

WSR 12-23-001

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

[Filed November 7, 2012, 1:32 p.m.]

Subject of Possible Rule Making: Chapter 392-135 WAC, Interdistrict cooperation programs.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide additional clarification to current 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Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.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 T. J. Kelly, P.O. Box 47200, Olympia, WA 98504, (360) 725-6301, thomas.kelly@k12.wa.us.

November 7, 2012

Randy Dorn

State Superintendent

Supervisor, Old Capitol Building, P.O. Box 47200, Olympia, WA, (360) 725-6306.

November 7, 2012

Randy Dorn

Superintendent of

Public Instruction

WSR 12-23-004

**WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES**

[Filed November 7, 2012, 3:56 p.m.]

The department of enterprise services requests the withdrawal of WSR 12-22-001 filed October 24, 2012.

Jack Zeigler

Policy Manager and

Rules Coordinator

WSR 12-23-002

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

[Filed November 7, 2012, 1:34 p.m.]

Subject of Possible Rule Making: Chapter 392-700 WAC, Dropout reengagement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.175.100.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 392-700 WAC requires updating to address the following:

- Adjust the AAFTE averaging calculation due to the new June enrollment reporting requirement,
- Remove language of standard/nonstandard school year,
- Clarify program development issues, and
- Update language to align with existing apportionment WACs.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.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

**WSR 12-23-013
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed November 9, 2012, 9:32 a.m.]

Subject of Possible Rule Making: Lighted nocks for archery equipment.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Modifying the archery equipment rule to allow lighted nocks will clarify the rule and expand recreational hunting opportunity.

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 Nate Pamplin, Wildlife Program Assistant Director, 600 Capitol Way North, Olympia, WA 98504-1091, phone (360) 902-2515. Contact by December 28, 2012. Expected proposal filing on or after January 23, 2012 [2013].

November 9, 2012

Lori Preuss

Rules Coordinator

WSR 12-23-024**PREPROPOSAL STATEMENT OF INQUIRY
OLYMPIC COLLEGE**

[Filed November 13, 2012, 1:38 p.m.]

Subject of Possible Rule Making: Rental of Olympic College facilities by noncollege organizations or individuals.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Community College District Number 3 is interested [in] revising the current code to make it more explicit and clear.

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

Process for Developing New Rule: Review by president's cabinet and board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College rules coordinator, (360) 475-7502, or toliver@olympic.edu to provide comments on this proposed rule.

November 13, 2012
Thomas Oliver
Rules Coordinator

WSR 12-23-026**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 13, 2012, 2:53 p.m.]

Subject of Possible Rule Making: Chapter 260-84 WAC, Penalties.

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: To edit and add new penalties for adopted WACs.

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.

November 13, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-23-029**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed November 14, 2012, 11:06 a.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 considering amending language to address parimutuel wagering and other stored value instruments and devices.

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.

November 14, 2012
Douglas L. Moore
Deputy Executive Secretary

WSR 12-23-032**PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COMMUNITY COLLEGES**

[Filed November 14, 2012, 12:59 p.m.]

Subject of Possible Rule Making: Student code of conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140(13).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current student code of conduct is out of date and needs to be updated to reflect current issues and needs of the students.

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 Carin Weiss, Vice Chancellor, 1500 Harvard Avenue, Seattle, WA 98122, phone (206) 934-6744, e-mail carin.weiss@seattlecolleges.edu; or Paul Killpatrick, Vice Chancellor of Student Services, phone (206) 934-4144, e-mail paul.killpatrick@seattlecolleges.edu.

November 8, 2012
Jill A. Wakefield
Chancellor

WSR 12-23-034
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 14, 2012, 3:09 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 14, 2012
 David Brenna
 Senior Policy Analyst

WSR 12-23-036
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 15, 2012, 8:33 a.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs—Higher education programs standards, criteria, infrastructure and timelines for approval.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 15, 2012
 David Brenna
 Senior Policy Analyst

WSR 12-23-037
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 15, 2012, 8:49 a.m.]

