WSR 26-01-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
[Filed December 3, 2025, 1:31 p.m.]

Subject of Possible Rule Making: In response to ESSB 5200 (chapter 108, Laws of 2025), the department of social and health services (DSHS) is planning to amend WAC 388-112A-0010, 388-112A-0020, 388-112A-0080, 388-112A-0105, 388-112A-0490, 388-112A-0495, 388-112A-0720, and 388-112A-1100. Per the legislation, DSHS is planning to create WAC 388-112A-0055 What are the training and certification requirements for volunteers and long-term care workers in veterans' medical foster homes? and 388-112A-0613 Who in a veterans' medical foster home is required to complete continuing education training each year, how many hours of continuing education are required, and when must they be completed? Other related rules as may be required.

The purpose of these changes and additions include:

- Complying with ESSB 5200 passed during the 2025 legislative session.
- Amending the definitions in WAC 388-112A-0010 of "home," "long-term care worker," "provider," and "resident" to include veterans' medical foster homes (MFH), and adding the definition of "veterans' medical foster home."
- Amending WAC 388-112A-0020 to include "training and certification requirements that apply to veteran's medical foster homes."
- Amending WAC 388-112A-0080 to include veterans' MFHs as a setting requiring 70 hours of basic training.
- Amending WAC 388-112A-0105 to include veterans' MFH administrators or their designees to those long-term care (LTC) workers requiring home care aide certification.
- Amending WAC 388-112A-0490 to add veterans' MFHs to the list of settings for which applicants, resident managers, administrators, and other types of entity representatives that are required to receive certain specialty training.
- Amending WAC 388-112A-0495 to include veterans' MFHs to settings that require LTC workers to complete certain specialty trainings.
- Amending WAC 388-112A-0720 to include veterans' MFHs as a setting that requires CPR and first-aid training.
- Amending WAC 388-112A-1100 to add veterans' MFHs as a setting that may conduct orientation, safety, basic, on-the-job, continuing education, or specialty training.
- Creating new WAC 388-112A-0055 What are the training and certification requirements for volunteers and long-term care workers in veterans' medical foster homes?
- Creating new WAC 388-112A-0613 Who in a veterans' medical foster home is required to complete continuing education training each year, how many hours of continuing education are required, and when must they be completed?

Other changes necessary for implementation of ESSB 5200 and changes and corrections related to numerical representation, consistency, inclusive language, and other related rules may also be included.

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: The reasons why rules on this subject may be needed are due to amendments to existing law that define MFHs as LTC settings, MFH caregivers as LTC workers, and adds MFHs to the list of facilities where the person admitted is considered a vulnerable adult. Other edits related to clarity, grammar, and consistency are also included.

Process for Developing New Rule: Collaborative; 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 Bradley McFadden, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2563, TTY 711 relay service, email bradley.mcfadden@dshs.wa.gov.

December 3, 2025
Katherine I. Vasquez
Rules Coordinator

WSR 26-01-020
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Nursing)
[Filed December 5, 2025, 7:52 a.m.]

Subject of Possible Rule Making: Nursing education programs. The Washington state board of nursing (board) is considering amendments to WAC 246-840-500 through 246-840-571 to clarify nursing education program requirements; significantly reduce the administrative burden on nursing programs while maintaining efficiency and adherence to minimum educational standards set by the board; remove barriers related to clinical placements and clinical faculty oversight; evaluate the minimum requirements for simulation education; and simplify processes for program expansion and the implementation of innovative delivery methods. The board also plans to address changes regarding nursing education programs resulting from legislation enacted during the 2026 legislative session.

