

WSR 12-14-003**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 21, 2012, 9:45 a.m.]

Subject of Possible Rule Making: Chapter 392-169 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 392-169 WAC requires updating to address the 1.20 FTE limitation for running start and the provision for colleges to charge tuition when the 1.20 FTE is exceeded.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WAC 392-169-005 requires joint agreement with office of superintendent of public instruction (OSPI), state board of community and technical colleges, and high [higher] education coordinating board. Both boards will be instrumental in developing and reviewing the proposed changes.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, OSPI Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

June 21, 2012

Randy Dorn

Superintendent of
Public Instruction**WSR 12-14-004****PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 21, 2012, 9:47 a.m.]

Subject of Possible Rule Making: WAC 392-121-107 - 392-121-187 General apportionment—Enrollment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-169-060 [392-121-107] through 392-121-187 requires updating to:

- Limit the FTE than can be claimed for running start students to 1.20 FTE,
- Address the new June enrollment reporting requirement,
- Change the noon intermission to meal intermission to clarify this enrollment exclusion, and
- Add city and county jails to list of institutional educational entities.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Becky McLean, Office of Superintendent of Public Instruction, Enrollment Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

June 21, 2012

Randy Dorn

Superintendent of
Public Instruction**WSR 12-14-026****PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed June 25, 2012, 3:16 p.m.]

Subject of Possible Rule Making: Chapter 260-48 WAC, Mutuels.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is contemplating giving the association authority to cancel mutuel pools in the event that a minus pool would be created.

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

June 25, 2012

Douglas L. Moore

Deputy Executive Secretary

WSR 12-14-027**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed June 26, 2012, 7:46 a.m.]

Subject of Possible Rule Making: The department is amending WAC 388-865-0575 and 388-865-0430 for the purposes of implementing the requirements of SSB 5187. Other new sections in chapter 388-865 WAC are being cre-

ated to comply with SSB 5187 and mental health treatment for minors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.05.560, 71.24.035, 71.34.375, 71.34.500, 71.34.510, 71.34.520, 71.34.610, 71.34.620, 71.34.630, 71.34.640, 71.34.650, and 71.34.750.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule complies with SSB 5187, chapter 302, Laws of 2011, that requires, in part, a hospital emergency room or inpatient psychiatric facility that provides services to minors to inform, both verbally and in writing, a parent or guardian of a minor who is seeking treatment for that minor, of all statutorily available treatment options, including the option for parent-initiated treatment. These rules allow the department to be in compliance with SSB 5187 by requiring facilities to adopt policies and protocols regarding mental health treatment for minors.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department is developing these rules in collaboration with the department of health.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kathy Sayre, DBHR Rules Manager, P.O. Box 45320, Olympia, WA 98504-5320, phone (360) 725-1342, fax (360) 725-9960, e-mail kathy.sayre@dshs.wa.gov.

June 7, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-14-029

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed June 26, 2012, 10:37 a.m.]

Subject of Possible Rule Making: WAC 182-534-0100 EPSDT.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 2SSB 5945, [section] 1115 (a)(2) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are necessary to clarify that persons nineteen and twenty years of age who are eligible for any of the following programs that receive medicaid funding under the Transitional Bridge 1115 Demonstration Waiver allowed under section 1115 (a)(2) of the Social Security Act are not eligible for EPSDT services:

- (a) Basic health;
- (b) Medical care services; or

(c) Alcohol and Drug Addiction Treatment and Support Act (ADATSA).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Centers for Medicare and Medicaid Services (CMS).

Process for Developing New Rule: The health care authority (HCA) welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. 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, HCA, Legal and Administrative Services, Rules and Publications, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

June 26, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-14-033

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 26, 2012, 11:57 a.m.]

Subject of Possible Rule Making: Chapter 246-12 WAC, Part 4, Inactive credential. The department is considering amending the uniform rules to add a military status credential for licensed military personnel and spouses or registered domestic partners of military personnel who are the subject of a deployment or transfer to a station outside of Washington state.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.270 and SB 6290 (chapter 45, Laws of 2012).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SB 6290 (chapter 45, Laws of 2012) amends RCW 43.70.270 that allows licensees who enter the armed forces to maintain his/her health care license without fees. The bill allows spouses and registered domestic partners of military personnel to place their license on an "inactive" military status if the service member is deployed or stationed outside of Washington state. The bill also adds the United States Public Health Service Corps as an eligible service entity. The department is considering rules to establish the requirements and process for military personnel, spouses, or registered domestic partners to request military status on a health provider credential or return the credential to active status.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the rule-making process by providing comments on proposed language. Notices on how to provide comments will be sent to interested parties through listserv and e-mail. Interested parties can request to be added to an interested parties list or send written comments to Billie Jo Dale, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, billyjo.dale@doh.wa.gov, phone (360) 236-4841.