Subject of Possible Rule Making: Chapter 181-82A WAC, Certification endorsements, educator certificates include endorsements specifying the content area that the educator is qualified.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The professional educator standards board (PESB) is responsible for teacher certification and preparation programs. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 15, 2012
 David Brenna
 Senior Policy Analyst

WSR 12-23-038
PREPROPOSAL STATEMENT OF INQUIRY
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed November 15, 2012, 8:56 a.m.]

Subject of Possible Rule Making: Chapter 181-87 WAC, Certification—Acts of unprofessional conduct.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.305.130, 28A.410.010, and 28A.150.220.

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

standards board (PESB) is responsible for teacher certification and preparation programs. The PESB also defines acts of unprofessional conduct and the procedures of the office for professional practice for investigating such acts. The legislature continually directs the activities of teacher preparation and qualifications. Rule-making authority is granted to the PESB for Title 181 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.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. PESB meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

November 15, 2012

David Brenna
Senior Policy Analyst

WSR 12-23-040

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed November 15, 2012, 10:15 a.m.]

Subject of Possible Rule Making: WAC 392-121-262 Finance—General apportionment—Certificated instructional staff.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.415.023.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions add a seventh criteria to the list of additional criteria for all credits earned by certificated instructional staff, pursuant to ESHB [ESSB] 5895, section 6 (2012 legislative session).

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 Ross Bunda, (360) 725-6308.

November 15, 2012

Randy Dorn
State Superintendent
of Public Instruction

WSR 12-23-044

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed November 16, 2012, 10:01 a.m.]

Subject of Possible Rule Making: Chapter 246-826 WAC, Health care assistants, amending the rules to align with new rules for medical assistants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6237 (chapter 153, Laws of 2012) and RCW 18.135.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature passed ESSB 6237 in 2012 creating the new medical assistant profession and phasing out the current health care assistant profession. The department of health began rule making in July 2012 to create rules to implement the new profession. The bill also directs the department to transition all currently credentialed health care assistants to the new medical assistant categories of certified phlebotomist or hemodialysis technician. The existing health care assistant rules may need technical changes to ensure the transition is efficient and credential holders, supervisors and facilities understand when the new credentials will be issued.

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 persons can participate in the rule process through meetings and by submitting written comments to medicalassistants@doh.wa.gov or to P.O. Box 47852, Olympia, WA 98504-7852. Interested parties are encouraged to join our listservs 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> to get updates on the rules.

November 16, 2012

Mary C. Selecky
Secretary

WSR 12-23-070

PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-30—Filed November 20, 2012, 8:33 a.m.]

Subject of Possible Rule Making: National Association of Insurance Commissioner's (NAIC) Actuarial Guideline XXXVIII regarding regulation of reserving for universal life products with secondary guarantees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.74.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The NAIC adopted the revised Actuarial Guideline XXXVIII on September 12, 2012. The commissioner will consider rules that will adopt

the revised NAIC Actuarial Guideline XXXVIII regarding regulation of reserving for universal life products with secondary guarantees.

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

Process for Developing New Rule: Submit written comments by January 7, 2013, to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, rulescoordinator@oic.wa.gov, fax (360) 586-3109.

November 20, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-23-072
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2012-31—Filed November 20, 2012, 8:38 a.m.]

Subject of Possible Rule Making: Life settlements policyholder notice of options, amending sections of chapter 284-97 WAC and adding new sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.102.100, and 48.102.170.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.102.100 provides that a notice be given to life insurance policyholders of options that they may have when certain events occur. The current WAC 284-97-910 sets forth this notice form. However, some of the situations listed in this form do not apply to term life insurance policies and therefore are creating confusion with consumers when they receive the notice. The proposed rule would ensure that policyholders of term life insurance policies receive notice as necessary when certain events occur that affect their policy interests.

