

WSR 10-15-001
PREPROPOSAL STATEMENT OF INQUIRY
GROWTH MANAGEMENT
HEARINGS BOARD

[Filed July 7, 2010, 12:00 p.m.]

Subject of Possible Rule Making: Amendments to chapter 242-02 WAC, board's rules of practice and procedure.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 36.70A.270(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 36.70A.270(7) authorizes the board to develop and adopt rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. In 1992, the then existing three growth management hearings boards adopted joint rules. These rules have been minimally amended since that time and the board seeks to evaluate the rules for potential comprehensive amendments.

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. The board will be accepting preliminary written comments in regards to this comprehensive update through **August 31, 2010**. Subsequent opportunities to participate in the update process may be offered by the board; please see the board's web site for additional details, www.gmhb.wa.gov. Contact the boards' rules coordinator, Julie Ainsworth-Taylor, 319 7th Avenue S.E., Suite 103, P.O. Box 40953, Olympia, WA 98504-0953, phone (425) 441-8250, e-mail Juliet@cps.gmhb.wa.gov.

July 7, 2010

James J. McNamara
 Chair, Rules Committee

WSR 10-15-007
PREPROPOSAL STATEMENT OF INQUIRY
MILITARY DEPARTMENT

[Filed July 8, 2010, 7:36 a.m.]

Subject of Possible Rule Making: Revisions to chapter 118-66 WAC, Enhanced 9-1-1 funding.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 38.52.540 and 38.52.545.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6846 - C19 L10 E1 modified the enhanced 911 excise taxes for both the counties and the state and revised the provisions for state support to counties, the object of chapter 118-66 WAC.

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; and most of the interested and impacted parties are represented in the enhanced 911 advisory committee who has been holding collaborative meetings to discuss possible changes to the WAC provisions and is making recommendations to the military department.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The changes will be discussed at the meetings of the enhanced 911 advisory committee and public hearing(s) will be held for further input. A list of interested parties is maintained by the E911 program and notification of meetings and hearings will be sent to that list in addition to the advisory committee members and county 911 coordinators.

To be added to the list of interested parties or for more information, please contact Robert Oenning, Building 20B, Camp Murray, WA 98430, phone (253) 512-7011, fax (253) 512-7202, e-mail b.oenning@emd.wa.gov.

July 8, 2010

Robert G. Oenning
 Enhanced 911 Administrator

WSR 10-15-018
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING

[Filed July 8, 2010, 3:29 p.m.]

Subject of Possible Rule Making: To ensure home inspectors are completing the full number of clock hours in continuing education courses, and are not allowing other students to sign them in and out of the training facility before the end of the training time allotted.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.280.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would address home inspectors leaving continuing education courses prior to the end of the class or arriving late, and not completing the entire twenty-four hours of continuing education required for each renewal period.

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 Rhonda Myers, P.O. Box 9021, Olympia, WA 98507, phone (360) 664-6487, fax (360) 586-0998, e-mail rmyers@dol.wa.gov.

July 8, 2010

Walt Fahrner
 Rules Coordinator

WSR 10-15-037
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medicaid Purchasing Administration)

[Filed July 13, 2010, 12:02 p.m.]

Subject of Possible Rule Making: WAC 388-530-8000 Estimated acquisition cost (EAC).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is correcting a wording error under subsection (3) of this section, "percentage" should be "maximum allowable cost."

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.

July 13, 2010

Katherine I. Vasquez
Rules Coordinator

WSR 10-15-039

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Medicaid Purchasing Administration)

[Filed July 13, 2010, 12:05 p.m.]

Subject of Possible Rule Making: New sections to chapter 388-530 WAC, Prescription drugs (outpatient); chapter 388-531 WAC, Physician-related services; and other related rules as appropriate.

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: To allow for reimbursement for antihemophilia products such as clotting factors and/or anti-inhibitors related to treatment of congenital bleeding disorders for fee-for-service clients. Through one or more designated contractors, the department's goal is to provide improved patient monitoring and care coordination and achieve high quality and efficient delivery of medically necessary antihemophilia agents, related products, and supplies.

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.

July 13, 2010

Katherine I. Vasquez
Rules Coordinator

WSR 10-15-051

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed July 14, 2010, 11:00 a.m.]