June 25, 2012
Mary C. Selecky
Secretary

WSR 12-14-034

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 26, 2012, 12:05 p.m.]

Subject of Possible Rule Making: Chapter 246-470 WAC, Prescription monitoring program, updating the rules to reflect changes in the law, including: Adding language to establish alternative data reporting requirements for veterinarians reporting the dispensing of controlled substances to the prescription monitoring program (PMP); and clarifying [clarifying] that controlled substances dispensed for one day use do not have to be reported by any dispenser.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.225.020, 70.225.025, SSB 6105 (chapter 192, Laws of 2012).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6105 (2012) requires the department, in collaboration with the veterinary board of governors, to establish alternative requirements for veterinarians reporting the dispensing of controlled substances to the PMP. The alternative requirements include: Identifying the data fields for reporting the dispensing of controlled substances by either electronic or nonelectronic methods; reporting the dispensing at least every six months, but no more than every three months. The bill also clarifies that drugs dispensed for one day use do not have to be reported by any dispenser. Rules need to be updated [updated] to reflect changes in the law.

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

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Persons interested in participating in the rule process or receiving updates can contact the Washington state prescription monitoring office through listserv at PRESCRIPTION-MONITORING@LISTSERV.WA.GOV, send a fax to (360) 236-2901, or by mail to the Prescription

Monitoring Program, P.O. Box 47877, Olympia, WA 98504-7877. You can also contact Kitty Slater at (360) 236-4861.

June 25, 2012
Mary C. Selecky
Secretary

WSR 12-14-042

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed June 27, 2012, 11:13 a.m.]

Subject of Possible Rule Making: Chapter 39, Laws of 2012 (HB 2758), possible new rule to be added to chapter 458-20 WAC, titled Brief adjudicative proceedings for matters related to suspension, nonrenewal, and nonissuance of licenses to sell spirits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300, 34.05.410 (1)(a), and 82.01.060 (2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 39, Laws of 2012 (HB 2758), changed the department of revenue's (department) ability to collect spirits taxes imposed under RCW 82.08.150 by allowing it to request suspension, nonrenewal, or nonissuance of licenses to sell spirits in Washington for delinquency in reporting or remitting spirits taxes after department notice to a taxpayer. The department is considering a new rule to establish brief adjudicative proceedings for review of the notice prior to any department request for suspension, nonrenewal, or nonissuance consistent with HB 2758.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state liquor control board (WSLCB). The department will consult with and solicit feedback from the WSLCB.

Process for Developing New Rule: Parties interested in this rule making may contact the individual listed below. The public may also participate by providing written comments throughout this rule making or giving oral testimony at the public meeting or public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A preliminary discussion draft of the possible rule is not yet available. The department expects to make available a preliminary draft rule via the department's on-line Rules Agenda by July 24, 2012.

Written comments may be submitted by mail and should be directed to Tim Jennrich at e-mail TimJe@dor.wa.gov or mailing address Tim Jennrich, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453.

Written and oral comments will be accepted at the public meeting.

Public meeting location: Capital Plaza Building, 4th Floor L&P Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 25, 2012, at 1:30 p.m.

Assistance for persons with disabilities: Contact Mary Carol LaPalm, (360) 725-7499 or Renee Cosare, (360) 725-

7514, no later than ten days before the meeting date. For hearing impaired please contact us via the Washington Relay Operator at (800) 833-6384.

June 27, 2012
 Alan R. Lynn
 Rules Coordinator

WSR 12-14-048
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed June 28, 2012, 9:35 a.m.]

Subject of Possible Rule Making: WAC 246-933-XXX Expired license, the veterinary board of governors (board) will evaluate the requirements to reinstate an expired veterinary license. The board will consider whether the requirements are sufficient to protect animal patients or if rules are needed to ensure that veterinarians with an expired credential possess the current skills and knowledge to safely treat patients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A Washington state veterinarian whose license is expired only needs to pay a fee and attest to completion of minimal continuing education in order to reactivate the license and practice. The board is concerned about patient safety due to the potential for a lack of current skills and knowledge when a veterinarian decides to practice after the license has been expired.

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, Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, e-mail judy.haenke@doh.wa.gov, phone (360) 236-4947 and fax (360) 236-2901.

Stakeholders will be notified and invited to participate in an open public rules workshop and may submit written comments for consideration. Stakeholders will be notified through listserv, board meetings, and posting to the web site.

June 28, 2012
 Lisa Hodgson
 Executive Director

WSR 12-14-067
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed June 29, 2012, 3:26 p.m.]

The department of health would like to withdraw the following preproposal statement of inquiry (CR-101):

WAC NUMBER	WSR NUMBER	WSR DATE	SUBJECT
WAC 246-922-010 and adding new sections to chapter 246-922 WAC	07-16-140	8/1/2007	Adding new sections to establish standards for prescribing orthotic devices by podiatric physicians and clarifying definitions for orthotic devices.

