

WSR 12-17-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed August 2, 2012, 12:34 p.m.]

Subject of Possible Rule Making: WAC 246-840-740 Sexual misconduct prohibited.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110 and 18.130.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The sexual misconduct rule adopted in 1999 needs updating. The nursing commission identified a need to strengthen the terms and definitions and add clarity to existing rules and possibly add additional requirements as necessary after reviewing model rules and other professions' rules. The nursing commission wants to ensure it is clear what conduct is prohibited. Without clear and specific rules it can be difficult to charge nurses with sexual misconduct or boundary violations. These amendments will help nurses, nursing technicians and patients understand what is considered sexual misconduct or boundary violations and make it easier for the nursing commission to take disciplinary action.

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. Interested parties may be notified through the nursing commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=NURSING-QAC> regarding workshops and public hearings to give verbal input. If unable to attend a workshop or hearing, interested parties may submit written comments to Terry J. West, Deputy Executive Director, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504, (360) 236-4712 or terry.west@doh.wa.gov or <http://www.doh.wa.gov/hsqa/Professions/Nursing/RulesInProgress.htm> [<http://www.doh.wa.gov/LicensesPermitsandCertificates/NursingCommission/RulesInProgress.aspx>].

August 2, 2012

Paula R. Meyer, MSN, RN
Executive Director**WSR 12-17-020****PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 6, 2012, 8:54 a.m.]

Subject of Possible Rule Making: WAC 260-32-370 Apprentice jockeys, 260-40-075 Required to declare weight, medication, and required equipment changes at the time of entry, and 260-44-020 Minimum weights.

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 rac-

ing commission (WHRC) is contemplating amending the weight allowances allowed for apprentice jockeys and the ability to waive the weight allowances.

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.

August 6, 2012

Douglas L. Moore

Deputy Executive Secretary

WSR 12-17-025**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 6, 2012, 2:10 p.m.]

Subject of Possible Rule Making: The subject of this rule making is updates and structural improvements to WAC 220-20-010. Specifically, the project splits the rule into multiple, smaller sections, better organizing the subject matter of the provisions contained in WAC 220-20-010. This project also includes adjustments to rule language dealing with Northern Pike to align the WAC with previous WAC changes adopted by the commission. The project will incorporate the changes to derelict fishing gear provisions referenced in WSR 11-16-076, filed on August 1, 2011.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 220-20-010 are needed because the rule contains a wide array of subject areas, and updates are needed to align the WAC with a previous change adopted by the commission. The project consolidates another project into this rule making to be as efficient as possible in the rule-making process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of fish and wildlife (WDFW) incorporates many federal fisheries regulations in rule by reference. States can be more restrictive than federal regulations, but not less so. Given these parameters, WDFW will coordinate the regulatory landscape of these rule changes, where applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, Administrative Regulations Analyst, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-

2403, fax (360) 902-2156, e-mail Joanna.Eide@dfw.wa.gov.
Contact by October 17, 2012. Expected proposal filing on or
after October 24, 2012.

August 6, 2012

Joanna Eide
Administrative Regulations Analyst

WSR 12-17-031

PREPROPOSAL STATEMENT OF INQUIRY

**DEPARTMENT OF
FISH AND WILDLIFE**

[Filed August 7, 2012, 8:48 a.m.]

Subject of Possible Rule Making: Procedures for the Washington department of fish and wildlife (WDFW) concurrence review process for specific hydraulic projects (HPAs) associated with forest practices applications (FPAs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: 2ESSB 6406, section 201(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is mandated by 2ESSB 6406 to fulfill WDFW's obligation to integrate HPAs with FPAs. These rules will identify the procedures WDFW habitat biologists use to review and provide concurrence with specific hydraulic projects associated with FPAs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of natural resources (DNR) and the forest practices board (FPB) develop and implement rules associated with forest practices. 2ESSB 6406 mandates that the FPB integrate existing WDFW hydraulic code rules pertaining to forest practices into forest practices rules by December 2013. DNR also must develop an FPB manual to provide guidance for implementing these rules. WDFW must adopt rules to create a concurrence review process for its regional habitat biologists. Finally, WDFW and DNR will enter into a memorandum of agreement to define how the two agencies will work together to implement the integrated FPA/HPA rules.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry Jackson, Forest Habitats Section Manager, WDFW Habitat Program, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2609, fax (360) 902-2946, e-mail Terry.Jackson@dfw.wa.gov.