This rule making is phase 3 of the board's review of chapter 246-840 WAC, conducted in accordance with the board's five-year formal rule review process under RCW 43.70.041. Phase 1 addresses licensing and continuing competency requirements for registered nurses and licensed practical nurses. Phase 2's focus is on rules for advanced practice and pain management, including the advanced registered nurse practitioner licensure rules. Phase 3, as noted above, concentrates on nursing education program standards. Phase 4 will cover practice standards and delegation guidelines. The overall goal of this review is to clarify and update outdated language, rewrite and reformat existing rules to reflect current best practices, and restructure sections as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.010 and 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Regular review and revision of the nursing education rules are essential to ensure that regulatory standards keep pace with the evolving needs of the health care system, advances in education delivery, and workforce demands. Over time, existing rules can become outdated, overly complex, or burdensome, creating unnecessary administrative challenges for nursing programs and limiting flexibility in how education is delivered. Updating these regulations helps promote clarity, consistency, and efficiency, while maintaining high standards for nursing education and public safety. Through collaborative rule making, this effort engages interested parties to support innovation in teaching methods, streamline program oversight, and remove barriers that hinder clinical training opportunities, ultimately strengthening the preparation of future nurses.

RCW 43.70.041 requires a formal review process of existing rules every five years to simplify, improve, and streamline rules pertaining to health professions. As part of this review process, the board is considering amendments to nursing education program rules.

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 Jessilyn Dagum, P.O. Box 47864, Olympia, WA 98504-7864, phone 360-236-3538, fax 360-536-4738, TTY 711, email WABONRules@doh.wa.gov, website www.nursing.wa.gov.

Additional comments: The board will notify interested parties of rule making by posting information on the department of health website, the board website, and by use of GovDelivery. Interested parties may sign up to receive board rule-making notices at https://public.govdelivery.com/accounts/WADOH/subscriber/new. The board will hold virtual meetings at varying times to encourage participation.

December 5, 2025
Alison Bradywood, DNP, MN/MPH, RN, NEA-BC
Executive Director
Board of Nursing

WSR 26-01-028
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION COMMISSION

[Docket UE-250777—Filed December 5, 2025, 1:32 p.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (UTC) is directed, under ESHB 1522 (chapter 156, Laws of 2025, and codified primarily in RCW 80.28.445) to adopt rules to implement wildfire mitigation planning reviews for investor-owned electric utilities. UTC's rule making must, at minimum, include the provision of workshops for wildfire mitigation plans, procedures and standards regarding vegetation management, fair market landowner compensation guidelines, public safety power shutoffs, pole materials, circuitry, and monitoring.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.28.445.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 1522 (with relevant section codified as RCW 80.28.445) requires UTC to adopt rules to implement the statute. The rules will provide guidance for investor-owned electric utilities to document and maintain wildfire risk mitigation planning and strategies. The legislature's directive is based on the idea that it is important to address wildfire risks associated with electric utility operations and establish a transparent process for the utilities and their stakeholders to direct the prudent use of utility resources to mitigate those risks while balancing costs and various stakeholders' interests.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: While there is no other agency that regulates this same subject directly, the department of natural resources is responsible for a utility wildfire mitigation template. The department of commerce coordinates communications in the event of an incident and assists publicly owned utilities. Both agencies will be contacted about the rule making and will have an opportunity to comment/communicate with UTC staff.

Process for Developing New Rule: UTC will ask for initial written comments on the CR-101 and conduct a workshop. UTC will request additional comments on draft rules in the CR-102 phase.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Killip, Executive Director and Secretary, 621 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-664-1173, fax 360-586-1150, TTY 1-800-833-6384 or 711, email records@utc.wa.gov, website www.utc.wa.gov/e-filing.

December 5, 2025
Jeff Killip
Executive Director and Secretary

WSR 26-01-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SERVICES FOR THE BLIND
[Filed December 10, 2025, 11:30 a.m.]

Subject of Possible Rule Making: Updating and clarifying chapter 67-35 WAC, Vending facility program for the blind, all sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.18 RCW; 34 C.F.R. Part 395.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Simplifying WAC with more clear definitions and processes, increasing readability using plain language.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Education, Rehabilitation Services Administration.

Process for Developing New Rule: Based on 34 C.F.R. Part 395.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Yvonne Verbraak, P.O. Box 40933, Olympia, WA 98504, phone 360-725-3834, fax 360-407-0679, email yvonne.verbraak@dsb.wa.gov, website www.dsb.wa.gov; or Lisa Wheeler, 3411 South Alaska Street, Seattle, WA 98118, phone 206-906-5508, fax 206-721-4103, email lisa.wheeler@dsb.wa.gov, website www.dsb.wa.gov.

