

WSR 14-22-011
PREPROPOSAL STATEMENT OF INQUIRY
CASCADIA COLLEGE

[Filed October 23, 2014, 12:39 p.m.]

Subject of Possible Rule Making: Cascadia College intends to adopt rules amending the student conduct code, chapter 132Z-115 WAC, and adopting related amendments to WAC 132Z-108-050 concerning brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140 and the Administrative Procedure Act (APA), chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to update, clarify, and streamline student conduct code standards and procedures, as well as to incorporate federal requirements relating to sexual harassment and sexual misconduct, including the Violence Against Women Act, Clery Act amendments, and OCR guidance letters.

Process for Developing New Rule: Initial review by student code workgroup consisting of student code administrators, student leadership, and conflict resolution council members, followed by review through normal campus-wide policy review procedures, APA notice and public comment procedures, and final approval by board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dede Gonzales, Rules Coordinator, Office of the President, Cascadia College, 18345 Campus Way N.E., Bothell, WA 98011-8205, (425) 352-8810, dgonzales@cascadia.edu.

October 22, 2014
 Dede Gonzales
 Rules Coordinator
 Executive Assistant
 to the President

WSR 14-22-016
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Behavioral Health and Service Integration Administration)

[Filed October 23, 2014, 3:48 p.m.]

Subject of Possible Rule Making: WAC 388-865-0526, regarding single bed certification, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.24.035, and 71.34.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 388-865-0526 as a result of the Washington Supreme Court decision in *In re the Detention of D. W., et al.*, No. 90110-4. This section contains the department's rules for single bed certification which allows for the inpatient treatment of adults and children in facilities that are not certified as inpatient evaluation and treatment facilities.

Other related changes that arise during this rule making may be incorporated; other WAC sections may need to be updated as a result of this rule making. An emergency rule is in effect until the permanent rule is in place.

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 Kathy Sayre, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-1342, fax (360) 586-0341, TTY 1-800-833-6384, e-mail kathy.sayre@dshs.wa.gov.

October 23, 2014
 Katherine I. Vasquez
 Rules Coordinator

WSR 14-22-018
PREPROPOSAL STATEMENT OF INQUIRY
RENTON TECHNICAL COLLEGE

[Filed October 24, 2014, 10:17 a.m.]

Subject of Possible Rule Making: Amendments to, and/or reorganization, replacement or deletion of chapter 495E-12 [495E-120] WAC, Student code of conduct and WAC 495E-134-010 Rules coordinator.

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: The listed chapters have generally not been updated. The college seeks to update now to be consistent with current practices and laws, with best [best] practices, and where possible to maintain flexibility for future operations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None identified. The state board for community and technical colleges has general supervision and control over the state system of community and technical colleges but does not regulate an individual college's rule making.

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 Melinda Merrell, Vice-President of Administration and Finance, (425) 235-5846, mmerrell@RTC.edu; or June Stacey-Clemons, Interim Vice-President of Student Services, (425) 235-2463, jstacey-clemons@RTC.edu; both at Renton Technical College, 3000 Northeast 4th Street, Renton, WA 98056.

October 24, 2014
Melinda Merrell
Vice-President of
Administration and Finance

WSR 14-22-032
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed October 28, 2014, 2:05 p.m.]

Subject of Possible Rule Making: Chapter 182-537 WAC, School services and other rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions to this chapter are necessary to add coverage for individuals under the Individuals with Disabilities Education Act (IDEA) Part C. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The health care authority (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 Wendy Barcus, Rules Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.barcus@hca.wa.gov.

October 28, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-22-035
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed October 28, 2014, 3:28 p.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 14-14-113 (WAC 182-504-0130 Washington apple health—Continued coverage pending an appeal).

Kevin M. Sullivan
Rules Coordinator

WSR 14-22-036

PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Washington Apple Health)
[Filed October 28, 2014, 3:30 p.m.]