Contact by October 17, 2012. Expected proposal filing on or after October 24, 2012.

August 7, 2012

Lori Preuss
Rules Coordinator

WSR 12-17-050

**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed August 9, 2012, 12:13 p.m.]

Subject of Possible Rule Making: WAC 392-139-115 Finance—Maintenance and operations levies.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.190 and 84.52.0531.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule revision will add the aggregate hold harmless allocation and the alternative education program reduction to the basic education portion of the levy base.

Process for Developing New Rule: Solicitation of public comments and recommendations respecting new, amended or repealed rules, and considerations 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 Steve Shish, (360) 725-6307.

August 9, 2012

Randy Dorn
State Superintendent
of Public Instruction

WSR 12-17-058

**PREPROPOSAL STATEMENT OF INQUIRY
GAMBLING COMMISSION**

[Filed August 10, 2012, 1:09 p.m.]

Subject of Possible Rule Making: Raffles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0277.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from James Williams, a volunteer that assists nonprofit organizations with raffles and fund raisers. The proposed rule change would allow charitable and nonprofit organizations to sell raffle tickets that are not consecutively numbered for raffles that take place during a single event where winners must be present to win.

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

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

[Meetings on] September 13 or 14, 2012, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time; on October 11 or 12, 2012, at the Clarion, 1507 North First Street, Yakima, WA 98901, visit www.wsgc.wa.gov on October 1 to confirm meeting location and start time; and on November 15 or 16,

2012, in the Olympia area, to be determined, visit www.wsgc.wa.gov on November 1 to confirm meeting location and start time.

August 10, 2012
Susan Arland
Rules Coordinator

WSR 12-17-060
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
(Medicaid Program)

[Filed August 10, 2012, 1:56 p.m.]

Subject of Possible Rule Making: Amending WAC 182-502-0010 When the department enrolls, 182-502-0012 When the department does not enroll and 182-502-0014 Review and consideration of an applicant's history; and new WAC 182-502-0017 Deactivation and reactivation of providers; and possibly other related WAC sections, as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 42 C.F.R. 431 and 455.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) is amending current rules and implementing new rules on provider screening and enrollment in response to the Affordable Care Act.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS. HCA will collaborate with DSHS when writing the rules.

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, HCA, 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.

August 10, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-17-062
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 13, 2012, 9:07 a.m.]

Subject of Possible Rule Making: WAC 260-70-545 Prohibited practices and 260-84-130 Penalties for prohibited practices.

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 amending how extracorporeal shock wave therapy is allowed and reported and the penalty for a violation.

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.

August 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-17-064
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed August 13, 2012, 10:58 a.m.]

Subject of Possible Rule Making: WAC 260-24-580 Starter and assistant starters.

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 requiring any [one] acting as an assistant starter to wear an approved safety helmet.

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.

August 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-17-065**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 13, 2012, 11:01 a.m.]

Subject of Possible Rule Making: WAC 260-20-090 Association security.

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 requiring the association to maintain a log of individual[s] entering the stable area during late night hours to conform to the model rules.

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.

August 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-17-066**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 13, 2012, 11:10 a.m.]

Subject of Possible Rule Making: WAC 260-44-010 Equipment changes.

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 addressing the use of "cheek pieces," as a piece of equipment that must be declared at time of entry.

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.

August 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-17-067**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 13, 2012, 11:15 a.m.]

Subject of Possible Rule Making: Chapter 260-28 WAC, Ownerships, trainers, and employees.

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 considering adopting a new section to prohibit the use of a "program trainer." This would ensure that the person responsible for the condition of the horse at time of entry is the individual which actually has the horse under their control.

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.

August 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-17-068**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 13, 2012, 12:56 p.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry rule (CR-101), WSR 12-14-026, filed on June 25, 2012.

Douglas L. Moore
Deputy Secretary

WSR 12-17-069**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed August 13, 2012, 1:00 p.m.]

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

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission (WHRC) is considering amending current

and adopting new permitted threshold levels for accepted substances.

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.

August 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-17-079

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed August 14, 2012, 2:10 p.m.]