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

Process for Developing New Rule: Submit written comments by January 4, 2013, Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jim Tompkins, P.O. Box 40258, Olympia, WA 98504-0258, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

November 20, 2012
Mike Kreidler
Insurance Commissioner

WSR 12-23-074

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 20, 2012, 11:29 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self-insurance rules and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: SSB 5801 (chapter 6, Laws of 2011) amends 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 statewide health care provider network to treat injured and ill workers of employers insured with L&I and of self-insured employers. Rules are necessary to implement these changes.

(1) The first phase of rules adopted minimum standards for credentials of health care providers in the statewide health care provider network and clarified what constitutes patterns of risk of harm or death that determines when L&I may remove a provider from the network or take other appropriate action.

(2) The second phase of rules adopted clarified who can treat an injured or ill worker for the initial visit and when care must be transferred to a network provider.

(3) The third phase of rules amended existing department rules that were in conflict with SSB 5801 or the successful implementation of the statewide health care provider network. This third rule making was necessary so that health care providers, state fund employers, self-insured employers, and injured and ill workers have a clear understanding of this new health care provider network and their rights and requirements under SSB 5801.

(4) This fourth rule-making phase will amend department rules relating to self-insured employers' authorization of medical care to include reference to the statewide health care provider network established in SSB 5801.

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

- This rule will be developed in consultation with the advisory group established in SSB 5801. This advisory group includes business and labor members, and representatives of the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee.
- The public may keep informed by attending advisory committee meetings and/or by looking at the following L&I web site www.ProviderNetwork.Lni.wa.gov. Information about the advisory group meetings can be found at this web site.

- Individuals can also participate by providing written comments during the CR-102 comment period or by 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 by contacting Jami Lifka, phone (360) 902-4941, fax (360) 902-6315, mail Department of Labor and Industries, Office of the Medical Director, P.O. Box 44321, Olympia, WA 98504-4321, or e-mail Jami.Lifka@Lni.wa.gov.

November 20, 2012

Judy Schurke
Director

WSR 12-23-075

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed November 20, 2012, 11:30 a.m.]

Subject of Possible Rule Making: Chapter 296-96 WAC, Safety regulations and fees for all elevators, dumb-waiters, escalators and other conveyances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.87 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The elevator program reviews their rules for additions and revisions on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice. The program needs to proceed with rule making to:

- Adopt the current national conveyance safety standards for elevators and escalators, platform lifts and chair lifts, belt man lifts, and personnel hoists. It is critical the program adopt the national consensus standards to ensure Washington is consistent with other states and that the same safety standards are met by elevator mechanics, manufacturers, architects, and engineers who work in multiple states.
- Amend language for consistency and to clarify statutory requirements.
- Adopt proposals requested and supported by stakeholders, such as requiring withdraw notices to be submitted to the department, if a mechanic leaves to work in another state and plans to return to work in the state of Washington.
- Amend the rules for clarification and safety.
- Amend language for general housekeeping, grammatical and reference corrections to bring the rules up to date.

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

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

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

November 20, 2012

Judy Schurke
Director

WSR 12-23-095

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed November 21, 2012, 9:12 a.m.]

Subject of Possible Rule Making: Proposed new WAC 468-300-800 Authority to issue no trespass warnings/definitions, 468-300-805 No trespass warnings, 468-300-810 Administrative appeal, and 468-300-815 Administrative hearing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.56.030 and 47.60.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of the proposed new WAC rules is to establish procedures governing issuance of no trespass warning notices for Washington state ferries' (WSF) terminals, vessels and any other WSF operated facility. The proposed rules also specify the appeal process to contest such notices.

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

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mr. Tim McGuigan, Director of Legal Services and Contracts, WSF, 2901 Third Avenue, Suite 500, Seattle, WA 98121-3014, phone (206) 515-3601, fax (206) 515-3605, e-mail mcguigan@wsdot.wa.gov.

November 21, 2012

Stephen T. Reinmuth
Chief of Staff