

**WSR 24-22-009
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed October 24, 2024, 1:00 p.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for fee increases for business and professional licenses funded out of the 06L account filed as WSR 24-15-145 on July 24, 2024.

Ellis Starrett
Rules Coordinator

WSR 24-22-012
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed October 24, 2024, 3:57 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering amendments to WAC 388-71-1055 What are the minimum qualifications for an instructor for basic (including 30-hour and seven-hour DDA parent providers), population specific, on-the job, nurse delegation core, and nurse delegation specialized diabetes trainings?, 388-71-1064 What are the minimum qualifications for community instructors for adult education training using DSHS curriculum?, 388-112A-1240 What are the minimum qualifications for an instructor for core basic, population specific, on-the-job, residential care administrator, nurse delegation core, and specialized diabetes trainings?, and 388-112A-1250 What is the minimum qualifications for community instructors for adult education training using DSHS curriculum? The amendments are related to the minimum qualifications for an instructor for adult education, nurse delegation core, and specialized diabetes trainings when the instructor only teaches at the facility or corporation where they are employed.

Other necessary changes and corrections related to numerical representation, consistency, inclusive language, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.88B.010, 18.88B.021, 18.88B.041, 74.08.090, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.076, and 74.39A.341.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently, all nurse delegation and adult education instructors are required to contract with DSHS as community instructors, complete an application process, and maintain liability insurance regardless of where they teach. Many work for facility or corporation employers and are also insured under that facility/corporation's required liability coverage.

Rule changes are proposed to remove the DSHS contract requirement from nurse delegation and adult education instructors who only teach workers employed by a facility or corporation where the instructor is employed. This will remove the burden of the community instructor contract application process and the expense of securing secondary liability insurance.

The changes would not affect the separate DSHS contract required to be a nurse delegator, and all other instructor requirements for nurse delegation and adult education are maintained.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of health and health care authority.

Process for Developing New Rule: Collaborative; DSHS invites the interested public to review and provide input on the draft language of this 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 Dave Chappell, Aging and Long-Term Support Administration Headquarters, Blake East, 4500 10th Avenue S.E., Lacey, WA 98503, phone 360-725-2516, email david.chappell@dshs.wa.gov.

October 24, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-22-057

PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION

[Filed October 28, 2024, 2:42 p.m.]

Subject of Possible Rule Making: The public disclosure commission (PDC) will consider rules regarding the enforcement process and penalty schedules used for both full PDC proceedings and brief adjudicatory proceedings, including aggravating and mitigating factors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17A.110 and [42.17A].755.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: PDC rules establish schedules, including ranges of monetary penalties, used to assess appropriate penalties in enforcement matters. Penalty schedules were first promulgated in 2017. Revisions and adjustments to the schedules and enforcement process will help to assist in the efficient and effective prosecuting of enforcement matters and ensure proper assessment of penalties.

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 Sean Flynn, 711 Capitol Way South, Suite 206, Olympia, WA 98504, phone 360-753-1111, fax 360-753-1112, email pdc@pdc.wa.gov, website www.pdc.wa.gov.

October 28, 2024
Sean Flynn
General Counsel

WSR 24-22-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 29, 2024, 11:36 a.m.]

Subject of Possible Rule Making: Establishing a new chapter or section to address Ergonomics for scheduled airlines—Ground crew operations, risk class 6802, and key components of an ergonomics rule that the department of labor and industries (L&I) should consider for future industry specific ergonomics rules; Title 296 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Work-related musculoskeletal disorders (WMSDs) account for at least one-third of all workers' compensation claims that result in time loss, are more severe than the average nonfatal injury or illness, and are a common cause of long-term disability in the state. In 2023, the Washington state legislature enacted ESSB 5217 (chapter 112, Laws of 2023), codified under RCW 49.17.520, allowing L&I to adopt rules to prevent WMSDs in industries or risk classes that see workers compensation claims for WMSDs at least two times the overall state rate. Only one rule for either an industry or risk classification can be adopted within a 12-month period. L&I is initiating the first rule making for Scheduled airlines—Ground crew operations under risk class 6802, as defined under WAC 296-17A-6802.