Subject of Possible Rule Making: WAC 246-840-045 amending the section on initial licensure for registered nurses and practical nurses who graduate from an international school of nursing and amending WAC 246-840-130, criteria for approved refresher course.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The nursing commission is considering amending the rules to eliminate barriers for internationally educated nurses. (1) The current rules do not allow nurses licensed in another country to gain the clinical experience necessary to meet Washington licensure requirements. (2) Nurses from other countries not licensed in another state, but licensed in another country, do not meet the criteria for a limited authorization to achieve the clinical portion. The existing rules may present a barrier and options need to be explored, such as a limited authorization recognizing Canadian Provinces, using substantially equivalent international examination.

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 Terry West at (360) 236-4712 or terry.west@doh.wa.gov. To receive more information, interested parties are encouraged to join the nursing commission listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=NURSING-QAC>.

August 13, 2012
Paula R. Meyer, MSN, RN
Executive Director

WSR 12-17-081

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed August 14, 2012, 3:30 p.m.]

Subject of Possible Rule Making: Chapter 182-60 WAC, Shared decision making; and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 7.70.060, ESHB 2318.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules define the process used by the health care authority's (HCA) medical director to independently assess and certify patient decision aids based on the international patient decision aids standards. In addition, the proposed rules allow the HCA to charge a fee to the certification applicant to defray the costs of the assessment and certification.

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 Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY 1-800-848-5429, e-mail wendy.boedigheimer@hca.wa.gov.

August 14, 2012
Kevin M. Sullivan
Rules Coordinator

WSR 12-17-082

WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Filed August 14, 2012, 3:39 p.m.]

The insurance commissioner is withdrawing the CR-101 preproposal statement of inquiry for R 2008-14 Standards for Safeguarding Customer Information, published by the code reviser in WSR 08-10-096.

Mike Kreidler

WSR 12-17-083

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed August 14, 2012, 4:16 p.m.]

Subject of Possible Rule Making: This rule making updates and makes structural improvements to WAC 232-12-275. Specifically, the project splits the rule into smaller sec-

tions and better organizes the subject matter of the provisions contained in WAC 232-12-275. The project will also make some clarifications and amendments to include more detail and guidance for people practicing wildlife rehabilitation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes to WAC 232-12-275 are needed because the rule contains a large amount of information, which is difficult to navigate and requires better organization. Additionally, the rule needs clarification of expectations and requirements to promote better, more uniform practices and smoother relations with wildlife rehabilitators. The changes will promote increased user-group compliance because wildlife rehabilitators will better understand their requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: States can be more restrictive than federal regulations, but not less restrictive. Given these parameters, Washington department of fish and wildlife (WDFW) will coordinate the regulatory landscape of these rule changes, where applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, Administrative Regulations Analyst, WDFW Enforcement Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2403, fax (360) 902-2156, e-mail Joanna.Eide@dfw.wa.gov. Contact by October 17, 2012. Expected proposal filing on or after October 24, 2012.

August 14, 2012

Joanna Eide

Administrative Regulations Analyst

WSR 12-17-085

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed August 15, 2012, 10:33 a.m.]

Subject of Possible Rule Making: Card games that offer player-supported jackpots.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070, 9.46.0282.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: We have received a petition for rule change from Linda Bullard, representing Hawk's Prairie Casino, requesting a rule change regarding how player-supported jackpot prizes are paid to winners.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Arland, Rules Coordinator, P.O.

Box 42400, Olympia, WA 98504-2400, (360) 486-3466, e-mail Susan.Arland@wsgc.wa.gov, fax (360) 486-3625.

[Meetings on] September 13 or 14, 2012, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, visit www.wsgc.wa.gov on September 1 to confirm meeting location and start time; on October 11 or 12, 2012, in Clarion, 1507 North First Street, Yakima, WA 98901, visit www.wsgc.wa.gov on October 1 to confirm meeting location and start time; and on November 15 or 16, 2012, in the Olympia area, to be determined, visit www.wsgc.wa.gov on November 1 to confirm meeting location and start time.

August 15, 2012

Susan Arland

Rules Coordinator

WSR 12-17-091

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed August 16, 2012, 6:48 a.m.]

Subject of Possible Rule Making: New sections and/or amendments in chapter 388-14A WAC, intended as technical corrections to the rules adopted under WSR 11-22-116 which took effect on December 3, 2011. Those rules were adopted to implement changes in the federal regulations concerning establishing and enforcing intergovernmental child support obligations.

The federal Office of Child Support Enforcement (OCSE) requested that the division of child support (DCS) make these changes as a condition of approving the state plan under Title IV-D of the federal Social Security Act. Failure to do this would jeopardize funding for the child support program and the TANF block grant.