December 10, 2025
Yvonne Verbraak
Executive Assistant

WSR 26-01-087
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed December 15, 2025, 10:50 a.m.]

The health care authority requests withdrawal of the preproposal statement of inquiry filed as WSR 25-13-060 on June 12, 2025, and distributed in the 25-13 Washington State Register issue.

Wendy Barcus
Rules Coordinator

WSR 26-01-089
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS
[Filed December 15, 2025, 12:53 p.m.]

Subject of Possible Rule Making: Chapter 196-26A WAC, Fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035 and 18.43.150.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The resource cost of processing professional engineer and structural applications is essentially the same; therefore, fees for those services should reflect those costs consistently. In addition, creating uniform fees for both applications will streamline the application process to improve efficiency.

Process for Developing New Rule: Notice will be made to stakeholders and active licensees via the board of registration for professional engineers and land surveyors' (board) contact lists; and will be posted on our website and distributed through board staff. Interested parties may contact the individual listed below and 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 Shanan Gillespie, P.O. Box 9025, Olympia, WA 98507-9025, phone 360-664-1570, TTY 711, email shanan.gillespie@brpels.wa.gov, website https://brpels.wa.gov/current-laws-and-rules/rulemaking-activity.

December 15, 2025
Ken Fuller
Director

WSR 26-01-090
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed December 15, 2025, 1:05 p.m.]

Subject of Possible Rule Making: Calculating dual member benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of retirement systems is developing a rule to clarify how dual member benefits are calculated when one retirement system permits the use of out-of-state service or accrued sick leave to qualify for benefits, while the other does not.

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 Bianca Stoner, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7291, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

December 15, 2025
Bianca Stoner
Rules Coordinator

WSR 26-01-093
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE LOTTERY
[Filed December 15, 2025, 3:30 p.m.]

Subject of Possible Rule Making: Washington's lottery (lottery) is considering revisions to WAC 315-10-025 Cost to purchase an instant game ticket. Lottery is contemplating whether to increase the maximum price of an instant (scratch-off) game ticket.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 67.70.040 (1)(b), the lottery commission must set "the price, or prices, of tickets or shares in the lottery." Since 2015, WAC 315-10-025 has set the price range for scratch tickets as not less than $1 and not more than $30. Lottery would like to explore whether a higher price point would be advantageous to the state and/or desired by players.

Process for Developing New Rule: Lottery will use a collaborative rule-making process to develop the proposed rules. Lottery will post draft rules on its website and notify interested parties of the opportunity to provide informal comments. Staff will valuate informal comments prior to proposing the rule for adoption. Formal comments will be taken in writing during the formal comment period and in person 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 Kristi Weeks, P.O. Box 4300, Olympia, WA 98504-3000, phone 360-810-2881, fax 360-515-0416, email Kweeks@walottery.com, website www.walottery.com.

December 15, 2025
Kristi Weeks
Director of Legal Services

WSR 26-01-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed December 16, 2025, 8:32 a.m.]

Subject of Possible Rule Making: Electrical rules; chapter 296-46B WAC, Electrical safety standards, administration, and installation, excluding WAC 296-46B-935 Administrator certificate, and 296-46B-960 Administrator and electrician certificate of competency examinations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW, Electricians and electrical installations, including RCW 19.28.031 and 19.28.251.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of labor and industries' (L&I) electrical program is reviewing the electrical rules under chapter 296-46B WAC and new safety codes from the 2026 edition of the National Fire Protection Agency (NFPA) 70, the National Electrical Code (NEC). The purpose of this review is to consider amendments to the adopted 2026 NEC safety codes, to update and clarify existing rules, and make housekeeping and other rule changes. The 2026 NEC (NFPA 70-2026) will replace the current 2023 NEC (NFPA 70-2023) standards on December 31, 2026.

