

WSR 06-01-003**PREPROPOSAL STATEMENT OF INQUIRY****CODE REVISER'S OFFICE**

[Filed December 7, 2005, 4:08 p.m.]

Subject of Possible Rule Making: Amending chapter 1-21 WAC to develop a process that will allow the state agencies to submit electronically to the code reviser's office rule-making documents. The changes may include, but not be limited to, filing deadlines; office hours; detailing and administering a pilot project; and creating explanatory language that will set out in rule a process for accepting electronic filings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 1.08.110, 34.05.210, 34.05.310, 34.05.313, 34.05.385, and 34.08.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Agencies have expressed an interest to file rule-making documents electronically instead of using the postal service or filing with our office in person. Electronic filing would allow for submission of rule-making documents twenty-four hours a day and eliminate the need for filing documents with the Washington state patrol after office hours; eliminate parking problems, especially during the legislative session; eliminate documents arriving too late because of mail service; eliminate problems with delivery during inclement weather; it should reduce paper and transportation costs; etc. It is important that a process be developed that meets the need of state agencies and the public by taking into consideration possible computer problems; maintaining the effectiveness and efficiency of order typing service; maintaining the public service that is provided to state agencies and the public; maintaining the integrity of the permanent WAC base; maintaining the effectiveness of agencies' rules; and addressing publication issues by considering the hard copy publication and publication on the internet.

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

Process for Developing New Rule: Pilot rule making; agency study; and the code reviser's office will be establishing a task force to research possible electronic filing procedures; how to attach documents to CR forms for filing and publication; the validity of electronic signatures; etc. If you would like to take part in this process, please notify the person identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kerry Radcliff, Washington State Register, P.O. Box 40551, Olympia, WA 98504-0551, (360) 786-6697, e-mail radcliff.kerry@leg.wa.gov.

December 7, 2005

K. Kyle Thiessen
Code Reviser**WSR 06-01-018****PREPROPOSAL STATEMENT OF INQUIRY****HORSE RACING COMMISSION**

[Filed December 12, 2005, 10:18 a.m.]

Subject of Possible Rule Making: WAC 260-75-030 Satellite locations.

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: Rather than require periodic inspections of satellite locations, satellite locations shall open for inspection without advance notice by the commission or its designee.

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 Robert J. Lopez, Administrative Services Manager, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, rlopez@whrc.state.wa.us.

December 9, 2005

R. J. Lopez
Administrative Services Manager**WSR 06-01-032****PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF
FISH AND WILDLIFE**

[Filed December 14, 2005, 9:50 a.m.]

Subject of Possible Rule Making: Refunds and exchanges of licensing documents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There has been an increase in the number of requests for exchange of transport tags. A general review of refunds and exchanges of licensing documents, including but not limited to licenses, permits, tags, stamps and catch record cards, is needed. Current rules need to be consolidated and a comprehensive refund and exchange policy promulgated.

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 Ron McQueen, Business Program Assistant Director, 600 Capitol Way North, Olympia, WA

98504-1091, phone (360) 902-2204. Contact by February 2, 2006, expected proposal filing on or after February 3, 2006.
December 14, 2005
Evan Jacoby
Rules Coordinator

WSR 06-01-041
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 15, 2005, 4:27 p.m.]

Subject of Possible Rule Making: The department is amending working connections child care, WAC 388-290-0125; seasonal child care, WAC 388-292-0085, and other sections as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.13.085, and 74.12.340.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This change will specify the need for a licensed family child care home wanting to receive WCCC and seasonal subsidies to provide the department either a validly issued Social Security number, or employer identification number.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This rule is being amended in coordination with DCCEL policy staff who have the responsibility of WAC changes for licensed family home child care.

Process for Developing New Rule: All interested parties are invited to review and provide input on draft rule language. Obtain draft material by contacting the identified representative below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheri Bruu-Deleon, Program Manager, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 725-4675, fax (360) 413-3482, e-mail bruudsl@dshs.wa.gov.

The rules will also be posted on the policy proposal comment internet site at <http://www.1.dshs.wa.gov/esa/extpol-icity/>.

December 15, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-01-042
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 15, 2005, 4:28 p.m.]