Subject of Possible Rule Making: Corrects omissions, ambiguities, and errors contained in wildlife-interaction and damage-claim rules filed on June 23, 2010, as part of WSR 10-13-182.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047 and 77.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On June 4, 2010, the department adopted new and amended rules for handling wildlife interactions and damage claims. Since that time, the Washington department of fish and wildlife (WDFW) has identified a few omissions, ambiguities, and errors in the rules that should be corrected to increase public understanding and aid enforcement.

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 Lori Preuss, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, e-mail Lori.preuss@dfw.wa.gov. Contact by September 15, 2010. Expected proposal filing on or after September 22, 2010.

July 14, 2010

Lori Preuss
Rules Coordinator

WSR 10-15-054

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 15, 2010, 7:24 a.m.]

Subject of Possible Rule Making: To establish and clarify the qualifications for licensed home inspector instructors providing the required forty hours of field training for applicants seeking licensure as home inspectors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 280.060 [18.280] RCW, Home inspectors.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule would address the required qualifications for licensed home inspector instructors who provide the forty hours of field training to applicants seeking licensure under chapter 18.280 RCW, the law relating to licensing of home inspectors.

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 Rhonda Myers, P.O. Box 9021, Olympia, WA 98507-9021, phone (360) 664-6497, fax (360) 586-0998, e-mail rmyers@dol.wa.gov.

July 15, 2010
Walt Fahrer
Rules Coordinator

WSR 10-15-056

PREPROPOSAL STATEMENT OF INQUIRY HORSE RACING COMMISSION

[Filed July 15, 2010, 8:43 a.m.]

Subject of Possible Rule Making: WAC 260-40-180 Horse on veterinarian's list and 260-70-580 Official veterinarian's list.

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 is contemplating amending the procedure for horses that are not required to perform a workout before the official veterinarian to be removed from the official veterinarian's list.

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, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

July 15, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-15-062

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

[Filed July 15, 2010, 11:14 a.m.]

Subject of Possible Rule Making: WAC 388-865-0536 Standards for administration and 388-865-0547 Clinical record.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.24.035, and 71.34.380; chapter 280, Laws of 2010 (SSHB [2SHB] 3076).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: New legislation requires that whenever a person who is involuntarily committed to an evaluation and treatment (E&T) facility is discharged, the E&T must:

(1) Notify the designated mental health professional (DMHP) responsible for the initial commitment and the DMHP that serves the county in which the person is expected to reside; and

(2) Provide these DMHPs with a copy of any less restrictive order or conditional release order that may exist.

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 Kevin Sullivan, Rule Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@dshs.wa.gov.

July 15, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-15-073

PREPROPOSAL STATEMENT OF INQUIRY SECRETARY OF STATE

[Filed July 16, 2010, 4:28 p.m.]

Subject of Possible Rule Making: Charities program tiered financial reporting requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.09.540.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To remove conflicts with federal guidelines regarding terminology and financial reports required to be filed at the state level.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of the attorney general.

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 Rebecca Sherrell, Charities Program Manager, P.O. Box 40234, Olympia, WA 98504, (360) 725-0380, Rebecca.sherrell@sos.wa.gov; Linda Shea, Corporations and Charities Division Deputy Director, P.O. Box 40234, Olympia, WA 98504, (360) 725-0311, linda.shea@sos.wa.gov; or Pamela Floyd, Corporations and Charities

Division Director, P.O. Box 40234, Olympia, WA 98504,
(360) 725-0310, pam.floyd@sos.wa.gov.

July 16, 2010

Steve Excell

Assistant Secretary of State

Department of Ecology, P.O. Box 47600, Olympia, WA
98504-7600, (360) 407-6875, Linda.Whitcher@ecy.wa.gov.

July 14, 2010

Stu Clark

Program Manager

WSR 10-15-077

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF ECOLOGY

[Order 09-01—Filed July 19, 2010, 8:10 a.m.]

Subject of Possible Rule Making: Chapter 173-400 WAC, General regulations for air pollution sources; specifically WAC 173-400-030, 173-400-035, 173-400-040, 173-400-050, 173-400-070, 173-400-075, 173-400-081, 173-400-091, 173-400-099, 173-400-101, 173-400-102, 173-400-104, 173-400-105, 173-400-107, 173-400-110, 173-400-112, 173-400-113, 173-400-115, 173-400-116, 173-400-117, 173-400-120, 173-400-131, 173-400-136, 173-400-161, 173-400-171, 173-400-560, 173-400-700 through 173-400-750; and creating new WAC 173-400-036, 173-400-108, 173-400-109 and 173-400-111, several new sections between WAC 173-400-800 and 173-400-890 for nonattainment new source review, and WAC 173-400-900 for emergency generators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Washington Clean Air Act, RCW 70.94.151, 70.94.152, 70.94.155, 70.94.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The new sections proposed in this CR-101 will establish regulatory criteria for a variety of situations and sources: Excess emissions, nonroad engines, emergency generators, and nonattainment new source review. The intent of this addition is to improve the rule structure and make it easier to implement. We are opening WAC 173-400-101 to make a minor housekeeping correction.