The electrical rules are reviewed every three years, or each code cycle, to ensure the rules are consistent with national electrical safety standards and industry practice. The review process provides Washington's electrical stakeholders the opportunity to review the existing rules, submit proposals for changes to the rules, and provide recommendations to L&I regarding adoption of the rules, prior to NEC implementation.

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

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/or testimony during the public hearing and comment process. All rule proposals will be reviewed by the technical advisory committee (TAC) and the electrical board.

L&I is seeking input from interested parties to be used in the formulation of the proposed electrical rules. Interested parties may submit rule proposals for changes to the rules through February 13, 2026.

L&I is also appointing a general TAC made up of experts and interested group representatives to review and make recommendations on proposals from the electrical industry. Interested parties may submit an application to become a TAC member and participate in the rule development process through February 13, 2026.

For more information on this rule making, visit the L&I website at https://lni.wa.gov/licensing-permits/electrical/laws-rules-policies#rule-development or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Meagan Edwards, L&I, Customer Service, Compliance, and Public Safety Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-522-0125, fax 360-704-1980, email FSPSRules@Lni.wa.gov.

Additional comments: For more information about this rule making, visit https://www.lni.wa.gov/licensing-permits/electrical/laws-rules-policies#rule-development, or L&I's rule-making activity web page at https://www.Lni.wa.gov/rulemaking-activity/.

December 16, 2025
Joel Sacks
Director

WSR 26-01-113
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
[Filed December 16, 2025, 5:37 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is planning to amend WAC 388-106-0010 What definitions apply to this chapter?, to align with department of health (DOH) statute and recently updated RCW 69.41.010 Medication assistance; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.41.010, 74.08.090, and 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is planning to amend WAC 388-106-0010 What definitions apply to this chapter?, to align with DOH statute and recently updated DOH WAC. See also WAC 246-945-712(6) Definitions and 246-945-718 Medication assistance—Restrictions; and chapter 246-840 WAC, Practical and registered nursing.

Process for Developing New Rule: Collaborative. The department welcomes the public to take part in developing the rules. Anyone interested should contact a staff person identified below. At a later date, the department 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 Dru Aubert, CARE Management Unit Manager, Aging and Long-Term Support Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone 206-348-2698, TTY 711 relay service, email dru.aubert@dshs.wa.gov; or Melissa Randles, state plan services unit manager, developmental disabilities community services division, phone 360-764-0405, TTY 711 relay service, email melissa.randles@dshs.wa.gov.

December 16, 2025
Katherine I. Vasquez
Rules Coordinator

WSR 26-01-115
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY
[Order 25-08—Filed December 17, 2025, 8:12 a.m.]

Subject of Possible Rule Making: Chapter 173-351 WAC, Municipal solid waste landfills; and chapter 173-350 WAC, Solid waste handling standards. This rule making will align chapters 173-351 and 173-350 WAC with new landfill permit approval authority granted to the department of ecology (ecology) by the passage of HB 1154, and new enforcement tools granted to jurisdictional health agencies and ecology for all solid waste facilities. Ecology will also consider clarifications, corrections, and other changes to solid waste facility standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.205.025 Standards for solid waste handling—Areas—Landfill location, 70A.205.173 Waste generated outside the state—Solid waste disposal site facility reporting requirements—Fees, 70A.205.205 Disposal of sewage sludge or septic tank sludge prohibited—Exemptions—Uses of sludge material permitted, 70A.205.210 Duties of the department—State solid waste management plan—Assistance—Coordination—Tire recycling, 70A.205.260 Solid waste—Beneficial uses—Permitting requirement exemptions, 70A.205.265 Solid waste handling permit—Exemption from requirements—Application of section—Rules, 70A.205.275 Rules—Department "deferring" to other permits—Application of section, and 70A.205.340 Financial assurance requirements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A 2025 change to the law requires ecology to approve landfill permits alongside jurisdictional health departments (JHDs). The law provides JHDs authority to issue orders and penalties to all solid waste facilities subject to permitting, provides ecology authority to issue orders and penalties and suspend permits, and requires solid waste facilities to allow JHDs and ecology to conduct inspections and collect samples. Updates to solid waste facility standards will be considered to address concerns around compliance and other changes.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Environmental Protection Agency will need to verify that chapter 173-351 WAC changes are not less stringent than federal regulation, 40 C.F.R. Parts 257 and 258 (also known as RCRA Subtitle D).