Subject of Possible Rule Making: WAC 182-504-0130 Washington apple health—Continued coverage pending an appeal.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 42 C.F.R. § 431.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency plans to amend the rule to make it consistent with the wording in WAC 182-504-0135 and to clarify that continued coverage continues until an order is issued by the office of administrative hearings.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services – the health care authority (HCA) will share rule drafts with DSHS staff and seek their input.

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 Kevin Sullivan, HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@hca.wa.gov.

October 28, 2014
Kevin M. Sullivan
Rules Coordinator

WSR 14-22-041
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
[Filed October 29, 2014, 10:17 a.m.]

The health care authority requests the withdrawal of the preproposal statement of inquiry filed as WSR 14-18-020 (WAC 182-535-1090 and 182-535-1100).

Kevin M. Sullivan
Rules Coordinator

WSR 14-22-042
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

(Washington Apple Health)
 [Filed October 29, 2014, 10:18 a.m.]

Subject of Possible Rule Making: WAC 182-535-1090 Dental related services—Covered prosthodontics (removable), 182-535-1098 Dental related services—Covered adjunctive general services, 182-535-1100 Dental related services—Not covered, and other 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 will add and remove language to clarify policy, and correct a typographical error. During the course of this review, the agency may identify additional 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: None.

Process for Developing New Rule: The health care authority (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 Amy Emerson, P.O. Box 42716, Olympia, WA 98504-2716, phone (360) 725-1348, fax (360) 586-9727, TTY 1-800-848-5429, e-mail amy.emerson@hca.wa.gov.

October 29, 2014
 Kevin M. Sullivan
 Rules Coordinator

WSR 14-22-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Chiropractic Quality Assurance Commission)

[Filed October 30, 2014, 7:10 a.m.]

Subject of Possible Rule Making: WAC 246-808-545 Improper billing practices, the chiropractic quality assurance commission (CQAC) is opening this rule to consider options for time-of-service (TOS) discount when a patient pays for the service at the time of the appointment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.25.0171.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It has been a standard practice for healthcare professionals, including chiropractors, to offer their patients a TOS discount. There have been questions and confusion about TOS practices and the commission's rule on this subject. The commission will consider clar-

ifying and updating the rule to assure that the TOS meets the needs of uninsured patients or others who wish to pay at TOS.

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

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. Stakeholders will be notified and invited to participate in an open public workshop(s) and may submit written comments for consideration. Stakeholders will be notified through listserv mailings, commission meetings, and posting to the chiropractic web site. If you have questions regarding this proposal, please contact Leann Yount, Program Manager, CQAC, P.O. Box 47858, Olympia, WA 98504-7858.

October 28, 2014
 Leann Yount
 Program Manager

WSR 14-22-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Medical Quality Assurance Commission)

[Filed October 30, 2014, 7:13 a.m.]

Subject of Possible Rule Making: WAC 246-919-630 Sexual misconduct, the medical quality assurance commission (commission) is considering revising the rule to clarify that forcible or nonconsensual acts are within the definition of sexual misconduct by an allopathic physician.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.71.017, 18.130.062, and Executive Order 06-03.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission is considering updating the sexual misconduct rule to establish clearer standards of conduct for allopathic physicians. The commission's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by allopathic physicians under the commission's authority. Updating the sexual misconduct rule will establish clearer standards of conduct and will help the commission be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may participate in the development of draft rules prior to a formal proposal by providing input on draft and proposed rules language. Interested parties can receive information on how to participate by contacting Daidria Pittman, Program Manager, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-

7866, e-mail daidria.pittman@doh.wa.gov, phone (360) 236-2727, fax (360) 236-2795.

October 27, 2014
Melanie de Leon
Executive Director

WSR 14-22-048

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Pharmacy Quality Assurance Commission)

[Filed October 30, 2014, 7:16 a.m.]

