

**WSR 09-13-014**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed June 4, 2009, 3:05 p.m.]

Subject of Possible Rule Making: The address confidentiality program (ACP), chapter 434-840 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 40.24.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: An incorrect RCW citation needs to be fixed in WAC 434-840-080.

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. For more information, contact Megan Moreno, P.O. Box 40220, Olympia, WA 98504-0220, phone (360) 902-4141, e-mail [mmoreno@secstate.wa.gov](mailto:mmoreno@secstate.wa.gov).

June 4, 2009

Steve Excell

Assistant Secretary of State

**WSR 09-13-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed June 8, 2009, 2:27 p.m.]

Subject of Possible Rule Making: Card room licensees offering Texas Hold'em.

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: At the May 2008 meeting, the commission filed for discussion a petition for rule change from the recreational gaming association (RGA) to increase the maximum amount of a single wager in nonhouse-banked card games from \$40 to \$500. This change would have only applied to house-banked card game licensees who offer poker games and who met the surveillance requirements in WAC 230-15-280. Class E and Class F card game licensees would have continued to be limited to the \$40 wager limit.

**Alternative #1:** At their November 2008 meeting, the commission asked staff to draft an alternative where the bets would remain at a maximum of \$40, except for a specific type of "all-in" wager in the game of Texas Hold'em only. Only this particular wager could be up to \$500. In order to place the wager, the player would be required to use all his or her remaining chips. If a player had more than \$500 in chips, they would not be eligible to place the wager. The house-banked card room would have to meet the surveillance requirements in WAC 230-15-280.

**Alternative #2:** This alternative was proposed by the RGA after staff asked for comments on Alternative #1. The RGA's alternative would have allowed single wagers up to \$300 for Texas Hold'em games only, as long as the house-

banked card room met the surveillance requirements in WAC 230-15-280. This alternative was broader than Alternative #1 and would result in a player being able to wager more money than in Alternative #1, but less than in the RGA's original proposal.

At their January 2009 meeting, the commission filed Alternatives #1 and #2 for discussion. The commission decided not to continue discussion of the RGA's original request outlined above. After several more months of discussion, the commission adopted Alternative #1 at their April 2009 meeting.

This proposal keeps the betting limit at a maximum of \$40, except for the specific "all-in" wager and only for the game of Texas Hold'em. The proposal was the most restrictive of the three proposals. In addition, this change only applies to house-banked card rooms that meet specific surveillance requirements.

After further review, staff has determined the specific language added to the rule under Alternative #1 does not accommodate itself to the game of Texas Hold'em and should be repealed.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail [Susana@wsgc.wa.gov](mailto:Susana@wsgc.wa.gov).

[Meetings on] July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; and on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000.

June 8, 2009

Susan Arland

Rules Coordinator

**WSR 09-13-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Disability Services Administration)

[Filed June 9, 2009, 8:12 a.m.]

Subject of Possible Rule Making: The department plans to amend chapter 388-828 WAC, Division of developmental disabilities (DDD) assessment; chapter 388-829C WAC, Companion homes; and chapter 388-826 WAC, Voluntary placement program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.010 and 71A.12.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to revise the DDD assessment rules (chapter 388-828 WAC), the companion home rules (chapter 388-829C WAC), and the voluntary placement program rules (chapter 388-826 WAC) regarding the implementation of a standardized respite assessment as well as the calculation of respite hours for companion home services and voluntary placement services.

Other changes, clarifications, and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Lacey, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

June 9, 2009

Stephanie E. Schiller  
Rules Coordinator

### WSR 09-13-032

#### PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed June 9, 2009, 12:15 p.m.]

Subject of Possible Rule Making: Amendments to WAC 390-28-100 Reporting modifications—Possible qualifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The reporting modification rule (WAC 390-28-100) needs to be amended to modernize the rule language, reference statutory standards for modifications, describe real property disclosures, define bona fide separate property agreements and bona fide separate status and refer filers to modification examples in public disclosure commission interpretations.

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 commission is expected to approve draft language at the August 27, 2009, meeting. A formal rule-making hearing for permanent adoption will be scheduled for October 22, 2009.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting assistant director Doug Ellis at Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2735, toll-free 1-877-601-2828, e-mail dellis@pdc.wa.gov.

June 9, 2009

Vicki Rippie  
Executive Director

### WSR 09-13-033

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Aging and Disability Services Administration)

[Filed June 9, 2009, 1:58 p.m.]