Washington department of agriculture has requirements regarding movement of organic materials from quarantine areas to pest-free areas. We may need to update chapter 173-351 WAC to address these regulations.

Process for Developing New Rule: Ecology will follow the standard process for adopting rules under the Administrative Procedure Act (chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chris Fredley, Department of Ecology, Solid Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-233-1615, Washington relay service or TTY call 711 or 877-833-6341, email solidwastefacility@ecy.wa.gov, website https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-350-wac-173-351, sign up to receive email notices at https://

public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_76.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development. Ecology will complete an environmental justice assessment in compliance with RCW 70A.02.060 as a part of this rule making.

December 16, 2025
Peter Lyon
Program Manager
Solid Waste Management Program

WSR 26-01-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE
[Filed December 17, 2025, 8:55 a.m.]

Subject of Possible Rule Making: Chapter 16-662 WAC, Weights and measures—National handbooks, sale of motor fuel, electric vehicle supply equipment, and penalties for violations. The Washington state department of agriculture (department) is considering adopting more recent versions of the National Institute of Standards and Technology (NIST) handbook editions under the chapter and adding clarifying language.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.94.190, 19.112.020, and 19.112.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The weights and measures program promotes marketplace equity by ensuring accuracy in commercial transactions through testing and inspecting commercial measuring devices, price verification, package inspection, public education, monitoring fuel quality, and investigating complaints.

The NIST handbooks are national consensus codes that establish industry standards for weighing and measuring devices, legal metrology, engine fuel quality, net contents of packaged goods, and specifications and tolerances for reference standards and field standard weights and measures. The department adopts these handbooks to ensure the amount of commodities sold in Washington state are in accordance with good commercial practice and provide accurate information to all interested parties and to maintain uniformity with other states where appropriate. The current NIST handbook editions referenced in chapter 16-662 WAC are from 2016, and more recent editions need to be adopted in rule to be reasonably consistent with the uniform rules adopted by the National Conference on Weights and Measures and that are in effect in other states.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. 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 hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Robbie Parke, Weights and Measures Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-819-7529, TTY 800-833-6388 or 711, email robbie.parke@agr.wa.gov, website https://agr.wa.gov/services/rulemaking; or Greg Haubrich, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2071, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website https://agr.wa.gov/services/rulemaking.

December 11, 2025
Greg Haubrich
Assistant Director

WSR 26-01-131
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed December 18, 2025, 10:21 a.m.]

Subject of Possible Rule Making: The health care authority (HCA) is adopting rules to implement the grant of rule-making authority in RCW 71.05.620(2) to clarify that the Washington state office of public defense (OPD) is recognized by the courts as the organization responsible for providing attorney services for the person under subsection (1)(f) of that statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.620(2), 71.05.560, and 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: HCA is creating a new behavioral health rule to implement the requirements of RCW 71.05.110(2) and 71.05.620(2) regarding appointed counsel and access to closed Involuntary Treatment Act court files and records. Newly enacted legislation (ESSB [E2SSB] 5745, 2025) amended RCW 71.05.110 to provide that, under certain circumstances, HCA may contract with OPD to provide legal counsel for persons involuntarily detained at state-operated behavioral health facilities. OPD also provides appellate counsel in these cases. OPD needs express legal authority granted by HCA rule to timely access court files and records, enter an appearance before the court, and provide legal representation to the detained person.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: HCA is partnering with OPD in development of these rules.

Process for Developing New Rule: HCA 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, HCA will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jason Crabbe, Rule-making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-9563, fax 360-586-9727, telecommunication relay services (TRS) 711, email jason.crabbe@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Annette Schuffenhauer, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1254, fax 360-586-9727, TRS 711, email annette.schuffenhauer@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 18, 2025
Wendy Barcus
Rules Coordinator

WSR 26-01-136
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD
[Filed December 18, 2025, 12:10 p.m.]