Subject of Possible Rule Making: Chapter 246-869 WAC, WAC 246-858-040, 246-863-060, 246-901-100, 246-901-120, and 246-901-130. The pharmacy quality assurance commission (commission) is considering updating existing and establishing new rules to set standards for pharmacy business practices related to licensing, physical standards, equipment, security, inspections, operations, workload, staff utilization, advertisement or solicitation, and accountability to protect public health and safety.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.64 and 18.64A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission will evaluate the need to adopt rules to establish clear standards for pharmacy business practices. Pharmacy practice has transitioned over the years where the operational management of a pharmacy is not entirely under the control or oversight of a pharmacist or pharmacy professionals. Rules are needed to set clear and enforceable standards to ensure that pharmacy business systems and practices promote public health, safety, and welfare.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Drug Enforcement Administration (DEA) and state department of labor and industries will be invited to participate as stakeholders in the rule-development process.

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. Stakeholders will be invited to participate in rule-writing workshops and provide input throughout the rule-making process. Interested parties can sign up to receive information, updates, or provide comments to the commission at WSPQAC@doh.wa.gov or by contacting Doreen Beebe, Program Manager, Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852.

October 28, 2014
Chris Humberson, R.Ph.
Executive Director
Pharmacy Quality Assurance Commission

WSR 14-22-056

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed October 30, 2014, 11:12 a.m.]

Subject of Possible Rule Making: Amusement games.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When our agency went through a plain talk rewrite of our administrative rules, an exception in our rules was inadvertently not carried forward during the rewrite. This rule making is to reinstate those exceptions. Rule amendments are needed to clarify that manufacturers of amusement games do not need to be licensed by us and to allow amusement game equipment to be sold without a gambling license.

Process for Developing New Rule: Interested parties can participate in the discussion of this proposed change by attending a commission meeting, or contacting the agency rules coordinator at the contact information below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Newer@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] November 13 or 14, 2014, at the Comfort Inn, 1620 74th Avenue S.E., Tumwater, WA 98501, visit www.wsgc.wa.gov on November 1 to confirm meeting location and start time; on January 8 or 9, 2015, Olympia area, visit www.wsgc.wa.gov on January 1 for meeting location and start time; and on February 12 or 13, 2015, Olympia area, visit www.wsgc.wa.gov on February 1 for meeting location and start time.

October 30, 2014
Susan Newer
Rules Coordinator

WSR 14-22-066

**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed October 31, 2014, 10:02 a.m.]

Subject of Possible Rule Making: WAC 260-70-630 Threshold levels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is preparing to adopt and amend current threshold levels to meet industry standards.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Executive Secre-

tary, WHRC, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

October 31, 2014
Douglas L. Moore
Executive Secretary

WSR 14-22-082

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed November 3, 2014, 3:07 p.m.]

Subject of Possible Rule Making: Chapter 388-845 WAC, DDD home and community-based services waivers, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.140, 74.39A.400, 74.39.010, 74.08.-090, 74.09.520, 74.36.110, ESHB 2746.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2746 requires DSHS to refinance personal care services and establish a 1915(k) Community First Choice Option (CFCO) program per §1915 (k) of the Social Security Act. To that end, DSHS will develop a state plan amendment. As a result, the services offered on the CFCO program that are currently available in an HCBS waiver will be removed from the waiver rules and/or otherwise modified to accommodate the new program. Other related changes that may arise during this rule making may be incorporated. Other WAC chapters may need to be updated as a result of this rule making.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

November 3, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-22-083

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed November 3, 2014, 3:13 p.m.]

Subject of Possible Rule Making: Chapter 388-823 WAC, Developmental disabilities administration intake and eligibility determination; chapter 388-825 WAC, Developmental disabilities service rules; chapter 388-831 WAC, Community protection program; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.140, 74.39A.400, 74.39.010, 74.08.-090, 74.09.520, 74.36.110, ESHB 2746.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2746 requires DSHS to refinance personal care services and establish a 1915(k) Community First Choice Option (CFCO) program per §1915(k) of the Social Security Act. To that end, DSHS will develop a state plan amendment. These rules will define the scope and eligibility of the new 1915(k) services as provided by the developmental disabilities administration. Other WAC chapters may need to be updated in order to implement the CFCO. Housekeeping changes may also be made.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

November 3, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-22-084

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed November 3, 2014, 3:16 p.m.]