Subject of Possible Rule Making: The department of social and health services, economic services administration is amending sections of chapter 388-296 WAC to:

- Address previous omission of S.T.A.R.S. (state training and registry system) continuing education training requirements;
- Review the use of the federal employment identification number (EIN) as a requirement for licensing; and
- Amend corporal punishment regulation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.15 RCW, RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minimum licensing requirements for family home child care are necessary to protect and promote the health, safety and well being of children in out of home care. Sections of chapter 388-296 WAC are being amended to clarify the rules and address previous omissions.

Process for Developing New Rule: All interested parties are invited to review and provide input on amended language. Notice will be sent to all family home child care providers in the state of Washington announcing the change and location on the DCCEL internet site for review and comment. For information about this rule making, or to be on a mailing list to receive notices about this rule, contact the person listed below. At a later date, the proposed rule will be filed with the code reviser, and comments will be taken in writing and at a public hearing before the amended rule is adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Jaramillo, Program Manager, 1009 College Street, Lacey, WA 98503, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 725-4692, fax (360) 413-3482, e-mail jaramje@dshs.wa.gov.

December 15, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-01-043
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed December 15, 2005, 4:29 p.m.]

Subject of Possible Rule Making: The department of social and health services, economic services administration is amending sections of chapter 388-296 WAC related to the rule-making petitions accepted by the division of child care

and early learning (DCCEL), and other petitions DCCEL denied but agreed to clarify specific WAC sections.

Rule-making petitions accepted by DCCEL include amendments to WAC 388-296-0550 (2)(b), 388-296-0960(6), 388-296-0020, add definition for stationary equipment, and 388-296-1360 (6)(a), and (7).

The department has agreed to make clarifying revisions that do not change the effect of the rule to WAC 388-296-290 (2) and (4), 388-296-0960(5), 388-296-0550 (2)(f), 388-296-1220 (7), (10), 388-296-0560(15), 388-296-1420 (1), (2), (3) and (4), 388-296-0870 (2)(a), (b), (c)(v), (vi), (4), and (5), and 388-296-0770 (1), (2), and (8).

The department will make additional clarifying changes as deemed appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 74.15 RCW, RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Minimum licensing requirements for family home child care are necessary to protect and promote the health, safety and well being of children in out-of-home care. Sections of chapter 388-296 WAC are being amended to make the rules more responsive to child care providers, or to clarify existing rule language.

Process for Developing New Rule: All interested parties are invited to review and provide input on amended language. Notice will be sent to all family home child care providers in the state of Washington announcing the change and location on the DCCEL internet site for review and comment. For information about this rule making, or to be on a mailing list to receive notices about this rule, contact the person listed below. At a later date, the proposed rules will be filed with the code reviser, and comments will be taken in writing and at a public hearing before the amended rules are adopted as permanent.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Jaramillo, Program Manager, 1009 College Street, Lacey, WA 98503, Division of Child Care and Early Learning, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 725-4692, fax (360) 413-3482, e-mail jaramje@dshs.wa.gov.

December 15, 2005

Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-01-050

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF RETIREMENT SYSTEMS

[Filed December 16, 2005, 9:02 a.m.]

Subject of Possible Rule Making: Chapter 415-06 WAC, Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5), 42.17.290, and 42.56.100 (effective July 1, 2006).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will amend

chapter 415-06 WAC to comply with the model rules for public disclosure, which are being adopted by the office of the attorney general.

Process for Developing New Rule: Department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Leslie Saeger, Rules and Contracts Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-3166, e-mail leslies@drs.wa.gov.

December 15, 2005

Leslie L. Saeger
Rules Coordinator

WSR 06-01-060

PREPROPOSAL STATEMENT OF INQUIRY COLUMBIA BASIN COLLEGE

[Filed December 19, 2005, 1:19 p.m.]

Subject of Possible Rule Making: Student rights and responsibilities.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal, state, and state board guidelines require rules to address the student as a member of the campus community, define expectations and conduct; define jurisdiction to cover all students and appropriate disciplinary action; to define grievance and discrimination procedures; to address eligibility for financial aid, scholarships, athletic participations and loss of eligibility.

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 Columbia Basin College Board of Trustees, c/o Louise Meyers, Rules Coordinator, 2600 North 20th Avenue, Pasco, WA 99301, (509) 547-0511, ext. 2202 or lmeyers@columbiabasin.edu.