Subject of Possible Rule Making: Chapters 181-87 and 181-90 (new) WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adding willful noncompliance by a superintendent as an act of unprofessional conduct to meet the requirements of HB [ESHB] 1296.

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 Matt Dressen, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

December 18, 2025
Matt Dressen
Rules Coordinator

WSR 26-01-137
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD
[Filed December 18, 2025, 12:11 p.m.]

Subject of Possible Rule Making: WAC 181-79A-140, 181-79A-145, 181-79A-223, 181-79A-231, 181-79A-244, 181-79A-247, and 181-85-203.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establish certificates for the role of educational interpreter as required by SB [SSB] 5025.

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 Matt Dressen, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-6275, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

December 18, 2025
Matt Dressen
Rules Coordinator

WSR 26-01-145
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Home and Community Living Administration)
[Filed December 18, 2025, 4:53 p.m.]

Subject of Possible Rule Making: Department of social and health services (DSHS) is considering amending WAC 388-116-1010, 388-116-3020, 388-116-3030, 388-116-3080, 388-116-4030, and 388-116-5030; and any additional rules as necessary. The amendments are intended to address adaptive equipment and technology, minimum qualifications for providers, signatories for background check requirements, exception to rule requests, payment of fees related to administrative hearings, and definitions related to financial management services vendors and reimbursement. Other related rules may be amended as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (3)(k).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule-making project is needed to expand allowable adaptive equipment and technology for beneficiaries of the WA Cares fund program, to provide clarification for requirements for long-term services and supports providers, and clarification for participants of administrative hearings. DSHS will use this as an opportunity to make changes for clarity related to definitions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Employment security department and health care authority. Coordination will occur between departments for consistent implementation of the WA Cares fund program under chapter 50B.04 RCW.

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 Arielle Finney, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-764-0384, TTY 711 relay service, email Arielle.Finney2@dshs.wa.gov.

December 18, 2025
Katherine I. Vasquez
Rules Coordinator

WSR 26-01-149
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed December 19, 2025, 7:59 a.m.]

Subject of Possible Rule Making: WAC 182-560-100 Achieving a Better Life Experience (ABLE) Act; other related rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (agency) is amending its ABLE Act rule to change from 26, to 46, the age by which disability must have begun for purposes of eligibility. During this review, the agency may identify additional related changes that improve clarity or update policy.

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, Rule-making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication relay services (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Paige Lewis, Program Questions, P.O. Box 42722, Olympia, WA 98504-2722, phone 360-725-0757, fax 360-586-9727, TRS 711, email paige.lewis@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

December 19, 2025
Wendy Barcus
Rules Coordinator

WSR 26-01-154
PREPROPOSAL STATEMENT OF INQUIRY
SECRETARY OF STATE
[Filed December 19, 2025, 10:04 a.m.]

Subject of Possible Rule Making: Elections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.611.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 5843 (2024) added a provision to RCW 29A.60.200 stating that the secretary of state may examine a county's election materials and certify the county-level results if the county canvassing board refuses to certify the election without cause. The purpose of this rule making is to create administrative code detailing the procedure in such a situation.

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 Dave Piersma, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, website sos.wa.gov/elections; or Victoria Donahue, P.O. Box 40229, Olympia, WA 98504, phone 360-725-5788, fax 360-664-4619, email victoria.donahue@sos.wa.gov, website sos.wa.gov/elections.

December 19, 2025
Amanda Doyle
Chief of Staff

WSR 26-01-166
PREPROPOSAL STATEMENT OF INQUIRY
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY
[Filed December 19, 2025, 4:39 p.m.]

Subject of Possible Rule Making: WAC 495D-121-320, 495D-121-330, 495D-121-340, 495D-121-350, 495D-121-380, 495D-121-390, 495D-121-400, 495D-121-410, 495D-121-420, 495D-121-430, 495D-121-440, 495D-121-450, 495D-121-500, 495D-121-530, 495D-121-570, 495D-121-580, 495D-121-590, 495D-121-600, 495D-121-605, 495D-121-630, 495D-121-650, 495D-121-660, 495D-121-670, 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.