This rule making has three focal points: Development of nonattainment area new source review (NSR) rules, correcting state implementation plan deficiencies, and general housekeeping.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: We will maintain an active dialog with the United States Environmental Protection Agency and local clean air agencies to ensure that the proposals are consistent with federal requirements.

Process for Developing New Rule: The proposed rule will be drafted internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held. The proposed amendments will be posted on the agency web site, <http://www.ecy.wa.gov/laws-rules/currentactivity.htm>, and provided to interested parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Linda Whitcher, Air Quality Program,

WSR 10-15-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 19, 2010, 10:20 a.m.]

Subject of Possible Rule Making: Warning letters for drivers age eighteen through twenty-one.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.52.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department seeks to propose a rule to outline procedures for a letter to be sent to drivers age eighteen through twenty-one who have received a moving traffic violation warning them of the risk of crash involvement. Statistics indicate that drivers who have received infractions and citations for moving traffic violations have a greater chance of being involved in an automobile crash, and that young drivers are at a greater risk for crash involvement. Warning letters are already being sent to drivers age sixteen through seventeen under the intermediate driver's license law. The department wishes to expand the process of sending an early warning letter to drivers age eighteen through twenty-one with a goal of reducing crash involvement by this age group.

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

Process for Developing New Rule: Internal review and input from interested stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

July 19, 2010

Walt Fahrer

Rules Coordinator

WSR 10-15-080

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 19, 2010, 10:22 a.m.]

Subject of Possible Rule Making: Chapter 308-330 WAC, updating the model traffic ordinance, legislation passed during the 2010 session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.90.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Updating model traffic ordinance, legislation passed during the 2010 session.

Process for Developing New Rule: Internal review and consultation with stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark J. Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA 98507-9020, (360) 902-3846, cholloway@dol.wa.gov.

July 16, 2010
Walt Fahrer
Rules Coordinator

WSR 10-15-095

PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION COMMISSION

[Filed July 20, 2010, 1:16 p.m.]

Subject of Possible Rule Making: Tacoma Narrows Bridge, including but not limited to, toll rates, photo tolls, fees, and exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 47.46 and 47.52 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Photo tolling is authorized on the Tacoma Narrows Bridge, and photo toll rates need to be established for the facility. Also, new toll collection processes are being implemented as part of the new statewide tolling customer service center operation, and associated fees and exemptions may need to be established for existing and/or future facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of transportation will review and coordinate with the transportation commission on this rule-making process.

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. The transportation commission will hold a public input meeting and a public hearing on these rules in the Gig Harbor area in fall 2010. Comments may be submitted to the Transportation Commission by mail at P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802, or on the web at transc@wsdot.wa.gov.

July 20, 2010
Reema Griffith
Executive Director

WSR 10-15-096

PREPROPOSAL STATEMENT OF INQUIRY TRANSPORTATION COMMISSION

[Filed July 20, 2010, 1:16 p.m.]

Subject of Possible Rule Making: SR 520, including but not limited to, toll rates, photo tolls, fees, and exemptions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 47.46 and 47.52 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Tolling is authorized on SR 520 and toll rates need to be established for the facility. Also, new statewide toll collection processes, including photo tolling and billing, are being implemented as part of the new statewide tolling customer service center operation, and associated fees and exemptions may need to be established for existing and/or future toll facilities.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state department of transportation will review and coordinate with the transportation commission on this rule-making process.

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. The transportation commission will hold public input meetings and a public hearing on these rules in the Puget Sound area in fall/winter 2010. Comments may be submitted to the transportation commission by mail at P.O. Box 47308, Olympia, WA 98504-7308, phone (360) 705-7070, fax (360) 705-6802, or on the web at transc@wsdot.wa.gov.

July 20, 2010
Reema Griffith
Executive Director

WSR 10-15-097

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 20, 2010, 3:26 p.m.]