The aging and disability services administration requests the withdrawal of the preproposal statement of inquiry filed as WSR 09-04-088 on February 3, 2009 (chapters 388-76, 388-78A and 388-101 WAC).

Stephanie E. Schiller  
Rules Coordinator

### WSR 09-13-035

#### PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2009-05—Filed June 10, 2009, 8:54 a.m.]

Subject of Possible Rule Making: The commissioner is considering making clarifying changes to WAC 284-23-800, 284-23-803 and 284-23-806, and adopting regulations addressing the responsibilities of insurers related to individual juvenile life policies sold through direct response or policies with special plan designs. The rule making may involve amendments to WAC 284-23-800, 284-23-803 and 284-23-806, as well as sections of chapter 284-23 WAC relating to special plans and direct response.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Direct response insurers petitioned the commissioner to amend WAC 284-23-803 to exclude policies with benefits of \$50,000.00 or less from the regulation. The rule making is initiated in response to the petition, to consider the requirements of insurers offering direct response juvenile life products, and other insurers offering special plan designs for juvenile life insurance. The commissioner will also review the rule in light of implementation and compliance inquiries from companies since its adoption, and make clarifying amendments.

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, comments due not later than July 20, 2009, at 5:00 p.m.

Send comments to Kacy Scott, kacys@oic.wa.gov, P.O. Box 40258, Olympia, WA 98504-0258.

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 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail kacys@oic.wa.gov.

June 10, 2009  
Mike Kreidler  
Insurance Commissioner

**WSR 09-13-036**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed June 10, 2009, 10:58 a.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of intent [inquiry] for R 2008-05 Electronic Holding Company Filings, published by the code reviser in WSR 08-04-106.

We will contact individuals that provided comments during the CR-101 comment period as soon [as] we resume this rule making.

If you have questions, please contact Kacy Scott, Rules Coordinator, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov, (360) 725-7041.

**WSR 09-13-044**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed June 11, 2009, 10:21 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: We have received a petition for rule change requesting that amusement game operators be allowed to award additional plays at an amusement game as an amusement game prize.

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; Mark Harris, Assistant Director, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3579; or Susan Arland, Rules Coor-

inator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susana@wsgc.wa.gov.

[Meetings on] July 10, 2009, at The Heathman Lodge, 7801 N.E. Greenwood Drive, Vancouver, WA 98662, (360) 254-3100; on August 14, 2009, at the Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, (253) 858-1111; and on September 11, 2009, at the Mirabeau Park Hotel, 110 North Sullivan Road, Spokane, WA 99037, (509) 924-9000.

June 11, 2009  
Susan Arland  
Rules Coordinator

**WSR 09-13-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**TRANSPORTATION COMMISSION**

[Filed June 11, 2009, 1:30 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 and 47.60.326.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current fare structure may need to be modified to ensure sufficient fare revenue is raised to fund operational costs of Washington state department of transportation's ferry division at the level identified by the Washington state legislature.

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 Reema Griffith, Executive Director, Washington State Transportation Commission, P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802.

June 11, 2009  
Reema Griffith  
Executive Director

**WSR 09-13-060**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed June 15, 2009, 10:35 a.m.]

Subject of Possible Rule Making: Repealing chapter 172-190 WAC and adopting chapter 172-191 WAC to revise Eastern Washington University (EWU) standards related to the student education records. These rules constitute a major revision in the content and organization of existing rules which are more easily implemented by repealing the existing chapter and adopting the new chapter.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules will revise EWU standards for maintaining, protecting, and disclosing student education records. These changes are necessary to reflect current administrative practices related to the access of education records per the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States [States] FERPA. There is no requirement to inform the Department of Education of the proposed rule amendment since the proposed changes are within the set of information items identified by the federal law and the regulations of the United States Department of Education, at 34 C.F.R. Part 99.

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 Trent Lutey, University Policy Administrator, Office of the President, Eastern Washington University, 214 Showalter Hall, Cheney, WA 99004, phone (509) 359-6233, fax (509) 359-7036, and e-mail tlutey@ewu.edu. A public hearing will be held to permit comment to all proposed rules and revisions. There will be an opportunity to provide written comments to the proposed rules.

June 15, 2009

Trent Lutey  
University Policy Administrator

#### WSR 09-13-067

##### PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed June 16, 2009, 8:27 a.m.]

Subject of Possible Rule Making: Washington state flag account.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 71, Laws of 2009.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislation directs the secretary of state to adopt rules to govern and protect the receipt and expenditure of the proceeds of the Washington state flag account.