Subject of Possible Rule Making: Chapter 388-106 WAC, Long-term care services, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 388-106-0010 to include the following changes:

- To clarify the definitions of eating and set-up help in response to recent board of appeals decisions;
- To add new definitions related to modified adjusted gross income (MAGI) eligibility group and to clarify existing definitions related to long-term care services;
- To clarify the definition of informal support in response to decisions from the health care authority board of appeals. The department will also amend WAC 388-106-0130 in response to decisions from the health care authority board of appeals; and
- To amend existing definitions to include enhanced services facilities.

The department is also amending WAC 388-106-0210 and 388-106-0215 to add MAGI noninstitutional categorically needy group to the medicaid personal care eligibility list.

Other necessary changes that arise during this rule making may be incorporated. Other WAC chapters may also be updated as a result of this rule making.

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 Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail angel.sullivan@dshs.wa.gov.

November 3, 2014
Katherine I. Vasquez
Rules Coordinator

WSR 14-22-086
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2014-13—Filed November 3, 2014, 3:40 p.m.]

Subject of Possible Rule Making: Prior authorization of pharmacy benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.43.510, 48.165.0301.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6511, passed during the 2014 legislative session, instructed the office of insurance commissioner (OIC) to reauthorize OneHealthPort's (OHP) administrative simplification efforts, and establish a new workgroup to develop recommendations for prior authorization requirements. The workgroup was required to submit recommendations to OIC by October 31, 2014, and OIC was required to adopt rules implementing the recommendations of the workgroup. This proposed rule making is based on the

OHP recommendations regarding preauthorization of pharmacy benefits.

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

Process for Developing New Rule: Submit written comments by December 19, 2014, to Jim Keogh, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Keogh, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7170, rulescoordinator@oic.wa.gov.

November 3, 2014
Mike Kreidler
Insurance Commissioner

WSR 14-22-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 3, 2014, 4:51 p.m.]

Subject of Possible Rule Making: The department is considering the removal of Steller sea lions from the state's threatened species list (WAC 232-12-011). Delisting criteria are described in WAC 232-12-297 (4.1) and (4.2). The agency is initiating the delisting process in accordance with WAC 232-12-297(6.1.1).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has reviewed all relevant data pertaining to the population status of Steller sea lions in Washington. These data show that the Washington population has strongly increased since the 1980s and is breeding in increasing numbers. This information indicates that the species is no longer in decline or in risk of becoming endangered. Thus, Steller sea lions should be removed from the state's threatened species list.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The National Marine Fisheries Service federally delisted the eastern distinct population segment of Steller sea lions, which includes the Washington population, in 2013. The Washington department of fish and wildlife has conducted its own review of the status of Steller sea lions in Washington and finds that the species should be delisted at the state level as well.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by December 17, 2014. Expected proposal filing on or after December 19, 2014.

November 3, 2014
Joanna M. Eide
Rules Coordinator

WSR 14-22-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 3, 2014, 4:52 p.m.]

Subject of Possible Rule Making: The department is considering the addition of the tufted puffin to the state endangered species list. Listing criteria are described in WAC 232-12-297 (3.1) through (3.4). The agency is initiating the listing process in accordance with WAC 232-12-297(5.1.1).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.-047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has reviewed all relevant data pertaining to the population status of tufted puffins in Washington. These data show that the population has strongly declined in recent decades, both in numbers of birds present and in numbers of active breeding sites. This information indicates that if the current rate of decline continues, the species is at serious risk of extirpation in Washington over the next few decades. Thus, tufted puffins should be added to the state's endangered species list.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies regulate the listing of endangered species in Washington under state law.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2515, fax (360) 902-2162, e-mail Wildthing@dfw.wa.gov. Contact by December 17, 2014. Expected proposal filing on or after December 19, 2014.