Subject of Possible Rule Making: WAC 246-836-130, 246-836-140, 246-836-150, 246-836-160, 246-836-170, 246-836-180, and 246-836-200, amending accreditation requirements for naturopathic medical educational institutions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060 and 18.36A.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.36A.100 requires rules to establish standards for approval of educational programs, providing a process for naturopathic medical schools to request recognition which includes an on-site evaluation by department of health (department) representatives. The statute also allows the department to contract with organizations having expertise to report information necessary to evaluate educational programs. The department is considering amending existing rules for approval of education programs to include accepting information from national accrediting organizations. This may reduce the number of on-site

evaluations the department conducts and will then eliminate duplication and inefficiencies.

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 Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2406, e-mail susan.gragg@doh.wa.gov. Interested persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join our listserv, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=NATUROPATHY-PROGRAM>.

July 20, 2010
Mary C. Selecky
Secretary

WSR 10-15-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 20, 2010, 3:30 p.m.]

Subject of Possible Rule Making: WAC 246-836-010 and 246-836-210, amending existing sections and adding a new section to naturopathic physician rules to identify which nonsurgical cosmetic procedures are in naturopathic scope of practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.36A.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department received questions as to which nonsurgical cosmetic procedures are within naturopathic physician statutory scope of practice. The field of nonsurgical cosmetic procedures includes injections, chemical peels, microdermabrasion, dermabrasion, sclerotherapy, soft-tissue fillers, and mesotherapy. Many of these procedures carry a significant risk of patient harm. The department is considering amending the rule to clarify the types of nonsurgical cosmetic procedures that may or may not be performed by a naturopathic physician.

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. In order for the department to allow interested persons to provide input, there will be several public workshops utilizing videoconferencing in order to include individuals from other areas of the state. The department will notify via the listserv all those individuals and organizations that have expressed an interest in naturopathic physician rules, which can be accessed at <http://listserv.wa.gov/cgi-bin/wa?A0=>

NATUROPATHY-PROGRAM. Stakeholders may also submit written comments for consideration to Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2406, or by e-mail to susan.gragg@doh.wa.gov.

July 20, 2010
Mary C. Selecky
Secretary

WSR 10-15-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 20, 2010, 3:53 p.m.]

Subject of Possible Rule Making: WAC 246-926-180, amending parenteral procedures for radiologic technologists to clarify if the use of peripherally inserted central catheters (PICC) lines and ports is within their scope of practice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.84.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of health received a rule petition to determine whether access and use of PICC lines and ports for manual and power injections are within the scope of practice for radiologic technologists. Accessing PICC lines and ports for manual and power injections may be within the scope of practice for some radiologic technologists based on RCW 18.84.020(4). The department is considering amending the rules to clarify if the use of PICC lines and ports is within the scope of practice for certain radiologic technologists, as well as determining minimum standards of education and training.

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 persons can participate in the rule process through meetings and by submitting written comments, and are encouraged to join the listserv at <http://listserv.wa.gov/>. Please address questions and/or comments to Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2406, e-mail susan.gragg@doh.wa.gov.

July 20, 2010
Mary C. Selecky
Secretary

WSR 10-15-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Board of Boiler Rules)
 [Filed July 20, 2010, 3:59 p.m.]

Subject of Possible Rule Making: Board of boiler rules—Substantive, chapter 296-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to make clarification and technical changes to the Board of boiler rules—Substantive, chapter 296-104 WAC, based on actions and requests of the board of boiler rules. The changes will:

- Add a definition of a "pool heater" to eliminate confusion for inspectors, owner/users, manufacturers and installers regarding what units are acceptable for service by the jurisdiction.
- Revise requirements for construction and testing on nonstandard boilers and pressure vessels to eliminate obsolete information and combine remaining information to provide clarity and enforceability.
- Combine two rules regarding safety valve installation to eliminate confusion and promote enforceability.
- Revise rules concerning controls to eliminate conflict between rules and adopted codes.
- Revise rule to clarify existing requirements for remote emergency shutoff switches.

Process for Developing New Rule: The board of boiler rules will review and approve all rule changes. 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 Elliott, Department of Labor and Industries, P.O. Box 44400, Olympia, WA 98504-4400, (360) 902-6411, fax (360) 902-5292, yous235@lni.wa.gov.