As directed by RCW 49.17.520, L&I published an initial report of industries and risk classifications eligible for rule making in November 2023, identifying 31 high-priority industries and risk classes most likely to be selected for the rule making. The high priority list was then narrowed to five industries and risk classes, with the final selection for the first rule-making effort being Scheduled airlines—Ground crew operations, risk class 6802. The rule will cover WMSD hazards for members of ground crews employed by businesses operating scheduled airlines who are assigned the risk class 6802 in L&I's workers' compensation system, excluding those in subclass 6802-01 as required by RCW 49.17.520 (3) (d).

Scheduled airlines—Ground crew operations, risk class 6802, was selected in consideration of multiple factors, including but not limited to:

- The WMSD compensable claim rate is 10.6 times the statewide average, the highest of all industries and risk classes on the high priority list in the November 2023 report, with 47 out of 1,000 full-time equivalent employees getting injured seriously enough to miss work over the five-year period. The statewide compensable claim rate for the same period is 4.4 out of 1,000 full-time equivalent employees.
- The statistical trend shows the claim rate will remain much higher than two-times the state average in the next three years and the trend is not decreasing.
- A high annual claim rate and annual number of compensable claims.

Process for Developing New Rule: L&I will work collaboratively with stakeholders on the rule development process.

L&I will start the rule development process by gathering input from interested parties across all industries on key components that the department should consider for future industry specific rules.

Discussions will also be scheduled with employers and employees in the Scheduled airlines—Ground crew operations risk class to gather input on industry-specific issues, concerns, and best practices. After these initial scoping discussions, meetings will then be held with all interested parties to discuss developing the rule language that will be specifically for the Scheduled airlines—Ground crew operations risk class.

As directed by RCW 49.17.520(6), an advisory committee will be assembled, representing equal parts business and labor representatives in the Scheduled airlines—Ground crew operations risk class, to provide recommendations to L&I during the rules development process.

Parties interested in the formulation of these rules for proposal may contact the individual listed below. Any interested party may also participate by commenting on the proposed rules 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 Cathy Coates, Administrative Regulatory Analyst, L&I, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504-4620, phone 360-280-2003, fax 360-902-5619, email RulemakingErgo@Lni.wa.gov, website <https://www.lni.wa.gov/rulemaking-activity/>.

October 29, 2024
Joel Sacks
Director

WSR 24-22-083
PREPROPOSAL STATEMENT OF INQUIRY
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed October 31, 2024, 9:16 a.m.]

Subject of Possible Rule Making: Revising WAC 139-12-020 to add and update definitions. Revising WAC 139-12-030 to add clarification, updates, and references to independent investigation criteria.

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: These rule changes will provide clarity for those conducting, reviewing, or assessing independent investigations.

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 Lacey Ledford, 19010 1st Avenue South, Burien, WA 98148, phone 206-835-7300, email Lacey.Ledford@cjtc.wa.gov, website cjtc.wa.gov.

October 31, 2024
Lacey Ledford
Rules Coordinator

WSR 24-22-092

PREPROPOSAL STATEMENT OF INQUIRY
STUDENT ACHIEVEMENT COUNCIL

[Filed October 31, 2024, 3:03 p.m.]

Subject of Possible Rule Making: Private not-for-profit institutions of higher education to adopt nondiscrimination policies if they have not done so in order to participate in the college in the high school pilot program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.10.065 and 28B.77.050 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2441 directed the Washington student achievement council to adopt rules which will allow for each institution of higher education to annually sign an affidavit that the institution has adopted nondiscrimination policies in compliance with this statute.

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

Process for Developing New Rule: Pilot rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rathi Sudhakara, 917 Lakeridge Way S.W., Olympia, WA 98502 [98502], phone 360-485-1212, email rathis@wsac.wa.gov, website www.wsac.wa.gov.