November 3, 2014
Joanna M. Eide
Rules Coordinator

WSR 14-22-093
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed November 4, 2014, 12:04 p.m.]

Subject of Possible Rule Making: Requirements for orchardgrass in the quality seed certification program under chapter 16-302 WAC, General rules for seed certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005 and 15.49.021; chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In response to a petition for rule making received from industry, the department is considering adding orchardgrass to the quality seed certification program. This will allow orchardgrass hay producers to identify seed lots that are free from contaminants that are detrimental to orchardgrass hay.

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

Process for Developing New Rule: The Washington state department of agriculture (WSDA) staff will develop the specific rule proposal in consultation with a special committee made up of members of the seed and hay industries. In addition the seed program advisory committee will be kept informed of this proposal. Interested parties can participate in the public hearing/public comment process, the dates of which will be announced when the department files the rule proposal with the code reviser.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Victor Shaul, WSDA Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail Vshaul@agr.wa.gov.

November 4, 2014
Brad J. Avy
Assistant Director

WSR 14-22-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 5, 2014, 7:51 a.m.]

Subject of Possible Rule Making: The department is considering new rules to establish new types of combination fishing licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.32.050, 77.32.090, and 77.32.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 77.32 RCW allows the fish and wildlife commission to set the period of validity for a license and to combine licenses to one license at a fee less than the cost of the combined licenses. Creating new combination fishing licenses will increase participation in all angling activities, improve retention of customers, and grow revenue opportunities for the department.

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

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 Bill Joplin, WDFW Licensing Division, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2302, fax (360) 902-2464, e-mail bill.joplin@dfw.wa.gov. Contact by December 12, 2014. Expected proposal filing on or after December 19, 2014.

November 5, 2014
Joanna M. Eide
Rules Coordinator

WSR 14-22-111
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 5, 2014, 10:44 a.m.]

Subject of Possible Rule Making: The department is considering repealing WAC 220-52-01904 Commercial geoduck harvest—License application and issuance process for 2015 geoduck diver licenses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.-147.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 220-52-01904 was adopted to create an on-boarding process for the Washington department of fish and wildlife (WDFW) to issue 2015 geoduck diver licenses at the end of 2014 due to recent changes to state law limiting the number of geoduck diver licenses WDFW may issue to seventy-seven beginning January 1, 2015. When WAC 220-52-01904 was adopted, WAC 220-52-01905 Commercial geoduck harvest—Geoduck diver license application and issuance process, was also adopted. WAC 220-52-01905 details the license issuance process WDFW will use after January 1, 2015, and will go into effect that date. For these reasons, WAC 220-52-01904 will no longer [be] necessary and should be repealed after January 1, 2015.

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

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 Joanna Eide, WDFW Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2155, e-mail Rules.Coordinator@dfw.wa.gov. Contact by December 12, 2014. Expected proposal filing on or after December 19, 2014.

November 5, 2014
Joanna M. Eide
Rules Coordinator

WSR 14-22-113
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
(Board of Registration for Professional Engineers and Land Surveyors)

[Filed November 5, 2014, 10:55 a.m.]

The department of licensing, board of registration for professional engineers and land surveyors, requests withdrawal of the following:

WSR 11-14-127 (filed July 6, 2011), chapter 196-32 WAC, On-site wastewater treatment designer licenses/inspector certificates of competency.

WSR 12-20-026 (filed September 26, 2012), chapter 196-09 WAC, Board practices and procedures.

WSR 12-21-085 (filed October 22, 2012), chapter 196-26A WAC, Registered professional engineers and land surveyors fees.

Damon Monroe
Rules Coordinator