This memo serves as notice that the department is withdrawing the CR-101 for WAC 246-922-010 and chapter 246-922 WAC which was filed August 1, 2007, and published in WSR 07-16-140. The original intent of the preproposal was to establish standards for prescribing orthotic devices by podiatric physicians and clarify definitions for orthotic devices.

The podiatric medical board made the decision at their April 12, 2012, business meeting to withdraw the CR-101 because of concerns that rules may not be the best solution and may not be enforceable.

Individuals requiring further information should contact Erin Obenland, program manager for the podiatric medical board at (360) 236-4945.

Mary C. Selecky
 Secretary

WSR 12-14-068
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 2, 2012, 10:59 a.m.]

Subject of Possible Rule Making: Chapter 246-817 WAC, amending to establish dental anesthesia assistant certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 5620 (chapter 23, Laws of 2012), RCW 18.32.0365 and 18.32.640.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2012 legislature passed E2SSB 5620 creating the dental anesthesia assistant profession. The bill requires the dental quality assurance commission to establish certification requirements for dental anesthesia assistants to include education, training, renewal, and continuing education. In addition, several existing rules in chapter 246-817 WAC will be updated to align with the new law.

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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Department of Health, Dental Quality Assurance Commission, Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, (360) 236-4893, jennifer.santiago@doh.wa.gov. 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) and appropriate state associations.

July 2, 2012

Blake T. Maresh
Executive Director

WSR 12-14-069

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 2, 2012, 11:05 a.m.]

Subject of Possible Rule Making: Chapter 246-831 WAC, adding a new chapter for reflexology, including the certification requirements and fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.050 and ESSB 6103 (chapter 137, Laws of 2012).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6103 (chapter 137, Laws of 2012) creates a new credential and requires certification of reflexologists. Rules are needed for the new profession to establish the minimum education, examination, certification, and fee requirements for reflexologists.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can participate in the rule-making processes by attending workshops and providing comments on draft and proposed language. Notices on how to provide comments will be sent to interested parties through listserv and e-mail. Interested parties can request to be added to an interested parties list or send comments to Kris Waidely, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4847, fax (360) 236-2901, or e-mail kris.waidely@doh.wa.gov.

July 2, 2012

Mary C. Selecky
Secretary

WSR 12-14-072

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed July 2, 2012, 11:37 a.m.]

Subject of Possible Rule Making: WAC 308-100-033 Minimum training requirements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.46.01.110 [46.01.110], 46.25.060, and 46.25.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment allows combined lab, range and observation hours as a substitute for additional behind the wheel hours and adds "military" training certificates as approved proof of training. This training is required in order to qualify for a commercial driver's license.

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 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 Holloway, Department of Licensing, P.O. Box 9020, Olympia, WA, (360) 902-3846, cholloway@dol.wa.gov.

July 2, 2012

Damon G. Monroe
Rules Coordinator

WSR 12-14-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 3, 2012, 9:25 a.m.]

Subject of Possible Rule Making: Chapter 296-14 WAC, Industrial insurance; chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations; chapter 296-20 WAC, Medical aid rules; chapter 296-21 WAC, Reimbursement policies: Psychiatric services, biofeedback, physical medicine; chapter 296-23 WAC, Radiology, radiation therapy, nuclear medicine, pathology, hospital, chiropractic, physical therapy, drugless therapeutics and nursing—Drugless therapeutics, etc.; chapter 296-23A WAC, Hospitals; and chapter 296-23B WAC, Ambulatory surgery center payment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5801 (chapter 6, Laws of 2011), amending RCW 51.36.010, 51.04.020, and 51.04.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 5801 directs the department of labor and industries (L&I) to establish a medical provider network to treat injured workers of employers insured with L&I and of self-insured employers. SSB 5801 also expands Centers for Occupational Health and Education (COHEs). Rules are necessary to implement the changes. The department will create and/or amend necessary rules in phases to ensure timely completion of all required provisions.

The first set of rules included minimum standards for credentialing of medical providers and other requirements for network participation and to define "risk of harm."

The second rule making adopted language that allows injured and ill workers to see a provider of their choice for the initial visit of their claims. The adopted language informs health care providers and workers as to what services may be provided by a nonnetwork provider and when care must be transferred to a network provider.

This third rule-making phase will amend, clarify or delete further department rules that conflict with SSB 5801, or with the department's implementation of SSB 5801.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: SSB 5801 directs the agency to establish a health care provider network for Washington workers' compensation governed by Title 51 RCW, Washington's Industrial Insurance Act. No other state or federal agencies are responsible for interpreting and enforcing the provisions of this act.