The rules will govern procedures for: Making contributions; requesting flag donations; and donation of flags.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state flag account is in the custody of, but not regulated by, the state treasurer. The office of the secretary of state will send the treasurer's office copies of all forms filed and notices of hearings and public comment periods.

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 Megan Moreno, P.O. Box 40220,

Olympia, WA 98504-0220, phone (360) 902-4141, fax (360) 586-5629, e-mail mmoreno@secstate.wa.gov.

Notice of the public hearing will be provided in the CR-102 form.

June 16, 2009

Steve Excell  
Assistant Secretary of State

#### WSR 09-13-069

##### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed June 16, 2009, 8:52 a.m.]

The department would like to formally give notice that our preproposal related to rule making for determination of practicable goals for use of biofuels and electricity by all state agencies and local government subdivisions operating vessels, vehicles, and construction equipment, WSR 09-07-100, filed March 18, 2009, 9:58 a.m., published April 1, 2009, RCW 43.325.080, is being withdrawn.

Reason for withdrawal: Lack of general fund-state funding to pursue this rule-making action. State general fund dollars were eliminated from the state energy policy office in the 2009-11 biennial budget, leaving the office without a funding source for activities such as state-directed rule making. Because of the high level of interest from a wide-ranging set of stakeholders and the potential impact of the rules on entities across the state, the department believes an active outreach and involvement process is critical to the success of developing rules around this topic. The department will seek reinstatement of some general fund dollars in the 2010-11 supplemental budget to allow activities such as rule making to begin again.

Marie Sullivan  
Rules Coordinator

#### WSR 09-13-076

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed June 16, 2009, 10:35 a.m.]

Subject of Possible Rule Making: Update to WAC 365-180-030 Definitions and 365-180-070 Sponsor requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.164.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In the 2009 legislative session, Governor Gregoire signed E2SSB 5649 into law. The legislation created new responsibilities for sponsors participating in the state's energy matchmakers program (a weatherization program for low-income individuals and families). In addition, the bill included terms that require clarification through WAC to ensure smooth program implementation.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Housing and Urban Development. Energy matchmakers use state dollars. There is the possibility of combining federal weatherization funds with federal dollars for a more robust weatherization program. These rules will apply to the state program, and to activities whereby state and federal dollars are combined. Rules will conform with state and federal requirements.

Process for Developing New Rule: Rule making as part of agency business.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Heather Matthews, Lead, heatherm@cted.wa.gov, (360) 725-5002; or Marie Sullivan, Rule-making Coordinator, maries@cted.wa.gov.

June 16, 2009

Marie Sullivan, Director  
Government Relations Office

#### WSR 09-13-077

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 16, 2009, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 296-127 WAC, Prevailing wage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW and RCW 43.22.270.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The prevailing wage rules have not gone through a comprehensive review since the early 90s. We have reviewed the rules and will be making amendments to reflect court decisions, integrate administrative policies, streamline current processes, create consistency with the statute, and make housekeeping changes.

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or 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 Elliot, 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.

June 16, 2009

Judy Schurke  
Director

#### WSR 09-13-078

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 16, 2009, 10:38 a.m.]

Subject of Possible Rule Making: Chapter 296-126 WAC, Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The industrial welfare rules were adopted in 1974 and have not been reviewed by the department for need. Therefore, there are outdated requirements in the industrial welfare rules that need to be repealed and deleted. The purpose of this rule making is to review the industrial welfare rules for housekeeping and clarifying changes. For example:

- The rules from 1975 that state an adult must be paid the minimum wage one dollar and eighty cents per hour will be deleted.
- Changing the "industrial welfare committee" to the "department."
- Creating consistency with terms, in the payment interval rules we will change the term "adjustment" to "deduction."

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

Process for Developing New Rule: Parties interested in these rules may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments and/or testimony during the public hearing and comment process. Public hearings will be held after the proposal is filed.

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.

June 16, 2009

Judy Schurke  
Director

#### WSR 09-13-079

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 16, 2009, 10:44 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.06.035 and 51.06.100.

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). The department determined that certain rules may be in need of revision and will be reviewed and/or studied.

Changes may be made to various classifications in chapter 296-17A WAC: WAC 296-17A-0101-41 Logging machine operators and 296-17A-5005 Logging.

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 interested parties. Stakeholders are encouraged to participate in the process. Additional information can be obtained on our process at the employer services web site, [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices), and can submit comments electronically to [bona235@lni.wa.gov](mailto:bona235@lni.wa.gov) or by calling (360) 902-4774 or by fax (360) 902-4729.