December 15, 2005

Lee R. Thornton
President

WSR 06-01-063
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed December 19, 2005, 1:32 p.m.]

Subject of Possible Rule Making: WAC 468-300-010, 468-300-020, 468-300-040, and 468-300-220.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030, 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of Washington state ferries' farebox revenue has been completed, resulting in a proposal to raise ferry fares.

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 Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

A. Daniel O'Neal, Chair
 Transportation Commission

WSR 06-01-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 20, 2005, 9:44 a.m.]

Subject of Possible Rule Making: WAC 296-20-03002 Treatment not authorized.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is being initiated in response to a lack of efficacy data on the artificial discs and the concern about safety issues with the device. To date seventy-six adverse events have been reported with the FDA. Adverse events include: (1) Migration of the disc resulting in removal of the disc and fusion of the vertebrae, (2) pedicle fractures on the vertebrae, (3) subsidence, or a settling or sinking of the disc into the vertebrae, and (4) nicking of a vein or artery. In addition, the disc must be placed by approaching the spine from the front, through the abdomen. Large arteries and veins, as well as important nerves, must be mobilized and moved out of the operative area. Following surgery, scar tissue can entrap those arteries, veins and nerves. Subsequent surgery to treat a disc-related problem can be very dangerous because of that scar tissue and the vital structures that it entraps.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington workers' compensation benefits as well as the benefits paid to victims of crimes are both governed by Title 51 RCW, Washington's Industrial Insurance Act. There

are no other state or federal agencies responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: Parties interested in participating in the development of these rules may contact the person listed below. The public may also participate by providing written comments during the comment period or giving oral testimony at public hearings. The rule will be developed in consultation with major stakeholders and the following interested parties: Workers' compensation advisory committee, Washington state medical association.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jami Lifka by phone (360) 902-4941, fax (360) 902-6315, or mail Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321.

December 20, 2005

Gary Weeks
 Director

WSR 06-01-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed December 20, 2005, 9:45 a.m.]

Subject of Possible Rule Making: WAC 296-20-135 Conversion factors, 296-23-220 Physical therapy rules, and 296-23-230 Occupational therapy rules. Medical aid rules updates regarding rate setting for most professional health care services for injured workers. These updates may also impact rates for health care services provided to crime victims.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020 and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The affected rules describe elements used in the process of updating the maximum allowable payments for most professional health care services. These elements are set in rule in order to follow the established methodologies of L&I and maintain consistency with the health care authority and medical assistance administration. Specifically, the proposed rule changes will do the following:

1. WAC 296-20-135, update the conversion factors used by the department for calculating reimbursement rates for most professional health care and anesthesia services. The conversion factors will be updated to correspond to changes in the medical procedure codes, the relative value units, and anesthesia base units. These changes will enable the department to continue a reimbursement methodology consistent with other state agencies. Cost-of-living increases may be incorporated into the changes in the conversion factors.

2. WAC 296-23-220 and 296-23-230, update the maximum daily reimbursement level for physical and occupational therapy services so the department may, if necessary, give cost-of-living increases to affected providers.

Process for Developing New Rule: The department is working with external stakeholders through its anesthesia and reimbursement technical advisory groups on updates to conversion factors and to the physical and occupational therapy maximum daily reimbursement level. The department coordinates these updates with the health care authority, the medical assistance administration and the Centers for Medicare and Medicaid Services to insure consistent health care purchasing policies when possible. The proposed changes will be presented to the advisory groups and publicized in a letter to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tom Davis, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Olympia, WA 98504-4322, phone (360) 902-6687, fax (360) 902-4249.

December 20, 2005

Gary Weeks

Director

WSR 06-01-070

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 20, 2005, 9:46 a.m.]

Subject of Possible Rule Making: Elevators (chapter 296-96 WAC), factory assembled structures (chapters 296-150C, 296-150F, 296-150M, 296-150P, 296-150R, 296-150T, and 296-150V WAC), and plumber certification (chapter 296-400A WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 18.106, 43.22, and 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will review the current fees for the elevators, factory assembled structures and plumber certification programs. A 2.82% fee increase may be proposed, which is the office of financial management's maximum allowable fiscal growth rate factor for fiscal year 2006. The fee increase would help cover the cost of the ongoing services for these programs.