These technical corrections are mainly to change references to "interstate cases" to "intergovernmental cases." DCS does not anticipate making any significant policy changes in this rule-making process, but such changes may be necessary in order to amend chapter 388-14A WAC to comply with 45 C.F.R. Parts 301.1, 302.36, 303.7, 303.11, 305.63 and 308.2.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 26.23.120, 34.05.350 (1)(b), 43.20A.550, 74.04.055, 74.08.090, 74.20.040(9), 74.20A.310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: DCS must adopt rules to implement federal regulations as part of its state plan under Title IV-D of the federal Social Security Act. Failure to adopt such rules could lead to a violation of the state plan requirements, which would jeopardize funding for the child support program and the TANF block grant. OCSE has requested that certain corrections be made in order for the state plan to be approved.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to

contact Nancy Koptur at the DSHS/DCS headquarters as soon as possible. DCS will post information regarding this rule development project and others on its web site, which can be found at <http://www.dshs.wa.gov/dcs/>, or on the DSHS economic services administration's policy review web site, which can be found at <https://fortress.wa.gov/dshs/f2ws03esaapps/extpolicy/>. DSHS/DCS encourages the public to take part in developing the rules. After the rules are drafted, DSHS will file a copy with the office of the code reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to 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 Nancy Koptur, DCS Rules Coordinator, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, e-mail nkoptur@dshs.wa.gov or nancy.koptur@dshs.wa.gov, phone (360) 664-5065, Toll-free 1-800-457-6202, fax (360) 664-5342, TTY/TDD (360) 664-5011.

August 7, 2012

Katherine I. Vasquez
Rules Coordinator

Rules and Policies Assistance Unit

WSR 12-17-101

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF ADMINISTRATIVE HEARINGS

[Filed August 17, 2012, 11:56 a.m.]

Subject of Possible Rule Making: Representation in administrative hearings and a new rule in chapter 10-08 WAC, the model rules of procedure for administrative hearings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.12.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule was requested by legal advocate groups. It is contained in "*Ensuring Equal Access for People with Disabilities: A Guide for Washington Administrative Proceedings*," endorsed by the Washington state access to justice board. The rule is intended to address the barriers which some people with physical and/or mental impairments face, which may cause them to be unable to meaningfully participate in an administrative hearing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although this rule may have some very infrequent impact on all of the agencies whose decisions are reviewed in administrative hearings, we anticipate that the primary caseload impacted will be department of social and health services and health care authority public assistance hearings. We intend to share our draft rule with them and solicit their feedback.

Process for Developing New Rule: The negotiated and pilot rules process in RCW 34.05.310 do [does] not apply to this rule under: (1) RCW 34.05.310 (4)(b) because the rule sought will not subject a nongovernmental party to a possible

violation and (2) under RCW 34.05.310 (4)(g)(i) because the rule sought will apply to procedures and practice of agency hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Assistant Deputy Chief Administrative Law Judge Jane L. Habegger, P.O. Box 42489, Olympia, WA 98504-2489, (360) 407-2756, jane.habegger@oah.wa.gov.

August 13, 2012

Lorraine Lee

Chief Administrative Law Judge

WSR 12-17-117

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 21, 2012, 9:18 a.m.]

Subject of Possible Rule Making: Certificated classroom teacher and principal evaluation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 5895, RCW 28A.405.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 5895 requires office of superintendent of public instruction (OSPI) to create rules regarding the summative methodology for both the new certificated classroom teacher and principal evaluation systems. This rule-making process will outline the process and procedures for both the comprehensive and focused evaluation outlined in the statute.

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

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. OSPI has led the teacher and principal evaluation project (TPEP) steering committee for the past two years. Education stakeholder groups outlined in ESSB 5895 (WEA, AWSP, WASA, WSPTA, WSSDA) sit on that steering committee and have been and will continue to be apprised and included in the ongoing development of the rules regarding ESSB 5895. In addition, we have met with and will continue to seek participation from districts, regional ESDs and interested education stakeholder groups. A list of meetings and contacts can be found on our TPEP web site <http://tpep-wa.org/tpep-events-files/steering-committee/>.

August 21, 2012

Randy Dorn

State Superintendent

WSR 12-17-122

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

[Filed August 21, 2012, 9:35 a.m.]