June 16, 2009  
Judy Schurke  
Director

#### WSR 09-13-080

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 16, 2009, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 296-17A WAC, Classifications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.06.035 and 51.06.100.

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). The department determined that certain rules may be in need of revision and will be reviewed and/or studied.

Changes may be made to various classifications in chapter 296-17A WAC: WAC 296-17A-6601 Detective agencies, 296-17A-6306 Stores furniture, 296-17A-5301

Accounting, law and service companies, and 296-17A-6303 Outside sales personnel, NOC messengers.

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 interested parties. Stakeholders are encouraged to participate in the process. Additional information can be obtained on our process at the employer services web site, [www.lni.wa.gov/insuranceservices/employerservices](http://www.lni.wa.gov/insuranceservices/employerservices), and can submit comments electronically to [phii235@lni.wa.gov](mailto:phii235@lni.wa.gov) or by calling (360) 902-4774 or by fax (360) 902-4729.

June 16, 2009  
Judy Schurke  
Director

#### WSR 09-13-082

### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 16, 2009, 10:49 a.m.]

Subject of Possible Rule Making: 2010 industrial insurance premium rates, chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

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 and to set premium rates that maintain actuarial solvency of the accident and medical aid funds. By law, the plan must be consistent with recognized principles of insurance and rates are adjusted annually or as needed to ensure solvency of the insurance trust funds. Labor and industries is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.

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: Premium rates for each classification are developed in part from the past loss experience of employers subject to the classification, changes in benefit levels mandated by law or court decisions, medical inflation, economic and business trends and financial markets. Labor and industries will work with stakeholders as

changes are developed. The public can participate in these discussions by contacting the individual listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries is tentatively planning to hold formal public hearings between October 27 and October 30, 2009, in Spokane, Kennewick, Bellingham, Tumwater, Tukwila and Vancouver.

Public hearings are anticipated to last until all public comments are received. Inquiries can be directed to Bill Moomau, Classification Services, P.O. Box 44148, Olympia, WA 98504-4148, phone (360) 902-4774, fax (360) 902-4729, e-mail moom235@lni.wa.gov.

June 16, 2009

Judy Schurke

Director

### WSR 09-13-091

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed June 16, 2009, 3:05 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-828-9040 How does DDD determine your individual and family services level?, 388-828-9060 How does DDD determine your individual and family services rating?, and 388-828-9140 How does DDD determine the amount of your individual and family service award?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.040, 71A.12.161.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend these rules to clarify existing language used to describe the individual and family services level. Other changes, clarifications and corrections that arise during this rule-making process may be incorporated, and other WAC chapters may need to be updated as a result of this rule making.

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 Debbie Roberts, Program Manager, Division of Developmental Disabilities, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3400, fax (360) 407-0955, e-mail roberdx@dshs.wa.gov.

June 16, 2009

Stephanie E. Schiller

Rules Coordinator

### WSR 09-13-092

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

(Aging and Disability Services Administration)

[Filed June 16, 2009, 3:06 p.m.]

Subject of Possible Rule Making: The department is amending chapter 388-106 WAC, Long-term care services.

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: DSHS is amending WAC 388-106-1445 and 388-106-1455 as follows:

- Updating how the individual budget amount is calculated after the new freedom participant is assigned a classification as a result of an assessment performed in CARE.
- Updating how unused funds from new freedom individual budgets will be maintained and/or returned to the department.

Other policy changes that 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 these rules. Draft material and information about how to participate may be obtained from the department representative listed below. At a later date, DSHS will file the proposed rules with the office of the code reviser with a notice of proposed rule making and send the proposal to everyone currently on the mailing list and anyone else 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 Tiffany Sevruck, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2538, fax (360) 407-7582, TTY (360) 493-2637, e-mail sevruta@dshs.wa.gov.

June 16, 2009

Stephanie E. Schiller

Rules Coordinator

### WSR 09-13-096

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

(Economic Services Administration)

[Filed June 17, 2009, 7:35 a.m.]