Process for Developing New Rule: The department will solicit input from the elevator advisory committee, factory assembled structures advisory board, and the plumber's advisory board. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing and comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sally Elliott, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400 phone (360) 902-6411, fax (360) 902-5292, e-mail yous235@lni.wa.gov.

December 20, 2005

Gary Weeks

Director

WSR 06-01-071

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed December 20, 2005, 9:47 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for workers compensation insurance.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers compensation classification plan that classifies all occupations or industries within the state and sets basic rates of premium for these classifications that are distributed fairly (RCW 51.16.035).

Some employers have expressed confusion about the meaning of references in chapter 296-17 WAC to "farm labor contractors." The purpose of this rule making is to modify those references to clarify the department's current practice of assigning classifications based on the type of crop, livestock or machinery without changing how agricultural employment is classified.

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

Process for Developing New Rule: Labor and industries will solicit input from the business community by way of direct mailings, the internet, and/or informal public meetings. Labor and industries will use this input to formulate proposed changes to the existing rules and advise customers of future rule making by direct mailing and/or the internet.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process to share ideas and/or attend meetings. Employers can obtain information on our process at the employer services web site www.lni.wa.gov/insuranceservices/employerservices and can submit comments electronically to Moom235@lni.wa.gov or by calling (360) 902-4774 or fax (360) 902-4729.

December 20, 2005

Gary Weeks

Director

WSR 06-01-079

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed December 20, 2005, 10:32 a.m.]

Subject of Possible Rule Making: Repealing duplicative rules relating to brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.170 RCW, Private security guard laws,

chapter 18.165 RCW, Private investigator laws, and chapter 18.185 RCW, Bail bond agent laws.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under chapter 18.235 RCW, Uniform Regulation of Business and Professions Act, chapter 308-08 WAC created and adopted rules for how all professional licensing programs will regulate the brief adjudicative proceedings. These new rules are duplicative or in conflict with the older rules found in each of the professional licensing regulations. This is the reason why the department of licensing is proposing to repeal certain rules. This will streamline and simplify using the adjudicative rules.

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 Department of Licensing, Public Protection Services Section, Mary Haglund, P.O. Box 9649, Olympia, WA 98507, fax (360) 570-7888, e-mail Security@do.la.gov, phone (360) 664-6611.

Andrea C. Archer
Assistant Director

WSR 06-01-081

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed December 20, 2005, 2:35 p.m.]

Subject of Possible Rule Making: The ability for licensees to pay license fees in two payments.

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: This rule allows licensee fees of \$800 and more to be paid in two payments; the first half when the license is issued and the second half six months later. Approximately 1,020 licensees are using the two part payment plan, which is about 1/4 of all licensed organizations.

Staff resources are used upfront to investigate all applications before a license is issued, whether the fee is paid in full, or in two payments. At times, we don't receive the second half payment because a business closes. Furthermore, additional agency resources are needed to keep records for the second half payment and following up on NSF checks submitted for the second half payment.

RCW 9.46.070(5) requires the commission to establish a schedule of annual fees and that all licensing fees are submitted with applications. As such, staff recommends doing away with the two part payment plan and requiring all license fees to be paid upfront.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal

Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meeting Locations:] At the Phoenix Inn, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, on February 10, 2006; at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 10, 2006; and at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 14, 2006.

December 19, 2005

Susan Arland

Rules Coordinator

WSR 06-01-082

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed December 20, 2005, 2:35 p.m.]

Subject of Possible Rule Making: Substantial interest holders in a gambling operation.

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: Staff proposes an amendment to formally recognize that limited liability companies can be substantial interest holders. This will codify current agency policy. Additionally, the percentage of ownership that qualifies a person as a substantial interest holder will also be reviewed for possible changes, WAC 230-02-300.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meeting Locations:] At the Phoenix Inn, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, on February 10, 2006; at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 10, 2006; and at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 14, 2006.

December 19, 2005

Susan Arland

Rules Coordinator

WSR 06-01-083**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed December 20, 2005, 2:35 p.m.]

Subject of Possible Rule Making: Gambling service supplier licenses.