Subject of Possible Rule Making: Chapter 296-05 WAC, Apprenticeship rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.04 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The apprenticeship program is working with the Washington state apprenticeship and training council (WSATC), with representation from business, labor, and the public, regarding employer compliance with apprenticeship rules. The rule making meets the exemption in Executive Orders 10-06 and 11-03 that allows rules required by federal or state law or required to maintain federally delegated or authorized programs. Rule making is needed in response to SB 5584 (chapter 308, Laws of 2011) and E2SHB 1371 (chapter 21, Laws of 2011).

The rule making will:

- Adopt an appeal process to comply with a new director's review for council decisions involving federal purposes.
- Amend language that designates the department, rather than the WSATC, as the rule-making authority for apprenticeship.
- Amend language for consistency and to align the language with the new statutory requirements.
- Amend language to allow the director, rather than the governor, to appoint public members to the council.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor, Office of Apprenticeship, Employer and Labor Services, which has federal apprenticeship oversight responsibility, will be provided a copy of the proposed rules.

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 Alicia Curry, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-5271, fax (360) 902-5292, e-mail alicia.curry@lni.wa.gov.

August 21, 2012

Judy Schurke
 Director

WSR 12-17-123

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

[Filed August 21, 2012, 9:36 a.m.]

Subject of Possible Rule Making: Rules governing premiums for certain licensed employments in the horse racing industry found in chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance, and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.16.035, 51.16.100, and 51.16.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 51.16.210 requires the department to assess industrial insurance premiums for certain horse racing employments and create and maintain rules implementing coverage for the horse racing industry. RCW 51.04.020, 51.16.035, and 51.16.100 require the department to maintain a classification system. This rule making is needed to accommodate a request from representatives of the horse racing industry, Washington horse racing commission (WHRC) and the horseman's benevolent and protective association (HBPA), to make changes in the reporting and rating system for the industry which would encourage participation and compliance of their licensees.

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 horse racing community by way of the WHRC and the HBPA, the internet, informal public meetings, or more than one of these. 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, the internet, or both.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries will mail letters with ideas on possible rule changes to affected employers. Employers will be encouraged to participate in the process, to share ideas, and attend meetings. Employers can obtain information on our rule-making process at <http://www.lni.wa.gov/LawRule/ruleProcess.asp> and can submit comments electronically to joanne.attwood@lni.wa.gov or by calling (360) 902-4777, or by fax at (360) 902-4729.

August 21, 2012

Judy Schurke
 Director

WSR 12-17-133

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 21, 2012, 3:16 p.m.]

Subject of Possible Rule Making: The department is proposing to amend WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food?, and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 388-408-0040 to clarify eligibility for Basic Food for persons living in an institution. The proposed amendment will be consistent with supplemental nutrition assistance program (SNAP) certification policy under 7 C.F.R. § 273.1 and 7 C.F.R. §271.2.

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 enforces the provisions of the federal SNAP as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations.

The state legislature authorizes the department to administer the Food Stamp Program (SNAP) and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.08A.120.

DSHS incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for food assistance programs administered under the Washington Basic Food program.

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, ESA, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 725-4895, fax (360) 725-4904, e-mail Stjohhc@dshs.wa.gov.

August 20, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-17-134

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Special Commitment Center)

[Filed August 21, 2012, 3:17 p.m.]

Subject of Possible Rule Making: The department is amending WAC 388-880-150 Requests for public disclosure and related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.09.800 and 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rules require updating to better reflect current practices and new limitations recently applied to RCW 71.09.120 in SSB 6493 during this recent legislative session related to matters associated with public disclosure submission requests made by residents of the special commitment center program.

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 and special commitment center (SCC) 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 Mark Davis, Administrative Services Chief, DSHS, SCC, Mailstop W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 583-5938, fax (253) 589-7368, e-mail Davismf@dshs.wa.gov.

August 21, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-17-135

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Special Commitment Center)

[Filed August 21, 2012, 3:18 p.m.]

Subject of Possible Rule Making: The department is ending further use of chapter 388-885 WAC, Reimbursement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71.09.800 and 72.01.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The existing rules in this chapter are no longer needed by DSHS or special commitment center (SCC). Chapter 388-885 WAC pertained to reimbursement for indigent defense. In this legislative session, SSB 6493 transferred all powers, duties, and functions

of DSHS and SCC pertaining to indigent defense under chapter 71.09 RCW are transferred to the office of public defense.