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: These changes update the student conduct code in accordance with changes to Title IX regulations and guidance at the federal level.

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 Dr. Sheila Walton, 11605 132nd Avenue N.E., Kirkland, WA 98034, phone 425-739-8100, email Sheila.walton@lwtech.edu, website www.lwtech.edu.

December 19, 2025
Elsa J. Gossett, Director
Planning and Operations, President's Office

WSR 26-01-171
PREPROPOSAL STATEMENT OF INQUIRY
WASHINGTON STATE PATROL
[Filed December 22, 2025, 1:29 p.m.]

Subject of Possible Rule Making: WAC 204-21-020 Definitions, 204-21-130 Emergency lamps, 204-21-170 Additional lighting for snow removal, highway maintenance and refuse haulers, and 204-21-230 Lighting equipment prohibited.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.37.194, 46.37.300, and 46.37.320.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed changes to WAC 204-21-020, 204-21-130, 204-21-170, and 204-21-230 are intended to allow snow removal vehicles operated by state, county, or municipal entities, and highway maintenance vehicles operated by public or private entities to use flashing green and white lights, in addition to amber lights, while engaged in snow removal or highway maintenance operations. This change would enhance visibility and provide motorists with a clearer warning of hazardous equipment or active maintenance activities. The definition section would be updated to include definitions for snow removal vehicle and highway maintenance vehicle and to specify that copies of Society of Automotive Engineers (SAE) standards may be obtained from SAE International, rather than the Washington state patrol (WSP). Finally, minor nonsubstantive edits would clarify existing language, reducing potential confusion and improving overall readability.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSP anticipates providing draft language to impacted stakeholders for review and input as part of the process.

Process for Developing New Rule: Agency review. WSP welcomes the public to take part in developing the rules. Anyone interested should contact the staff members identified below. At a later date, WSP will file a proposed rule making (CR-102) with the office of the code reviser. 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, Rules Coordinator, 106 11th Avenue S.W., Olympia, WA, phone 360-596-4017, email Kimberly.mathis@wsp.wa.gov, website wsp.wa.gov/rules-development/.

December 22, 2025
John R. Batiste
Chief

WSR 26-01-182
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE
[Filed December 23, 2025, 9:17 a.m.]

Subject of Possible Rule Making: Adoption of brief adjudicative proceedings (BAP) process and procedures pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to provide for expedient appeals of determinations made by the department of commerce (commerce) relating to the Growth Management Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.190 (4)(b), 36.70A.639, 36.70A.638(6), and 34.05.482 (1)(c).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The growth management services (GMS) unit of commerce has responsibilities to make determinations such as whether certain jurisdictions meet the criteria for an extension under RCW 36.70A.637; for an extension under RCW 36.70A.638; for certification of its parking study under RCW 36.70A.681; and for certification of its empirical parking study under RCW 36.70A.635(7). These rules will establish a process for jurisdictions that wish to appeal such determinations. The BAP will provide a mechanism for expedient appeals of determinations made concerning the Growth Management Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None, this is an internal commerce GMS process.

Process for Developing New Rule: Commerce will follow the required rule-making steps, including a public comment period and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Deborah Jacobs, senior policy analyst, GMS, phone 360-725-2719, email Deborah.Jacobs@commerce.wa.gov, website https://www.commerce.wa.gov/about/legislative/rulemaking/.

December 23, 2025
Amanda Hathaway
Rules Coordinator

WSR 26-01-213
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 24, 2025, 10:17 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-478-0015 Need standards for cash assistance, and other rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These amendments will update standards of need for cash assistance programs as required annually by RCW 74.04.770. If applicable, these amendments will also make additional changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

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

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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, fax 360-725-4905, TTY 711 relay service, email Patrick.Budde@dshs.wa.gov.

December 23, 2025
Katherine I. Vasquez
Rules Coordinator