staff. The current FAS system is outdated and does not allow for staff and customers to utilize the system. The new system will allow for a more expansive customer portal for external users, including self-service options, electronic processing, and other features available online for FAS customers.

The fee increase will also support the cost of ongoing services for the FAS program. The current fee levels are insufficient to cover current program expenses. The fee increase is needed to ensure that revenues match expenditures, otherwise service levels may need to be reduced.

Additionally, the FAS program is considering updates to the rules, such as removing obsolete fees, so the rules are clear for customers.

Process for Developing New Rule: Interested parties can participate in the decision to adopt the new rules and formulation of the proposed rules before publication by contacting the individual listed below. The public can also participate after amendments are proposed by providing written comments and testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Alicia Curry, Department of Labor and Industries, Field Services and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-6244, fax 360-902-5292, email Alicia.Curry@lni.wa.gov, website <https://lni.wa.gov/licensing-permits/manufactured-modular-mobile-structures/laws-rules#rule-development>.

April 20, 2022
Joel Sacks
Director