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

Process for Developing New Rule: This is a legislated change; the subject of this rule is no longer under the purview of DSHS and SCC, no rule is being developed or modified, a chapter is being delimited.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark Davis, Administrative Services Chief, DSHS, SCC, Mailstop W27-22, P.O. Box 88450, Steilacoom, WA 98388-0646, phone (253) 583-5938, fax (253) 589-7368, e-mail Davismf@dshs.wa.gov.

August 21, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-17-136

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed August 21, 2012, 3:20 p.m.]

Subject of Possible Rule Making: The community services division is proposing to amend WAC 388-310-0800 WorkFirst—Support services and other related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department may propose amendments to WAC 388-310-0800 and other related rules to modify support services limits and clarify the support service options available for WorkFirst participants. The proposed amendments are necessary to adjust the maximum limits of certain services to meet WorkFirst participants' needs, and better to facilitate participation in WorkFirst activities.

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 Kerry Judge-Kemp, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone

(360) 725-4630, fax (360) 725-4905, e-mail judgeka@dshs.wa.gov.

August 21, 2012
Katherine I. Vasquez
Rules Coordinator

WSR 12-17-137

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Psychology)

[Filed August 21, 2012, 3:53 p.m.]

Subject of Possible Rule Making: Chapter 246-924 WAC, Psychology, amend existing [existing] rules to identify training experience requirements for suicide assessment, treatment and management. ESHB 2366 (chapter 181, Laws of 2012) requires that the continuing education/educational requirements be adopted in rule.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.70 RCW as amended by ESHB 2366 (chapter 181, Laws of 2012).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2366 (chapter 181, Laws of 2012) directs the examining board of psychology (board) to adopt rules to implement continuing education and training requirements for psychologists. The bill directs the board to clarify the required number of training hours and continuing education topics. The bill also authorizes the board to exempt a practitioner from the requirements based upon specific minimum training and experience requirements.

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

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 Betty Moe, Program Manager, Department of Health, Health Professions and Facilities, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4912, e-mail Betty.Moe@doh.wa.gov. Stakeholders will be notified of open public workshops and may submit written comments for consideration. Notifications will be sent through the psychology listserv. Information will also be posted to the program's web site.

August 21, 2012
Christine Guzzardo, Ph.D., Chair
Examining Board of Psychology

WSR 12-17-140**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed August 21, 2012, 4:50 p.m.]

Subject of Possible Rule Making: Amending WAC 16-228-1545(3) and 16-228-1546, general pesticide rules to redefine exam requirements and add a soil fumigation category for private applicators.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.21.030, 15.58.040, and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide a regulatory basis for private applicators wanting a certification option to meet new federal label requirements for soil fumigants, and provide the federal Environmental Protection Agency (EPA) with confirmation of this certification option.

In order to implement risk-mitigation measures for soil fumigants, EPA began implementing Phase 1 of label changes for soil fumigants in late 2011. Phase 2 labels are scheduled for distribution in late 2012, requiring product registrants to provide active ingredient-specific training for applicators prior to fumigant use.

In lieu of the training, EPA is allowing states to provide a certification option for private and commercial applicators who add a new soil fumigation license category after passing an exam addressing the new mitigation measures. The pesticide management division has delegated authority from EPA to license pesticide applicators, and is interested in providing this certification option to applicators unable to attend registrant-provided training or that prefer a certification option over training.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA.

Process for Developing New Rule: Department staff will discuss the proposal with affected stakeholders, who will have an opportunity to submit written comments on the proposed rules during the public comment period and be allowed to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Margaret Tucker, Program Manager, Certification and Training Program, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-2015, fax (360) 902-2093, e-mail mtucker@agr.wa.gov.

August 21, 2012

Ted Maxwell

Acting Assistant Director

Pesticide Management Division

WSR 12-17-154**PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION
(Student Transportation)**

[Filed August 22, 2012, 9:58 a.m.]

Subject of Possible Rule Making: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.61.380.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed change is to reword WAC 392-143-070 to allow the use of multi-function school activity buses for the nonhome-to-school transportation of students.

Process for Developing New Rule: [No further information supplied by agency].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Allan J. Jones, Director, Student Transportation, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6120, or fax (360) 586-6124, allan.jones@k12.wa.us.

August 22, 2012

Randy Dorn

Superintendent of
Public Instruction