October 31, 2024

Crystal R. Hall

Director of Operations and Administration

**WSR 24-22-093
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2024-07—Filed October 31, 2024, 3:24 p.m.]

Subject of Possible Rule Making: Premium change transparency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.30.010 and 48.02.060 to effectuate RCW 48.01.030, 48.18.180, 48.18.2901, 48.18.292, 48.18.480, 48.18.545, 48.19.020, 48.19.030, and 48.19.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The premium change transparency rules were adopted in 2023 in chapter 284-30A WAC. These adopted rules outlined administrative regulations to achieve transparency for policyholders receiving premium increases from insurers at renewal on insurance policies, such as residential property and private passenger auto. The insurance commissioner is proposing rules to delay the implementation date of phase two until 2029. The purpose of the delay is for the insurance commissioner to collect additional data from insurers, consumers, and other interested parties on the effectiveness of phase one of the rule, adopted in WAC 284-30A-050, including the number of consumers who have requested premium change transparency from their insurer and data on the implementation challenges from insurers as they prepare for phase two. Additional amendments to the phase two requirements will be considered for this rule making

Process for Developing New Rule: Submit written comments by December 20, 2024.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rules Coordinator, 302 Sid Snyder Avenue S.W., Olympia, WA 98501, phone 360-725-7171, fax 360-586-3109, TTY 360-586-0241, email rulescoordinator@oic.wa.gov, website www.insurance.wa.gov.

October 31, 2024
Mike Kreidler
Insurance Commissioner

**WSR 24-22-122
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 5, 2024, 12:31 p.m.]

The aging and long-term support administration requests the withdrawal of preproposal statement of inquiry notice filed as WSR 24-18-013 on August 22, 2024, (chapters 388-76, 388-78A, and 388-107 WAC) regarding legally enforceable agreements between operators of adult family homes, enhanced services facilities, and assisted living facilities and residents in those settings whose care is paid through medicaid. The withdrawal should be effective immediately upon filing.

Katherine I. Vasquez
Rules Coordinator

WSR 24-22-123
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed November 5, 2024, 12:35 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending and adding new sections as needed: Chapter 388-76 WAC, Adult family home (AFH) minimum licensing requirements; chapter 388-78A WAC, Assisted living facility (ALF) licensing rules; and chapter 388-107 WAC, Licensing requirements for enhanced services facilities (ESF). This proposal re-files the project previously filed as WSR 24-18-013 to clarify the scope of rule making. Amendments and new sections will address the need for a legally enforceable agreement between the operators of AFH, ESF, and ALF and residents in those settings whose care is paid through medicaid. Requirements for these agreements include the need to outline resident rights that include resident eviction processes and appeals related to transfer and discharge. This rule making is needed to comply with federal regulations 42 C.F.R. § 441.530 (a)(1)(vi)(A) and § 441.301 (c)(4)(vi)(A). This rule making will include other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 70.97.230, 70.128.040, 74.09.520(2), and 74.39A.007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to comply with Centers for Medicare and Medicaid [Services] (CMS) regulations related to home and community based settings in AFH, ALF, and ESF. Compliance with the regulations is necessary to administer the state's medicaid funded long-term services and supports programs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will compare the draft rules with 42 C.F.R. § 441.530 (a)(1)(vi)(A) and § 441.301 (c)(4)(vi)(A), CMS requirements for home and community based settings. The department will confirm consistency with the federal requirements and consult with CMS as necessary.

Process for Developing New Rule: Negotiated rule making; and the department will use a negotiated rule-making process for chapter 388-76 WAC. For chapters 388-78A and 388-107 WAC, the department will use a collaborative rule-making process to consult with internal and external interested parties in the development and review of the draft rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98504, phone 564-999-3182, fax 360-438-7903, email colleen.jensen1@dshs.wa.gov.