Subject of Possible Rule Making: The department is proposing to add rules under chapter 388-412 WAC, Benefits issuances, in order to provide rules for making Basic Food and Cash benefits electronic benefit transfer (EBT) transaction adjustments consistent with regulations under 7 C.F.R. 274.12 and quest operating rules related to Basic Food and Cash EBT benefits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, 74.04.500, 74.04.510, 74.04.005, 74.08.090, 74.08A.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Federal regulations related to the supplemental nutrition assistance program (SNAP aka: Basic Food in Washington state) and quest operating rules require a process for making adjustments to household EBT accounts to correct transaction. The department is proposing to adopt rules to reflect the adjustment of Basic Food and Cash benefit client debit transactions. Creating rules to support the food and nutrition service (FNS) process will inform households on when the department will make adjustments for Basic Food and Cash benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Congress authorized the SNAP under the Food and Nutrition Act of 2008. Prior to October 1, 2008, SNAP was known as the food stamp program. On February 17, 2009, the American Recovery and Reinvestment Act of 2009 was signed into law. This law makes changes to the SNAP eligibility and benefit level for households in Washington receiving benefits under the Basic Food and Washington state combined application program (WASHCAP) programs.

The United States Department of Agriculture, FNS publish federal regulations for the SNAP in the federal register. Rules published in the federal register are incorporated into the United States Code of Federal Regulations. FNS also issues administrative notices and interim guidance to inform states of new program requirements that are not yet in the United States Code of Federal Regulations.

The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500 and 74.04.510.

DSHS incorporates regulations from the federal agencies, related state statutes, and exercises state options by adopting administrative rules for food assistance program administered under WASHCAP, Washington Basic Food and Cash programs.

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 Holly St. John, Program Manager, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 493-3493, e-mail [stjohhc@dshs.wa.gov](mailto:stjohhc@dshs.wa.gov).

June 17, 2009

Stephanie E. Schiller  
Rules Coordinator

### WSR 09-13-097

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed June 17, 2009, 8:05 a.m.]

Subject of Possible Rule Making: WAC 246-817-310 Maintenance and retention of records and WAC 246-817-XXX, creating a new section for content of dental treatment records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365 and 18.32.655.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The dental quality assurance commission (DQAC) is considering modifying and creating a new rule to provide specific requirements that must be included in maintenance and retention of records and content of dental treatment records. Rules would help clarify the current requirements and ensure that dental records are complete and consistent.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services (DSHS) regulates enrolled dental providers under WAC 388-502-0020. DQAC will collaborate with DSHS on rule-making activity related to this rule.

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 Jennifer Santiago, Department of Health, Dental Quality Assurance Commission, P.O. Box 47867, Olympia, WA 98504-7867, phone (360) 236-4893, fax (360) 236-2901. Interested stakeholders may sign up for the dental commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>. All rule-making notices will be e-mailed to the dental commission's interested parties list (listserv), Washington state dental association, Washington state dental hygienists' association, and Washington state dental assistants.

June 15, 2009

Jennifer Santiago  
Program Manager  
Dental Quality  
Assurance Commission

### WSR 09-13-099

#### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed June 17, 2009, 7:51 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-552 WAC, Oxygen and respiratory therapy services.

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



Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending this chapter to improve clarity, update policy regarding oxygen and respiratory therapy, and reorganize the section to be consistent with other recently filed medical assistance chapters.

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 Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail boediwl@dshs.wa.gov.

June 17, 2009  
Stephanie E. Schiller  
Rules Coordinator

lication. Interested persons can participate in the development of new rules by attending stakeholder meetings, providing comments on proposed language which will be sent to interested persons through Listserv and by regular mail. Send written comments to Judy Haenke, Program Manager, phone (360) 236-4947, fax (360) 236-2901, or e-mail judy.haenke@doh.wa.gov.

June 17, 2009  
Bart Eggen  
Executive Director

#### WSR 09-13-106

#### PREPROPOSAL STATEMENT OF INQUIRY

#### DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed June 17, 2009, 11:42 a.m.]

Subject of Possible Rule Making: WAC 246-935-XXX, adding a new section to define nondiscretionary functions used in preparation and administration of legend drugs, non-legend drugs and controlled substances associated with the practice of veterinary medicine which may be delegated to a licensed veterinary technician by a licensed veterinarian.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030 and SHB 1271 (chapter 136, Laws of 2009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 2009 legislation enacted SHB 1271 which allows a licensed veterinarian to delegate to a licensed veterinary technician certain nondiscretionary functions used in the preparing of legend drugs, nonlegend drugs and controlled substances associated with the practice of veterinary medicine. These nondiscretionary functions are to be defined by the veterinary board of governors. The bill also authorizes a licensed veterinary technician to administer legend drugs and controlled substances. Developing standards to define specific nondiscretionary functions will provide the public with assurance that authorized drugs are being prepared and administered under appropriate supervision.

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 pub-