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: Staff proposes several changes to rules relating to service suppliers, including: Clarifying what types of financiers need to be licensed and which do not; requiring businesses that analyze gambling equipment be licensed; and requiring businesses that enter into ongoing financial relationships with manufacturers to provide "gambling related software" to be licensed. "Gambling related software" affects the results/outcome of games, directly interfaces with, or controls, the operation of the gambling equipment.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meeting Locations:] At the Phoenix Inn, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, on February 10, 2006; at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 10, 2006; and at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 14, 2006.

December 19, 2005

Susan Arland

Rules Coordinator

WSR 06-01-084**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed December 20, 2005, 2:36 p.m.]

Subject of Possible Rule Making: Card room operators and their spouses.

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: Currently, the spouse of a card room operator may work as a card room employee without getting a license. If the spouse violates gambling rules or laws, we don't have the ability to take administrative action against the spouse, because they are unlicensed. Instead, the card room is the focus of enforcement. This new rule would

require spouses of card room operators to be licensed as a card room employee if they work in the gaming part of the business. This will improve our ability to hold persons working in card rooms accountable for their actions.

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 Rick Day, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3446; Neal Nunamaker, Deputy Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3449; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meeting Locations:] At the Phoenix Inn, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, on February 10, 2006; at the Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 10, 2006; and at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100, on April 14, 2006.

December 19, 2005

Susan Arland

Rules Coordinator

WSR 06-01-086**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Health and Recovery Services Administration)

[Filed December 20, 2005, 4:22 p.m.]

Subject of Possible Rule Making: WAC 388-416-0020 Certification periods for noninstitutionalized medically needy (MN) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 74.09.530.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending these rules to clarify that the open effective date for the medically needy program is the first day of the base period when the following types of bills are used to meet spenddown: A hospital expense; or medical expenses that are not covered services for Medicaid.

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

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy Forslin, Program Manager,

P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1343, fax (360) 664-0910, TTY 1-800-848-5429, e-mail forslwc@dshs.wa.gov.

December 20, 2005
Andy Fernando, Manager
Rules and Policies Assistance Unit

WSR 06-01-098
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2005-07—Filed December 21, 2005, 9:07 a.m.]

Subject of Possible Rule Making: Chapter 284-51 WAC, Standards for coordination of benefits (COB).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.21.200, 48.44.050, and 48.46.-200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Harmonization of Washington's COB standards with the recently amended NAIC coordination of benefits model regulation to be more consistent with standards generally implemented in other states. Greater consistency in standards should lessen the administrative burden for carriers coordinating benefits on coverage issued in Washington with coverage issued in other states.

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

Process for Developing New Rule: Send written comments by February 4, 2006.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0258, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

December 21, 2005
Mike Kreidler
Insurance Commissioner

WSR 06-01-100
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)

[Filed December 21, 2005, 9:16 a.m.]

Subject of Possible Rule Making: WAC 246-933-060 Patient abandonment, facilities and practice management standards including WAC 246-933-310 Definitions, 246-933-320 General requirements for all veterinary medical facilities, 246-933-330 Minimum physical facilities, and 246-933-340 Practice management.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-933-060 allows the veterinarian to accept or reject a patient, but there is no provision for terminating patient care. The purpose of the review is to determine whether there is a need to clarify when, and under what circumstances patient care can be terminated. Facilities and practice management standards include WAC 246-933-310 Definitions, 246-933-320 General requirements for all veterinary medical facilities, 246-933-330 Minimum physical facilities, and 246-933-340 Practice management. These facilities and practice management rules will be analyzed and amended to address unclear, inaccurate or outdated language.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judy Haenke, Program Manager, Veterinary Board of Governors, P.O. Box 47868, Olympia, WA 98504-7868, judy.haenke@doh.wa.gov, (360) 236-4947, or fax (360) 586-4359.

December 20, 2005
Steven Saxe
Executive Director

WSR 06-01-106
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF TRANSPORTATION

[Filed December 21, 2005, 9:51 a.m.]

Subject of Possible Rule Making: WAC 468-300-700 Preferential loading.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 Powers and duties regarding toll facilities—Purchasing.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Review of the preferential loading rules for Washington state ferries' vessels.

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 Mr. Ray Deardorf, Planning Director, Washington State Ferries, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3491, fax (206) 515-3499.

December 21, 2005
Douglas B. MacDonald
Secretary of Transportation