July 20, 2010

Robert E. Olson, Chair
Board of Boiler Rules

WSR 10-15-107
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 20, 2010, 4:11 p.m.]

Subject of Possible Rule Making: Chapter 296-127 WAC, Prevailing wage—Scope of work descriptions.

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: Prevailing wage rates on

public work projects are determined and enforced according to the trade or occupation or "classification" of work actually performed. The purpose of this rule making is to write scope of work description for dredge workers, truck drivers, and ready mix truck drivers. The department has a wage rate for dredge workers, truck drivers, and ready mix truck drivers but no written scope of work description. The department worked with the prevailing wage advisory committee on the development of the dredge workers, truck drivers, and ready mix truck drivers.

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 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.

July 20, 2010

Judy Schurke
Director

WSR 10-15-114
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed July 21, 2010, 8:46 a.m.]

Subject of Possible Rule Making: The department plans to amend rules in chapter 388-492 WAC and related rules on Washington combined application project (WASHCAP).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.08A.903, and 74.04.500.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to amend rules under chapter 388-492 WAC, Washington combined application project (WASHCAP), to conduct a thorough review of the WASHCAP rules and make changes necessary to clarify when WASHCAP benefits can begin and to reduce payment errors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal supplemental nutrition assistance program as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will develop amendments to WASHCAP rules that are consistent with the act, federal regulations, and our approved WASHCAP demonstration project waiver.

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 Bob Thibodeau, Program Manager, Community Services Division, P.O. Box 45440, Olympia, WA 98504-5440, phone (360) 725-4634, fax (360) 725-4905, e-mail Robert.Thibodeau@dshs.wa.gov.

July 21, 2010
Katherine I. Vasquez
Rule Coordinator

WSR 10-15-116
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
EARLY LEARNING

[Filed July 21, 2010, 8:48 a.m.]

Subject of Possible Rule Making: Chapter 170-290 WAC, Working connections child care (WCCC) and seasonal child care (SCC) programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.060, 43.215.070 (2)(c) and section 501, chapter 265, Laws of 2006 (uncodified).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:

1. The state anticipates a shortfall in the current Work-First budget, of which WCCC is a component part. In order to meet these challenges, and pursuant to the department of early learning (DEL) director's authority in RCW 43.215.040 to "institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require," DEL intends to make changes to chapter 170-290 WAC, for the WCCC and SCC programs as may be necessary to:

- Improve program efficiencies and effectiveness;
- Increase accountability as lead agency for the receipt of CCDF funds;
- Reduce program costs;
- Address insufficient program funding and economic conditions;
- Prevent the program from becoming overburdened or oversubscribed; and
- Impose cost containment measures.

2. DEL intends to make further changes to chapter 170-290 WAC to implement E2SHB 3141 (chapter 273, Laws of 2010, regular session) by:

- Promoting stability, quality, and continuity of care for children and families; and
- Clarifying changes in circumstances that must be reported in redetermining program eligibility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DEL plans to coordinate adoption of the rule with the department of social and health services (DSHS) and with the federal Department of Health and Human Services as appropriate. Under chapter 265, Laws of 2006, DEL and DSHS jointly operate the WCCC program. DEL determines WCCC policy and adopts the program rules. DSHS implements the WCCC program, including accepting applications, determining family eligibility, and processing payments to child care providers.

Process for Developing New Rule: To the extent possible, DEL intends to circulate draft rules for informal input before filing a formal proposal. When the formal proposal is filed, DEL will hold a public hearing or hearings, and take written comments before adopting the permanent rules. More than one proposed rule may be filed pursuant to this preproposal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in joining an e-mail or postal mailing list to receive notices and other information about this rule making should contact the DEL by e-mail at Rules@del.wa.gov, by phone at (360) 725-4397, or by writing to the DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970. Information about this rule will be posted at the DEL web site at <http://www.del.wa.gov/laws/development/>.

July 20, 2010
Andy Fernando
Rules Coordinator

WSR 10-15-125
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed July 21, 2010, 11:48 a.m.]

Subject of Possible Rule Making: WAC 260-24-500 Racing officials.

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 is contemplating amending racing officials to possibly include other positions and what categories are assistants to racing officials. Also, the procedure for how racing officials who wish to obtain multiple licenses will be addressed.

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, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone

(360) 459-6462, fax (360) 459-6461, doug.moore@whrc.
state.wa.us.

July 21, 2010
Douglas L. Moore
Deputy Executive Secretary