Process for Developing New Rule: The rule will be developed in consultation with the provider network advisory group (PNAG) established in SSB 5801, including:

- Members or designees of the workers' compensation advisory committee, the industrial insurance medical advisory committee, and the industrial insurance chiropractic advisory committee.
- Individuals can participate by providing written comments during the CR-102 comment period or giving oral testimony at public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. The public may keep informed by attending the provider network advisory committee (PNAG) meetings and by looking at the following L&I web site www.ProviderNetwork.Lni.wa.gov.

This web site includes the most up-to-date information regarding the establishment of a statewide health care provider network and [as] well as expanding COHEs. Information about the PNAG meetings can also be found on this site.

July 3, 2012
Judy Schurke
Director

WSR 12-14-098

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed July 3, 2012, 11:48 a.m.]

Subject of Possible Rule Making: Title 246 WAC, creating a new chapter to establish the medical assistant profession.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6237 (chapter 153, Laws of 2012).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6237 (2012) creates the new medical assistant profession and phases out the health care assistant profession. Rules are needed to clarify

the transfer of current health care assistants to medical assistants and specify minimum qualifications for a medical assistant-certified, medical assistant-hemodialysis technician and medical assistant-phlebotomist. Rules will define approved training programs and exams along with minimum requirements necessary for a health care practitioner, clinic, or group practice to endorse registered medical assistants. Rules are also needed to further define scope of practice and types of drugs that may be administered by a medical assistant and set fees.

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 Erin Obenland, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4945, fax (360) 236-2901, e-mail erin.obenland@doh.wa.gov. Interested persons can participate in the rule process through meetings and by submitting written comments. Interested parties are encouraged to join our listserv which can be accessed at http://listserv.wa.gov/cgi-bin/wa?A0=MEDICAL_ASSISTANT or at <http://listserv.wa.gov/cgi-bin/wa?A0=HEALTH-CARE-ASSISTANTS>.

July 3, 2012
Gregg L. Grunenfelder
Deputy Secretary
for Mary C. Selecky
Secretary

WSR 12-14-100

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Medicaid Program)

[Filed July 3, 2012, 12:28 p.m.]

Subject of Possible Rule Making: New rules within chapter 182-531 WAC concerning applied behavioral analysis therapy and possibly other rules as appropriate.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is working on new rules concerning coverage for applied behavioral analysis (ABA) therapy for children with autism spectrum disorders. The new rules will include, but not be limited to, prior authorization for services, evaluating and prescribing provider requirements, ABA provider requirements, and payment.

During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

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).

Health care authority (HCA) will forward to DSHS drafts of the rule for comment.

Process for Developing New Rule: HCA welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, HCA will file a notice of proposed rule making (CR-102) with the office of the code reviser. 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 Jason R. P. Crabbe, Rules and Publications Program Manager, Health Care Authority, Legal and Administrative Services, P.O. Box 45504, Olympia, WA 98504-5504, fax (360) 586-9727, TTY 1-800-848-5429, e-mail jason.crabbe@hca.wa.gov.

July 3, 2012
Kevin M. Sullivan
Rules Coordinator

mission has decided not to proceed with this rule-making proceeding and requests that the CR-101 published in WSR 11-20-104 be withdrawn.

After reviewing data on the expense of performing Telecommunications Act services and possible revenues from establishing fees for these services, the commission has determined, for the present time, that the revenues gained through fees would not be significant to warrant the additional costs of rule making. Thus, the commission is withdrawing its notice of a rule-making proceeding in this docket, and will notify stakeholders of the withdrawal of this proceeding.

David W. Danner
Executive Director
and Secretary

WSR 12-14-104
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH

[Filed July 3, 2012, 1:14 p.m.]

This is a memo asking for withdrawal of the CR-101 for chapter 246-874 WAC filed July 5, 2007, and published in WSR 07-14-145. The board of pharmacy (board) voted to withdraw this CR-101 at the June 7, 2012, meeting. The original intent of the preproposal was to establish minimum enforceable requirement for safe handling, storage, record keeping and administration of pharmaceuticals in Washington state correctional facilities.

The board is currently doing a project to scan all rules to evaluate for regulatory barriers to patient safety and contemporary practice. They may open this chapter at a later date as part of a larger project to update multiple pharmacy rules.

Individuals requiring information on this rule should contact Kitty Slater-Einert, rules coordinator for the Washington state board of pharmacy at (360) 236-4861.

Gregg L. Grunenfelder
for Mary C. Selecky
Secretary

WSR 12-14-109
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket UT-111634—Filed July 3, 2012, 3:11 p.m.]

The Washington utilities and transportation commission (commission) filed a preproposal statement of inquiry (CR-101) regarding fees for federal Telecommunications Act activities on October 5, 2011, at WSR 11-20-104. The com-