November 5, 2024
Katherine I. Vasquez
Rules Coordinator

WSR 24-22-124
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed November 5, 2024, 12:48 p.m.]

The department of licensing requests the withdrawal of the pre-proposal statement of inquiry for implementing the requirements of chapter 87, Laws of 2024 (SHB 1996), filed as WSR 24-11-159 on May 22, 2024.

Ellis Starrett
Rules Coordinator

WSR 24-22-127
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed November 5, 2024, 1:01 p.m.]

Subject of Possible Rule Making: Public records; the department of health (department) is considering creating a new chapter within Title 246 WAC regarding public records. The department is considering amending and relocating its existing public records rules in chapter 246-08 WAC and adopting new rules as necessary. Changes under consideration are a result of changes in statutes, changes in internal operations, staffing reorganization, and an effort to provide clear, concise, and reasonable rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 42.56 RCW, RCW 43.70.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering creating a new chapter within Title 246 WAC for public records. The department is also considering revising its existing rules regarding public records in chapter 246-08 WAC and relocating them into this new chapter. The department's public records rules have not been reviewed for potential changes in over 15 years. Changes in state law and internal department processes require necessary amendments to update and clarify the existing rules.

The original CR-101, filed as WSR 23-15-012 on July 6, 2023, will be withdrawn and replaced with this new CR-101. The work under the original CR-101 will be continued under this new CR-101 which involves review and, as appropriate, consideration of updates to better reflect current department practices and align with changes in the law regarding public records.

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 Melanee Auldredge, Public Disclosure Manager, P.O. Box 47825 Olympia, WA 98504-7825, phone 360-819-6768, TTY 711, email melanee.auldredge@doh.wa.gov, website <https://doh.wa.gov/about-us/public-records>.

November 5, 2024
Kristin Peterson, JD
Chief of Policy
for Umair A. Shah MD, MPH
Secretary of Health

**WSR 24-22-128
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed November 5, 2024, 1:34 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for practice and procedure rules regarding department public records requests, which was filed on July 6, 2023, and published as WSR 23-15-012.

The department is withdrawing this CR-101 because the scope of the project has changed and may include adopting a new chapter of rule specifically for public records. The department will continue to consider changes as identified in WSR 23-15-012.

Individuals requiring information on this rule should contact Melanee Auldredge at 360-819-6768 or email Melanee.Auldredge@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 24-22-129
PREPROPOSAL STATEMENT OF INQUIRY
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY

[Filed November 5, 2024, 1:50 p.m.]

Subject of Possible Rule Making: New WAC 495D-121-405; repealing WAC 495D-121-460, 495D-121-680, 495D-121-690, 495D-121-700, 495D-121-710, 495D-121-720, 495D-121-730, 495D-121-740, 495D-121-750 and 495D-121-760; and amending WAC 495D-121-320, 495D-121-330, 495D-121-340, 495D-121-350, 495D-121-380, 495D-121-390, 495D-121-400, 495D-121-420, 495D-121-430, 495D-121-440, 495D-121-450, 495D-121-570, 495D-121-580, 495D-121-590, and 495D-121-600.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On April 19, 2024, the United States Department of Education released its final rule under Title IX. This rule requires institutions of higher education to adopt student disciplinary procedures addressing sex discrimination, including sex-based harassment. The deadline for implementing this new rule is August 1, 2024.

In addition to complying with the new final rule, Lake Washington Institute of Technology (college) is updating its student conduct code to address recommended language around Title IX. These new definitions of prohibited behavior and updated procedures are necessary to address conduct that may pose a threat to the general welfare of the college community and/or college operations and to protect the constitutional and procedural rights of individual students.

Process for Developing New Rule: Compliance with federal rules or standards.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dr. Ruby Hayden, 11605 132nd Avenue N.E., Kirkland, WA 98034, phone 425-739-8200, email ruby.hayden@lwtech.edu.

November 5, 2024
Elsa J. Gosset, Director
Planning and Operations
Office of the President